

Attachment A

Recommended Conditions of Consent
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PART A – DEFERRED COMMENCEMENT CONDITIONS

(A) The consent is not to operate until the following condition is satisfied:

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and DEICORP PROJECTS (JOYNTON AVE) PTY LTD, that delivers public benefits associated with the approved development is publicly exhibited, executed and submitted to Council; and
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

Reason

To ensure that awnings are appropriately maintained.

- (B)** Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (C)** The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (D)** Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B - Conditions of Consent.

PART B – CONDITIONS OF CONSENT

SCHEDULE 1 – GENERAL CONDITIONS

GENERAL CONDITIONS

(2) STAGED CONSTRUCTION CERTIFICATES

This consent allows construction works to be undertaken in two stages as follows:

- (a) **Construction Certificate 1 (CC1)** – Shoring, bulk excavation, piling and basement structure to ground floor comprising:
 - (i) CC1(A) – Building groups D and E
 - (ii) CC1(B) – Building C
 - (iii) CC1(C) – Buildings A and B
- (b) **Construction Certificate 2 (CC2)** – Building works and fit out comprising:
 - (i) CC2(A) – Building groups D and E
 - (ii) CC2(B) – Building C
 - (iii) CC2(C) – Building B
 - (iv) CC2(D) – Building A

Reason

To ensure the orderly development of the site.

(3) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/514 dated 9 July 2024 and the following drawings prepared by Fender Katsalidis and Besley & Spreser (Buildings A, B and C) and Candalepas Associates and Lachlan Seegers Architect (Building groups D and E):

Buildings A, B and C - Fender Katsalidis and Besley & Spreser

Drawing Number	Drawing Name	Date
DA-00-000, Rev C	Cover Sheet	05/11/2024
DA-0-002, Rev C	Greater Precinct Site Plan – Building A/B/C/D/E	05/11/2024

Drawing Number	Drawing Name	Date
DA-0-003, Rev C	Greater Precinct Deep Soil Plan – Building A/B/C/D/E	05/11/2024
DA-0-004, Rev C	Greater Precinct Basement Plans – A/B/C/D/E	05/11/2024
DA-0-005, Rev B	Greater Precinct Elevation – A/B/C/D/E	18/10/2024
DA-0-098, Rev C	Precinct – Basements – Buildings A/B/C	05/11/2024
DA-0-100, Rev C	Precinct Plans – GFL & L01 – Buildings A/B/C	05/11/2024
DA-0-114, Rev B	Precinct Plans – Roof – Buildings A/B/C	18/10/2024
DA-0-201, Rev B	Precinct Elevation – Buildings Overall Section A – Building A/B/C	18/10/2024
DA-0-251, Rev C	Precinct Section – Buildings A/B/C	05/11/2024
DA-0-440, Rev A	Storage Plans – Building A/B/C	18/10/2024
Building A		
DA-1-098, Rev C	Basement 02 – Building A	05/11/2024
DA-1-099, Rev C	Basement 01 – Building A	05/11/2024
DA-1-100, Rev C	Ground Level – Building A	05/11/2024
DA-1-101, Rev B	Level 01-02 – Building A	18/10/2024
DA-1-103, Rev B	Level 03-04 – Building A	18/10/2024
DA-1-105, Rev B	Level 05-06 – Building A	18/10/2024
DA-1-107, Rev B	Level 07 – Building A	18/10/2024
DA-1-108, Rev C	Level 08 – Building A	05/11/2024
DA-1-109, Rev B	Level 09-12 – Building A	18/10/2024
DA-1-113, Rev B	Level 13 – Building A	18/10/2024

Drawing Number	Drawing Name	Date
DA-1-114, Rev B	Roof – Building A	18/10/2024
DA-1-201, Rev B	Zetland Ave Elevation (South) & Joynton Ave Elevation (West) – Building A	18/10/2024
DA-1-202, Rev C	North Elevation & Grandstand Parade Elevation (East) – Building A	05/11/2024
DA-1-251, Rev B	Section A & B	18/10/2024
DA-1-260, Rev A	Podium Detail – Building A	18/10/2024
DA-1-270, Rev A	Fence Detail – Building A	18/10/2024
DA-1-320, Rev B	Building A Material	18/10/2024
DA-1-500, Rev B	Adaptable Apartment Layout	18/10/2024
Building B		
DA-2-098, Rev C	Basement 02 – Building B	05/11/2024
DA-2-099, Rev C	Basement 01 – Building B	05/11/2024
DA-2-100, Rev B	Ground Level – Building B	18/10/2024
DA-2-101, Rev B	Level 01-07 – Building B	18/10/2024
DA-2-108, Rev C	Level 08 – Building B	05/11/2024
DA-2-109, Rev B	Level 09-11 – Building B	18/10/2024
DA-2-114, Rev B	Roof – Building B	18/10/2024
DA-2-201, Rev B	Zetland Ave Elevation (South & Victoria Park Parade Elevation (East)	18/10/2024
DA-2-202, Rev B	Grandstand Parade Elevation (West) & North Elevation	18/10/2024
DA-2-251, Rev B	Section A & B	18/10/2024
DA-2-252, Rev A	Section C	05/11/2024
DA-2-260, Rev A	Podium Detail – Building B	18/10/2024

Drawing Number	Drawing Name	Date
DA-2-270, Rev A	Fence Detail – Building B	18/10/2024
DA-2-320, Rev B	Building B Material	18/10/2024
DA-2-500, Rev B	Adaptable Apartment Layout	18/10/2024
DA-2-501, Rev B	Adaptable Apartment Layout	18/10/2024
Building C		
DA-3-098, Rev C	Basement 02 – Building C	05/11/2024
DA-3-099, Rev C	Basement 01 – Building C	05/11/2024
DA-3-100, Rev C	Ground Level – Building C	05/11/2024
DA-3-101, Rev B	Level 01-05, Building C	18/10/2024
DA-3-106, Rev B	Level 06-07, Building C	18/10/2024
DA-3-114, Rev B	Roof – Building C	18/10/2024
DA-3-201, Rev B	Zetland Ave Elevation (South) & George Julius Ave Elevation (East)	18/10/2024
DA-3-202, Rev B	Victoria Park Parade Elevation (West) & North Elevation	18/10/2024
DA-3-251, Rev B	Section A & B	18/10/2024
DA-3-260, Rev A	Podium Detail – Building C	18/10/2024
DA-3-270, Rev A	Fence Detail – Building C	18/10/2024
DA-3-320, Rev B	Building C Material	18/10/2024
DA-3-500, Rev B	Adaptable Apartment Layout	18/10/2024
DA-3-500, Rev A	Adaptable Apartment Layout	18/10/2024

Building groups D and E - Candalepas Associates and Lachlan Seegers

Drawing Number	Drawing Name	Date
DA-4-0101, Rev C	Cover Page & Drawing List	04/11/2024
DA-4-0152, Rev A	Envelope Plan	17/10/2024
DA-4-1001, Rev C	Basement Plan 2	04/11/2024
DA-4-1002, Rev B	Basement Plan 1	17/10/2024
DA-4-1010, Rev D	Ground Floor	20/11/2024
DA-4-1011, Rev B	Level 1 Floor Plan	17/10/2024
DA-4-1012, Rev B	Level 2 Floor Plan	17/10/2024
DA-4-1013, Rev B	Level 3 Floor Plan	17/10/2024
DA-4-1014, Rev B	Level 4 Floor Plan	17/10/2024
DA-4-1015, Rev B	Level 5 Floor Plan	17/10/2024
DA-4-1016, Rev C	Level 6 Floor Plan	04/11/2024
DA-4-1017, Rev B	Level 7 Floor Plan	17/10/2024
DA-4-1018, Rev C	Level 8 Floor Plan	04/11/2024
DA-4-1019, Rev C	Level 9 Floor Plan	04/11/2024
DA-4-1020, Rev C	Level 10 Floor Plan	04/11/2024
DA-4-1021, Rev C	Level 11 Floor Plan	04/11/2024
DA-4-1022, Rev C	Roof Plan	04/11/2024
DA-4-1051, Rev B	Adaptable Unit Plans – D1	17/10/2024
DA-4-1052, Rev B	Adaptable Unit Plans – D1	17/10/2024
DA-4-1053, Rev B	Adaptable Unit Plans – E1	17/10/2024
DA-4-1054, Rev B	Adaptable Unit Plans – E2	17/10/2024
DA-4-1055, Rev B	Adaptable Unit Plans – E2	17/10/2024
DA-4-1101, Rev B	Section S-01	17/10/2024

Drawing Number	Drawing Name	Date
DA-4-1102, Rev B	Section S-02	17/10/2024
DA-4-1103, Rev B	Section S-03	17/10/2024
DA-4-1104, Rev B	Section S-04	17/10/2024
DA-4-1105, Rev B	Section S-05	17/10/2024
DA-4-1106, Rev B	Section S-06	17/10/2024
DA-4-1201, Rev B	Elevation E-01	17/10/2024
DA-4-1202, Rev B	Elevation E-02	17/10/2024
DA-4-1203, Rev B	Elevation E-03	17/10/2024
DA-4-1204, Rev B	Elevation E-04	17/10/2024
DA-4-1205, Rev B	Elevation E-05	17/10/2024
DA-4-1206, Rev B	Elevation E-06, E-09, E-15	17/10/2024
DA-4-1207, Rev B	Elevation E-07	17/10/2024
DA-4-1208, Rev B	Elevation E-08	17/10/2024
DA-4-1209, Rev B	Elevation E-10	17/10/2024
DA-4-1210, Rev B	Elevation E-11	17/10/2024
DA-4-1211, Rev B	Elevation E-12 & E16	17/10/2024
DA-4-1212, Rev B	Elevation E-13 & E-14	17/10/2024
DA-4-1803, Rev B	Apartment Schedule	17/10/2024
DA-4-1804, Rev B	Apartment Schedule	17/10/2024
DA-4-1807, Rev B	Storage Plans	17/10/2024
DA-4-1808, Rev B	Storage Plans	17/10/2024
DA-4-2001, Rev A	Fence Detail Building D & E	04/11/2024

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with the VOLUNTARY PLANNING AGREEMENT condition contained in the Deferred Commencement Conditions at Part A of this consent must be complied with.

Reason

To ensure the obligations of the Planning Agreement are fulfilled.

(5) MATTERS NOT APPROVED

The following items do not form part of this consent:

- (a) Building signage;
- (b) Fit-out and specific use of retail and commercial tenancies;
- (c) Outdoor dining areas; and
- (d) Installation of individual air conditioning units for the facade or balconies of the buildings.

Reason

To clarify the scope of this consent.

(6) HOURS OF OPERATION – COMMERCIAL AND RETAIL PREMISES

- (a) The hours of operation for commercial and retail premises are restricted to between 7.00am and 10.00pm, Monday to Sunday.
- (b) Any hours of operation beyond those permitted by part (a) above are subject to separate approval.

Reason

To ensure base hours of operation are established for commercial and retail premises.

(7) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION - PRIOR TO CONSTRUCTION CERTIFICATE

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of any Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council in accordance with this condition.
- (b) The contribution is \$28,042,370.94 (indexed at 12 November 2024). This is calculated by establishing the sum of the equivalent monetary contribution \$11,176.22 multiplied by 1% of the total floor area for non-residential development (1,170sqm) and the equivalent monetary contribution \$11,176.22 multiplied by 3% of the total floor area for residential development (83,247sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2024 to 28 February 2025 the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment = $C \times \text{MDP2} / \text{MDP1}$, where:
 - (i) C is the original total contribution amount payable to the City of Sydney as shown above;
 - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA applicable at the time of indexation of the equivalent monetary contribution rate, established by averaging the four most recently published NSW Government Rent and Sales Reports for the current period; and
 - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Reports used to establish the currently applicable equivalent monetary contribution rate, being 1 March 2024 to 28 February 2025.

Contact Council's Planning Assessment Unit at planningsystemsadmin@cityofsydney.nsw.gov.au for written confirmation of the amount payable, with indexation as necessary, prior to payment.

Reason

To ensure development contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

(8) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – SOUTH PRECINCT

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$6,982,485.97
Community Facilities	\$1,405,487.19
Traffic and Transport	\$1,414,018.37
Stormwater Drainage	\$559,301.08
Total	\$10,361,292.60

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = Is the contribution at time of payment;

C_{consent} = Is the contribution at the time of consent, as shown above;

CPI_{payment} = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI_{consent} = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 139.8 for the September 2024 quarter.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

The section 7.11 contributions payable may be offset in accordance with the requirements and obligations identified in the Voluntary Planning Agreement between The Council of the City of Sydney and Deicorp Projects (Joynton Ave) Pty Ltd.

Reason

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

(9) HOUSING AND PRODUCTIVITY CONTRIBUTION

Before the issue of any Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$5,753,260.00

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Reason

To require contributions towards the provision of regional infrastructure.

(10) DESIGN QUALITY EXCELLENCE

- (a) As the proposal has been awarded bonus floor space for achieving design excellence and in order to ensure the design quality excellence of the development is retained to completion:
 - (i) The design architects comprising Fender Katsalidis and Besley & Spresser (Buildings A, B and C) and Candalepas Associates and Lachlan Seegers Architect (Building groups D and E) are to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages;
 - (ii) The design architects are to have full access to the site and are to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;
 - (iii) Evidence of the design architect’s commission must be provided to the Council prior to release of any Construction Certificate.

- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Executive Director Planning, Development and Transport.

The Registered Certifier and Principal Certifier must be satisfied that the above matters are complied with prior to the issue of a relevant Construction and Occupation Certificates, in accordance with written confirmation from Council.

Reason

To ensure the development maintains design quality excellence throughout all phases of the development.

(11) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio must not exceed 1.904:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is 54,806sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved floor space ratio.

(12) BUILDING HEIGHT

The height of the buildings must not exceed the following RLs (AHD):

- (a) Building A - The height of the building must not exceed RL 68.34 to the top of the plant, RL 67.94 to the top of the plant wall and RL 65.74 to the roof of the building.
- (b) Building B - The height of the building must not exceed RL 62.40 to the top of the plant, RL 62.00 to the top of the plant wall and RL 59.80 to the roof of the building.
- (c) Building C - The height of the building must not exceed RL 48.75 to the top of the lift overrun, RL 48.65 to the top of the plant wall and RL 47.40 to the top of the building.
- (d) Building D1 - The height of the building must not exceed RL 62.66 to the top of the building.
- (e) Building D2 - The height of the building must not exceed RL 46.46 to the top of the building.

- (f) Building D3 - The height of the building must not exceed RL 37.61 to the top of the building.
- (g) Building E1 – The height of the building must not exceed RL 62.66 to the top of the building.
- (h) Building E2 - The height of the building must not exceed RL 40.51 to the top of the building.
- (i) Building E3 - The height of the building must not exceed RL 53.06 to the top of the building.

Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a)-(i) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(13) ROOFTOP PLANT

All roof-top plant and associated equipment must be located within the approved building envelope.

Reason

To ensure the constructed development complies with the approved height.

(14) SHOP FRONTS

- (a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- (b) The approved shopfront configuration must not be altered, without the prior approval of Council, where it would result in the shopfront being obscured in any way.

Reason

To ensure shopfronts are not obscured and contribute to the activation of the public domain.

(15) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

Reason

To clarify the scope of the consent.

(16) TREES APPROVED FOR REMOVAL

All trees detailed in Table 1 below are approved for removal. Tree removal must not occur until the Construction Certificate has been issued. Refer to the Arboricultural Impact Assessment (AIA) prepared by Rain tree Consulting dated 25 October 2024 (Council ref. 2024/675381) for tree numbering.

Table 1 – Tree removal.

Tree number	Species	Location
1, 4 to 10	Various species	130 Joynton Avenue
19, 20, 21	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Kirby Walk (street trees)
30, 31	<i>Corymbia citriodora</i> (Lemonscented Gum)	Kirby Walk (street trees)
48	<i>Corymbia maculate</i> (Spotted Gum)	130 Joynton Avenue
49	<i>Corymbia maculate</i> (Spotted Gum)	130 Joynton Avenue
52	<i>Callistemon viminalis</i> (Bottle Brush)	130 Joynton Avenue

All tree removal works must be carried out by an arborist with a minimum AWF Level 3 qualification in arboriculture in accordance with SafeWork's Code of Practice – Amenity Tree Industry.

Reason

To identify the trees that can be removed.

(17) TREES THAT MUST BE RETAINED

The existing trees detailed in Table 2 below be retained and protected in accordance with the conditions throughout construction and development.

Table 2 – Tree Retention:

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

Tree No	Species:	Location
14	<i>Ulmus parvifolia</i> (Chinese Elm)	Biyانبing Park
15	<i>Grevillea</i> sp 'CV' <i>Grevillea</i>	

16-17	Eucalyptus pilularis (Blackbutt)	
18	Corymbia maculata (Spotted Gum)	Kirby Walk (street tree)
22-29	Corymbia citriodora (Lemonscented Gum)	
32-36	Waterhousea floribunda (Weeping Lilly Pilly)	
37-47	Corymbia maculata (Spotted Gum)	Defries Avenue (street trees)
50	Corymbia maculata (Spotted Gum)	Defries Avenue (street tree)
51	Celtis occidentalis (Hackberry)	130 Joynton Avenue

Reason

To identify the trees that cannot be removed, must be retained and protected.

(18) TREE PLANTING CONSIDERATIONS

The design should include the use of continuous trenches for tree pits and the installation of all services to be underground.

Special consideration must be given to soil depth and quality for tree planting. The City considers the following soil volume requirements must be included in the design for successful long-term tree establishment:

- (a) Large Trees (canopy diameter of up to 16 metres at maturity) require a minimum soil volume of 150 cubic metres, minimum soil depth of 1.5 metres and minimum soil area 10 metres x 10 metres.
- (b) Medium Trees (canopy diameter of up to 8 metres at maturity) require a minimum soil volume of 35 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 6 metres x 6 metres.
- (c) Small Trees (canopy diameter of up to 4 metres at maturity) require a minimum soil volume of 9 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 4 metres x 4 metres.

Reason

To ensure the development is appropriately designed to accommodate adequate tree planting.

(19) USE OF THE LOADING DOCKS

The use of the loading dock must only occur between the hours of 6:00am and 10:00pm Monday to Saturday and 8.00am to 8.00pm Sunday.

Reason

To clarify the permitted operating hours for the loading dock.

(20) ALLOCATION FOR CAR WASH BAYS

If car wash bays are provided, spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by all tenants.

Reason

To ensure designated areas within the development are maintained as common property.

(21) PARKING ON COMMON PROPERTY AREAS

No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The future strata subdivisions of the buildings are to include an appropriate restriction on the use of land pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction. The terms of the restriction must be to the satisfaction of Council.

Reason

To ensure designated areas within the development are maintained as common property.

(22) ALLOCATION FOR VISITOR PARKING

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of any occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

Reason

To ensure designated areas within the development are maintained as common property.

(23) INTERCOM FOR VISITORS

Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 4m clear of the property boundary, wired to all units. The intercom must comply with *Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.*

Reason

To maintain the orderly operation of vehicle parking areas.

(24) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

Reason

To ensure accessible vehicle parking spaces are allocated to adaptable units.

(25) SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the points of vehicle egress:

- (a) Compelling drivers to stop before proceeding onto the public way
- (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

Reason

To ensure the safety of surrounding pedestrians and cyclists.

(26) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

Reason

To ensure the public domain is kept free from physical obstructions.

(27) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 10.6m.

Reason

To maintain the orderly operation of vehicle parking and loading areas.

(28) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of any Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

Reason

To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.

(29) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

Reason

To ensure all roadway works are designed and constructed in accordance with Council requirements.

(30) COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

Reason

To ensure all associated roadway works costs are borne by the developer.

(31) VEHICLE ACCESS

All vehicles are to enter and depart the site travelling in a forward direction.

Reason

To increase pedestrian safety at the site access.

(32) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

Reason

To require separate consent to be obtained for changes to kerb side parking arrangements.

(33) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

(34) WASTE STORAGE AREAS

All waste storage areas must be clearly labelled to differentiate between designated residential and commercial waste facilities.

Reason

To ensure the waste storage areas are clearly labelled.

(35) NO OBSTRUCTIONS

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any Occupation Certificate.

Reason

To ensure there are no obstructions on public footways and paths of travel.

(36) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

Reason

To ensure no element of the development obstructs the use of the public way.

(37) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

Reason

To ensure ground surface indicators, handrails and other elements required to provide access into the building/property are appropriately located.

(38) FUTURE STRATA SUBDIVISION

A separate application must be made through the NSW Planning Portal to Council or a Registered Strata Certifier to obtain approval of the Strata Plan and issue of a Strata Certificate under the Strata Schemes Development Act 2015.

Reason

To ensure separate approval is obtained for approval of the Strata Plan.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(39) DESIGN MODIFICATIONS – BUILDING GROUPS D AND E – CC1

Prior to the issue of any CC1 Construction Certificate for Buildings groups D and E, amended architectural drawings are to be submitted to and approved by Council's Executive Director City Planning, Development and Transport addressing the following:

- (a) The architectural drawings are to match the landscape plans and provide a minimum 350mm slab set down and 550mm high retaining walls lining both edges of all ground floor footpaths. Tree locations must match the landscape plans.
- (b) The Building E2 west facing ground level apartment interface to Ascot Avenue is not approved. This is to be amended to demonstrate a high quality, deep soil landscape interface within the 2m landscape setback. Any additional private open space fencing/ screening is to be setback behind the 2m landscape setback of the ground level terraces.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(40) DESIGN MODIFICATIONS – BUILDING GROUPS D AND E – CC2

Prior to the issue of any CC2 Construction Certificate for Building groups D and E, amended architectural drawings are to be submitted to and approved by Council's Executive Director City Planning, Development and Transport addressing the following:

General:

- (a) The architectural drawings are to be updated to note the external retractable blind as shown on Facade Detail 03 on drawing no. DA-4-1106.

Building D1:

- (b) The communal corridors on the northern side of Building D1 on Levels 1 - 7 are to be revised to remove the 9.6m long slot for daylight and shift the window at the end of the corridor north to align with bedroom 2 of apartment D1.01.01. This will require amendments to D1.01.01 apartment planning (and the vertical apartment stack above). The corridor width is to be maintained up to the relocated window.
- (c) Apartment D1.01.03 (and vertical apartment stack above) is to be amended to improve visual and acoustic privacy from the adjoining apartment and balcony (D1.01.09 apartment stack) at the internal corner. This may include:

- (i) internal replanning of the bedroom of the D1.01.03 apartment stack to relocate the window northward and provide an angled, solid fin; or
 - (ii) provision of an angled, solid fin to the existing window location.
- (d) A window is to be provided to the study of Apartment D1.00.01 on the ground floor. The window is to be treated with screening consistent with the adjoining windows along the boundary.

Building E2:

- (e) On Level 4, the east facing bedrooms are to be provided with external sliding privacy screens to the full width of the sliding doors to achieve visual privacy.

Building E3:

- (f) Apartment E3.04.09 (and vertical apartment stack above) is to be amended to provide external sliding privacy screens to the full width of the southern balcony edge.
- (g) Apartment E3.04.04 (and vertical apartment stack above) is to be amended to provide external sliding privacy screens to the full width of the northern balcony edge.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(41) DESIGN MODIFICATIONS – BUILDING C

Prior to the issue of any CC2 Construction Certificate for Building C, amended architectural drawings are to be submitted to and approved by Council's Executive Director City Planning, Development and Transport addressing the following:

- (a) The south-western elevation is to be treated with vertical sun shading to reduce the impacts of the summer sun.
- (b) Any full height screens to balconies required for wind mitigation must be amended to be partly open at the top in accordance with Section 4.2.3.13 of the SDCP 2012.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(42) DESIGN MODIFICATIONS – BUILDING B

Prior to the issue of any CC2 Construction Certificate for Building B, amended architectural drawings are to be submitted to and approved by Council's Executive Director City Planning, Development and Transport addressing the following:

- (a) Additional vertical sun shading is to be provided to the south-western facade. This may include a 250-300mm fine metal hood around the window openings that project enough to shade the glass from the summer sun in the afternoon. A matching depth vertical blade on the mullion line is to be provided to the wider window expanses.
- (b) Any full height screens to balconies required for wind mitigation must be amended to be partly open at the top in accordance with Section 4.2.3.13 of the SDCP 2012.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(43) DESIGN MODIFICATIONS – BUILDING A

Prior to the issue of any CC2 Construction Certificate for Building A, amended architectural drawings are to be submitted to and approved by Council’s Executive Director City Planning, Development and Transport addressing the following:

- (a) The south-western elevation is to be treated with vertical sun shading to reduce the impacts of the summer sun.
- (b) Any full height screens to balconies required for wind mitigation must be amended to be partly open at the top in accordance with Section 4.2.3.13 of the SDCP 2012.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(44) DESIGN MODIFICATIONS – WASTE MANAGEMENT

Prior to the issue of any CC1 Construction Certificate, amended architectural drawings are to be submitted to and approved by Council’s Area Planning Manager addressing the following:

- (a) Retail bulky waste storage areas for all buildings must be provided in accordance with the City of Sydney’s Guidelines for Waste Management in New Developments 2018.
- (b) For Building C, a designated retail waste storage area for bins is to be provided in accordance with the bin requirement specified in the Operational Waste Management Plan (Elephants Foot Rev H) within the basement or ground floor to support the management of retail waste and minimise potential for conflict between residential and commercial waste management systems.
- (c) Remove the doorway between the Building A loading area and ‘Retail Tenancy (Food) A03’ (drawing no. DA-1-100, Rev C).
- (d) The ‘Bin Holding Area’ in Building D, Basement 1 is to be amended to restrict retail tenant access to the residential bin holding area.

- (e) The bulky waste collection area within Building D is to be located within 10m of the proposed City of Sydney waste collection vehicle loading bay to support safe and efficient scheduled collections.
- (f) In Building C, Basement 1, an unobstructed access pathway of 1,800mm is to be provided to permit movement of retail waste, retail bulky waste and residential bulky waste between respective storage areas and the loading dock.
- (g) In Building C, Basement 1, a dividing wall is to be provided in the bulky waste storage area to prevent thoroughfare movements through the room.
- (h) Residential and commercial rooms are to be clearly labelled to ensure separation of residential and commercial waste management systems.
- (i) All bulky waste doors are to open outwards for safety purposes and to incorporate recessing from carriageways as required.

Reason

To ensure the development complies with Council's waste requirements.

(45) TEMPORARY WASTE ARRANGEMENT – BUILDING B

Prior to the issue of any CC1 Construction Certificate for Building B, details showing the proposed interim arrangements for waste collection for Building B, including marked up drawings of placement and vehicle swept paths, are to be submitted to and approved by Council's Area Planning Manager.

Reason

To ensure the temporary waste management arrangement is approved.

(46) DETAILS TO BE SUBMITTED – BUILDING GROUPS D AND E

Prior to the issue of any CC2 Construction Certificate for Building groups D and E, the following details are to be submitted to and approved by Council's Executive Director City Planning Development and Transport:

- (a) 1:20 scale minimum plans, elevation and section details are required for:
 - (i) The loading dock, door and adjacent blank wall on the western elevation of Building D1.
 - (ii) The basement access driveway and door on the western elevation of Building D2.
 - (iii) Services on the north-eastern corner of Building E1.

These walls, driveways, entrances and doors are to be of high quality design, detailing, materiality and integration with the facade and public domain. High quality treatments are required to ramps, ramp walls and soffit up to the garage door. Garage doors must be high quality panel lift doors.

The details must include materials, finishes, spacing and elemental sizing details and be equivalent to 'For Construction' detailing.

- (b) 1:20 details are to be provided for the required window noise mitigation identified in Section 8.1.4 of the Acoustic Report prepared by Acoustic Logic dated 9 October 2024 (Council ref. 2024/599247).
- (c) Details are to be provided for the required screen for wind mitigation on the north-eastern corner of Building E1 near the substation corner. The screen is to be high quality, well integrated and porous.

Information submitted to address parts (a) to (c) above must include detailed material, finishing, spacing, elemental sizing details. The information should show a level of detail equivalent to For Construction detailing.

Reason

To ensure services are adequately integrated into the building and are of a high quality.

(47) SIGNAGE STRATEGY

A signage strategy for all buildings is to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate for above ground works.

The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for each building.

Reason

To require approval of a signage strategy.

(48) MATERIALS AND SAMPLES BOARD

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Executive Director City Planning, Development and Transport prior to the relevant CC2 Construction Certificate being issued.

The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

The materials and samples must be consistent with the materials indicated on the plans approved under Condition 2 of this consent.

Reason

To require the submission of a materials and samples board following assessment of the development.

(49) REFLECTIVITY

Prior to the issue of the relevant CC2 Construction Certificate, the Registered Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

Reason

To ensure the development does not result in adverse reflectivity impacts and to protect the amenity of the public domain.

(50) EXTERNAL WALLS AND CLADDING FLAMMABILITY

The external walls of the building including attachments must comply with the relevant requirements of the *Building Code of Australia*. Prior to the issue of any CC2 Construction Certificate and Occupation Certificate the Registered Certifier and the Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the BCA; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built.

Reason

To ensure the external walls and cladding comply with relevant requirements.

(51) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a Construction Certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the Construction Certificate application. – See Note.

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2021.

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 EP&A Regulation, 2021).

(52) PUBLIC ART

In lieu of Public Art being installed on site to the City's satisfaction prior to the issue of any Occupation Certificate, a monetary contribution equivalent to \$1,064,000.00 must be made to Council through the Planning Agreement, prior to the issue of any Construction Certificate for landscape works.

Note: The City's Public Art Team must be informed of the payment of the contribution. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>. Please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

To ensure the development contributes towards public art to the City's satisfaction.

(53) LANDSCAPING OF THE SITE

- (a) An updated landscape package and technical specification suitable for construction by a registered landscape architect must be submitted to and approved by Council's Area Planning Manager prior to the issue of any CC1 Construction Certificate. The plan must include:
 - (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure;
 - (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving walls, balustrades, services, furniture, shade structures, lighting and other features;
 - (iii) The design of seats across the development are to be reviewed to provide seat heights between 400-450mm where possible without impact on soil depths. Seats mounted to the face of retaining walls should be considered;
 - (iv) Provision of 1.5m tall perimeter screening for wind mitigation around the Level 8 communal open space for Building groups D and E;
 - (v) Sectional details of earthworks, soil depths and volume including finished levels and any mounding. The minimum soil depths for planting on structure must be 800mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers;
 - (vi) Detailed planting plans and plant schedules with numbers and supply size. Planting design is to demonstrate compliance with recommendations of the Pedestrian Wind Study by RWDI dated 17 October 2024 (Council ref. 2024/599277);
 - (vii) Coordinated stormwater drainage design and location of drainage infrastructure;

- (viii) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) Relevant drawings cross referenced in the landscape package, such as architectural details, stormwater and hydraulic plans etc, are to be submitted with the landscape package.
- (c) Prior to the issue of an Occupation Certificate, the deep soil areas within residential development sites must be constructed as approved on drawing DA-0-003 Rev B. Where relatively natural soil does not exist, photographic evidence of installation of clean fill, in accordance with approved details, must be submitted to and approved by the Principal Certifying Authority.
- (d) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

Reason

To ensure the development is supported by a good quality, buildable landscape scheme that meets the City's controls.

(54) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Acoustic Logic, dated 9 October 2024, ref 20221549.3/0910A/R2/PF, titled 'DA Acoustic Assessment' (Council ref. 2024/599247) must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

Reason

To ensure all parties are aware of the supporting documentation that applies to the development.

(55) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to any CC1 Construction Certificate being issued.

Reason

To ensure parking facilities are designed in accordance with the Australian Standards.

(56) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of any CC1 Construction Certificate.

Car Parking Type	Number
Residential spaces	373
Accessible residential spaces	88
Residential visitor spaces	45
Retail parking	24
Accessible retail parking	4
Car share parking	6
Subtotal	540
Motorcycle parking	55
Car wash bay	3
Service vehicle spaces	5
Small Rigid Vehicle loading dock(s)	1
Medium Rigid Vehicle/ 10.6m waste truck loading dock(s)	2

Reason

To ensure the allocation of parking is in accordance with the Council's DCP.

(57) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	647	Spaces must be a class 1 bicycle locker [1]
Residential visitor	63	Spaces must be Class 3 bicycle rails
Non-residential	6	Spaces must be Class 2 bicycle facilities
Non-residential visitor	17	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	6	

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of any CC1 Construction Certificate being issued.

Reason

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

(58) CAR SHARE SPACES

- (a) A minimum of 6 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A plan showing these spaces must be submitted to and approved by the Principal Certifier prior to the issue of any CC1 Construction Certificate.

- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge and be accessible to members of the car share scheme at all times.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The car share spaces are to be available at the same time that the car park commences operation.

Reason

To ensure car share spaces are provided within the development are maintained as common property.

(59) OPERATIONAL WASTE MANAGEMENT PLAN

The Operational Waste Management Plan accompanying the Development Application has not been approved.

An updated Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of any CC1 Construction Certificate. The plan must comply with Council's Development Control Plan and *Guidelines for Waste Management in New Developments*. The plan must provide the following details:

- (a) Further details are to be provided outlining how waste will be managed by retail tenants to minimise impacts to the public domain and how separation between residential and commercial waste management systems will be achieved.
- (b) Detail how safe access for residents is provided to dispose of bulky cardboard and food organics on each core in the basement. Resident accessible rooms must not be located in rooms where chutes discharge.
- (c) Detail how safe positioning on the turntable will be achieved to eliminate the risk of waste vehicle collision with walls due to off-centre positioning.
- (d) For Loading Docks in Buildings A and D – Unobstructed access is to be provided for Councils standard waste collection vehicle to perform scheduled on-site collections within the designated loading bay between the hours of 6am and 6pm on collection days.
- (e) Include a note confirming that building management staff will be available during waste collection to assist with bin transfer as requested by the City of Sydney or its contractors.
- (f) Confirm provision of ride on bin moving equipment and flat trailer to support bin management and movement to loading dock for two sites (Building C/D/E & Buildings A/B).

Reason

To document agreed waste management facilities and arrangements and ensure good waste management outcomes.

(60) LOADING DOCK AND BASEMENT MANAGEMENT PLAN

Prior to the issue of any CC1 Construction Certificate, a revised Loading Dock and Basement Management Plan incorporating the following points is to be submitted to and approved by Council's Area Planning Manager:

- (a) Detail how safe positioning on the turntable will be achieved to eliminate the risk of waste vehicle collision with walls due to off-centre positioning.
- (b) For Loading Docks in Buildings A and D – Unobstructed access is to be provided for Council's standard waste collection vehicle to perform scheduled on-site collections within the designated loading bay between the hours of 6am and 6pm on collection days.
- (c) Confirm that building management staff will be available during waste collection to assist with bin transfer as requested by the City of Sydney or its contractors.

Reason

To ensure orderly development within the loading dock.

(61) WASTE INFRASTRUCTURE – RESIDENTIAL

Prior to the issue of any CC1 Construction Certificate, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager. The waste management facilities to be provided responsive to Council's controls, policies, and guidelines, including but not limited to:

- (a) Waste and recycling stream(s) storage area(s) to be designed and constructed in accordance with Reference D of *Council's Guidelines for Waste Management in New Developments*. Floors to be waterproofed across all intersections that extend a minimum 1200mm high on the walls.
- (b) Waste chute system to be designed in accordance with Section B and Reference E of the City of Sydney Guidelines for Waste Management in New Developments. Proposed configuration of chute systems in waste chute discharge rooms including linear tracks and chute offset to be detailed in plan and section.
- (c) Integrated on-site waste collection and loading infrastructure to accommodate Council's standard 10.6m waste collection vehicle.

Reason

To allow for the safe and hygienic storage of waste and recycling and support provision of a safe and efficient waste collection service.

(62) WASTE INFRASTRUCTURE – COMMERCIAL

Prior to the issue of any CC1 Construction Certificate, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager. The waste management facilities to be provided are to be responsive to Council's controls, policies, and guidelines, including but not limited to:

- (a) Waste and recycling stream(s) storage area(s) to be designed and constructed in accordance with Reference D of Council's Guidelines for Waste Management in New Developments. Floors to be waterproofed across all intersections that extend a minimum 1200mm high on the walls.

Reason

To allow for the safe and hygienic storage and collection of waste and recycling from the use of the building.

(63) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to any Construction Certificate being issued.
- (b) The approved plan must be complied with during any demolition and/or construction work.

Reason

To ensure that the impacts of construction traffic is appropriately managed.

(64) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the issue of any Construction Certificate a Construction Environmental Management Plan (CEMP) must be prepared by appropriately qualified person for the site and submitted to Council's Area Planning Manager for approval. The CEMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

All works must be undertaken onsite in accordance with the approved Construction Environmental Management Plan.

Reason

To ensure that construction is appropriately managed.

(65) SITE AUDIT STATEMENT

Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:-

hbapplications@cityofsydney.nsw.gov.au

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.
- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).
- (c) **No Occupation Certificate is to be issued** by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

Reason

To ensure that the site is appropriately remediated.

(66) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:

- (a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or
- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

Reason

To ensure the preservation of existing survey infrastructure.

(67) STORMWATER DRAINAGE DESIGN

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professional must be submitted to and approved by the City's Public Domain Unit and must include:

- (a) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (b) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (c) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (d) Council's Stormwater Drainage Manual; and
- (e) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.

Reason

To ensure stormwater drainage design complies with Council's requirements.

(68) STORMWATER ON-SITE DETENTION

The requirements of Sydney Water with regard to the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the approval must be submitted to Council prior to issue of any Construction Certificate other than demolition.

Where an OSD is not required by Sydney Water one may still be required by the City.

Reason

To ensure the requirements of Sydney Water are complied with.

(69) STORMWATER QUALITY ASSESSMENT

The development must comply with the report titled 'Joynton Avenue On-Lot Works Stormwater Report', prepared by at&I, dated 19 July 2024, approved with this development application (Council ref. 2024/399529).

Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NER/RPENG Civil) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the Principal Certifier.

The report must include a response to all storm water quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

Reason

To ensure appropriate stormwater quality on the site.

(70) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 4.1 of the report titled '130 Joynton Avenue Flood Assessment Report', prepared by Mott McDonald Australia Pty Ltd, dated November 2023.

Details must be submitted to the Principal Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels.

Reason

To ensure the development complies with the recommended flood planning levels.

(71) BASEMENT AND LINKS BELOW FUTURE ROADS AND PARK

Any basement positioned below a road, future road or park must:

- (a) Have a minimum depth of cover of 1.5m above the basement waterproofing and roof drainage cell to the final level of invert to the gutter to accommodate public utility services, tree planting and street lighting design.
- (b) The basement roof slab shall be designed to structural loading specified in AS5100.
- (c) The basement roof slab, including the waterproofing layer, must be no higher than the following RLs (AHD):
 - (i) Ascot Avenue (connection between Buildings D and E):
 - a. Northern step – RL 19.45
 - b. Middle step – RL 19.25
 - c. Southern step – RL 18.30
 - (ii) George Julius Avenue (connection between Buildings C and D) - RL 18.60

- (iii) Biyanbing Park – RL 16.09
- (iv) Victoria Park Parade (connection between buildings B and C) – RL 17.90
- (v) Grandstand Avenue (connection between Buildings A and B) – RL 17.23

Reason

To ensure the new road design complies with Council's policies, standards and specifications and those of all other relevant authorities.

(72) TEMPORARY DEWATERING DURING CONSTRUCTION

Prior to discharging any water collected during excavation and construction into the City's stormwater drainage system, approval must be sought from the City's Public Domain Unit. A dewatering management plan must be submitted with an *Application for Temporary Dewatering* available to download on the City's website.

Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

To ensure dewatering is managed appropriately.

(73) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

Prior to the issue of the relevant Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with *AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and *AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings*.

Reason

To ensure the mechanical ventilation complies with relevant standards.

(74) ADAPTABLE HOUSING

Prior to any CC2 Construction Certificate being issued, information from an appropriately qualified access consultant is to be submitted to the Registered Certifier:

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia*.

- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299.

Reason

To ensure the provision of adaptable housing.

(75) FLOOR TO CEILING HEIGHT

Prior to any CC2 Construction Certificate being issued, the Principal Certifier must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

Reason

To ensure an adequate minimum floor to ceiling height to provide an acceptable level of amenity.

(76) DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Reason

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

(77) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

Reason

To ensure the ventilation complies with relevant standards.

(78) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

Reason

To ensure that utility authorities are advised of the development and their approval is obtained in connection with the relocation and/or adjustment of services affected by the development.

(79) GREASE AND LIQUID WASTE TRAPS – FUTURE FOOD PREMISES

- (a) A grease trap, if required by Sydney Water, must be installed in accordance with the relevant Sydney Water requirements.
- (b) If a grease trap is required, prior to the issue of the relevant Construction Certificate, plans and details are to be submitted to and approved by the Registered Certifier showing the following:
 - (i) The grease trap is not located in any kitchen, food preparation or food storage areas;
 - (ii) The grease trap is constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
 - (iii) The grease trap is constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.

Note: In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas. The installation of any grease traps and treatment equipment must be carried out by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*.

Reason

To ensure grease and liquid waste traps are installed in accordance with relevant requirements.

(80) HOT WATER SERVICE – FUTURE FOOD PREMISES

The capacity of the hot water service must ensure that a constant supply of hot water is provided to any future food premises at all times for all sinks and basins including hand wash basin/s. The temperature of the hot water provided to the sinks must be in accordance with AS4674 – Design, Construction and Fit-out of Food Premises and the Australia New Zealand Food Standards Code 3.2.2 - Food Safety Practices and general requirements.

Reason

To ensure any future food premises has a constant supply of hot water in accordance with relevant standards.

(81) SANITARY FACILITIES – FOOD PREMISES

The sanitary facilities for any future food premises must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the *National Construction Code (previously known as Building Code of Australia)*, Part F 3.1, 4.8 and 4.9.

Reason

To ensure sanitary facilities comply with relevant standards to protect food handling areas.

(82) STRUCTURAL CERTIFICATION FOR DESIGN – BUILDING CODE OF AUSTRALIA (ALL BUILDING CLASSES)

Prior to the issue of any Construction Certificate, structural details and a structural certificate for design by a qualified practising structural engineer and in accordance with Clause A5G3(1)(e) of the *Building Code of Australia* must be submitted to the satisfaction of the Registered Certifier.

Reason

To ensure structural certification is undertaken.

(83) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE

- (a) A Tree Planting Plan must be submitted and approved by the City's Public Domain Unit prior to the issuing of any Construction Certificate. The plan must include and be consistent with the following requirements:
 - (i) Tree species shall be consistent with the City's Street Tree Master Plan (refer to relevant precinct plans) or other relevant guidance document. Species substitutes will not be accepted.

- (ii) Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document.
- (iii) The tree pit design must include structural soils or structural cells to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines).
- (iv) Indicate the chosen tree planting arrangement, being a choice of one of two options, being:

Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management.

OR

Pay a fee for the City to supply, plant, and maintain each required tree on the applicant's behalf. The fee is consistent with the City's Schedule of Fees and Charges.

- (b) If opting to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:
 - (i) The trees must be a minimum container size of 200 litres at the time of planting.
 - (ii) All new trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting.
 - (iii) Certification from the tree supplier must be submitted to the City's Tree Management Officer and Public Domain Officer, prior to the trees being planted. The certification must confirm the tree(s) have been grown and comply with the requirements of AS2302. Any new trees that do not conform will be rejected by the City.
 - (iv) The trees must be planted by an Arborist or Horticulturist with a minimum AQF Level 3 qualification and be planted before the issuing of the final Occupation Certificate.
 - (v) All new trees must be inspected and approved by the City's Tree Management Officer (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period.
 - (vi) All trees planted in accordance with the approved Tree Planting Plan must be maintained by an Arborist or Horticulturist with a minimum AQF Level 3 for a minimum period of 12 months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.

- (vii) At the end of the 12 month maintenance period, written acceptance of the tree/s must be obtained from the City before release of the public domain bond.
- (viii) If a tree fails to thrive and successfully establish during the maintenance period, then City will request payment for a replacement tree and establishment period according to the City's Schedule of Fees and Charges.

Reason

To ensure that details of street trees to be planted are approved, the works are carried out in an appropriate manner and the trees are maintained following installation.

(84) SITE SUPERVISION AND REPORTING

- (a) An arborist with minimum AQF Level 5 qualification in arboriculture must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:
 - (i) Monthly reporting for the duration of construction;
 - (ii) The installation of tree protection measures prior to the commencement of any construction works;
 - (iii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
 - (iv) During construction of the specify structure/deck/concrete slab etc);
 - (v) During any excavation and trenching within the TPZ which has been approved by Council;
 - (vi) During any landscape works within the TPZ which has been approved by Council.
- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and approved by Council's Area Planning Coordinator | Area Planning Manager at each hold point listed below:
 - (i) Certification that tree protection measures have been installed in accordance with these consent conditions;
 - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
 - (iii) Monthly reporting for the duration of construction and development works within the site;
 - (iv) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.

- (v) A final compliance report confirming tree protection measures have been removed from all trees and details of the health and condition of the trees at the completion of the works.
- (c) Evidence demonstrating that all tree compliance reports have been submitted at each key milestone listed above must be submitted to and approved by Council's Area Planning Coordinator | Area Planning Manager prior to the issue of any Occupation Certificate.

Reason

To ensure the protection and ongoing health of trees on the site.

(85) TREE MAINTENANCE PLAN AND ANNUAL REPORTING

- (a) A tree maintenance plan must be submitted for Council approval prior to a Construction Certificate being issued. The plan must include;
 - (i) Type of activities and their methodologies;
 - (ii) Frequency of maintenance;
 - (iii) Qualifications and skill level required to perform each activity.
- (b) The maintenance plan must be implemented and complied with immediately following the tree planting, and until the tree reaches the required minimum height limit of 6 metres and 5 metres canopy width.
- (c) The newly planted tree on site must be appropriately maintained on an on-going basis.
- (d) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.
- (e) If the newly planted tree fails to establish or does not reach a height of 6 metres and canopy width of 5 metres it must be replaced with a tree of comparable qualities and container size of 200 litres.
- (f) The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

Reason

To ensure the ongoing maintenance of trees.

(86) LANDSCAPING OF THE SITE (TREES)

- (a) An amended landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate. The plan must include:

- (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features.
- (ii) Tree numbers and trees plotted for removal or retention must be consistent with all other plans and reports.
- (iii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers.
- (iv) Location, numbers, type and supply of plant species, with reference to the relevant Australian Standard.
- (v) The design must provide a minimum 15% canopy cover across the site. This must be provided by 30% of the species having a mature height of 6-8 metres, 30% mature heights of 10-15 metres and 40% mature heights of 20-30 metres;
- (vi) Tree selection shall include a diverse range of species which must be consistent with the expected mature heights and growth within the Sydney area (mature heights must not solely rely on plant literature).
- (viii) New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting.
- (ix) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction.
- (x) Details of planting procedure and maintenance.
- (xi) Details of drainage, waterproofing and watering systems.
- (xii) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (xiii) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

Reason

To ensure sufficient canopy cover is provided and healthy trees are established and maintained on the site.

(87) ELECTRICITY TURRET AND SUBSTATION LOCATIONS

- (a) At the initial stages of architectural design, provision must be made by the project architects to locate any electricity turrets and substations required by the development within the site (or lot) boundaries, rather than within existing or proposed footway areas.

- (b) Prior to the issue of any type of Occupation Certificate, all electricity turrets and substations required for the development must be located wholly within the final lot boundaries.

Reason

To ensure future footways are clear of obstructions and trip hazards.

(88) ARCHITECTURAL EMBELLISHMENTS

Prior to the issue of any Construction Certificate for the buildings, all architectural embellishments at Level 1 and above that extend beyond existing and proposed street alignments must be dimensioned on the architectural plans, and not exceed 450mm beyond the boundary.

Reason

To ensure compliance with Schedule 4 of the SDCP 2012.

BEFORE BUILDING WORK COMMENCES

(89) CONSTRUCTION LIAISON COMMITTEE

- (a) Prior to the commencement of any work, a Construction Liaison Committee or an alternative approved in writing by Council's Executive Director City Planning, Development and Transport, is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and cooperatively.
- (b) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the construction process.
- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contract details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.
- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.
- (f) The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting.
- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.
- (h) The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Director City Planning, Development and Transport prior to sending.
- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

Reason

To ensure that a Construction Liaison Committee (or alternative) is established and operates to ensure that demolition and construction related impacts can be dealt with expeditiously and cooperatively.

(90) TREE PROTECTION ZONE

- (a) Before the commencement of works, Tree Protection Zone/s (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below.
- (b) Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and with the following schedule:

TPZ Schedule

Tree No.	Species Name	Location	Radius (m) From Trunk
14	Ulmus parvifolia (Chinese Elm)	Bianbing Park	2
15	Grevillea sp 'CV'Grevillea		2
16-17	Eucalyptus pilularis (Blackbutt)		2.5
18	Corymbia maculata (Spotted Gum)	Kirby Walk	2
22-24	Corymbia citriodora (Lemonscented Gum)	Kirby Walk	4
25			2.5
26			3
27			2
28			4
29			5
32 (group)	Syzygium sp (Lilli Pilli)	Kirby Walk	2
33-36	Waterhousea floribunda (Weeping Lilly Pilly)	Kirby Walk	3
37-47	Corymbia maculata (Spotted Gum)	Defries Avenue (street trees)	3

Note: The work within the TPZ and installation of tree protection measures is only applicable within the subject development site and the public domain.

- (c) Tree protection fencing must be installed and maintained within the subject development site prior to the commencement of works.

- (d) Ground surface protection must be installed if construction access is required through any TPZ where the existing ground surface material is not a hard surface or paving. The ground protection must be:
 - (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
 - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (e) The following works must be excluded from within any TPZs:
 - (i) Excavation except for the localised siting of piers/ demolition of concrete slab;
 - (ii) Soil cut or fill including trenching;
 - (iii) Soil cultivation, disturbance or compaction;
 - (iv) Stockpiling, storage or mixing of materials;
 - (v) The parking (except existing on street parking), storing, washing and repairing of tools, equipment and machinery;
 - (vi) The disposal of liquids and refuelling;
 - (vii) The disposal of building materials;
 - (viii) The siting of offices or sheds;
 - (ix) Any action leading to the impact on tree health or structure.
- (f) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.
- (g) All work undertaken within or above the TPZ must be:
 - (i) Carried out in accordance with a work methodology statement prepared by an Arborist with a minimum AQF Level 5 qualification in arboriculture and written approval is obtained from Council's Tree Management Officer before its implementation; and
 - (ii) Supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

Reason

To ensure the protection and ongoing health of trees.

(91) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any works commencing on site.

Reason

To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with relevant requirements.

(92) PUBLIC DOMAIN WORK – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993

Prior to the construction of any public domain works, approval under Section 138 / 139 of the Roads Act 1993 must be issued by the City's Public Domain Unit.

Reason

To ensure relevant approvals for public domain work are obtained.

(93) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of adjoining buildings (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of any Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

Reason

To ensure that dilapidation reports are prepared and to identify damage to adjoining/nearby properties resulting from building work on the development site.

(94) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifier. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas
 - (v) existing and proposed drainage patterns with stormwater discharge points
 - (vi) north point and scale
 - (vii) existing site contours
 - (viii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater
 - (ix) location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).
- (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill

- (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
- (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
- (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
- (viii) frequency and nature of any maintenance program
- (ix) other site-specific soil or water conservation structures.

Reason

To ensure that appropriate erosion and sediment control measures are put in place during construction to protect the environment.

(95) INSTALLATION OF ARTWORK AND IMAGES ON SCAFFOLDING (DEMOLITION / CONSTRUCTION WRAPS)

- (a) Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality and add visual and public art in the streetscape.
- (b) The artwork installation must be printed, installed and maintained in accordance with Council's *Guidelines for Hoardings and Scaffolding*. Details of the proposed installation must be submitted to and approved by Council prior to the issue of a construction certificate or work commencing.

Note: The scaffolding system on which a required artwork wrap is to be installed must be designed to safely and adequately accommodate and support the wrap mesh material on which the artwork is printed/displayed. This includes designing the scaffold to address potential increased wind loads that may be encountered in the locality.

Reason

To minimise adverse visual impacts on the locality.

(96) USE OF A STRUCTURAL ENGINEER

A suitably qualified practising structural engineer is to be commissioned to work with the consultant team throughout the design development, contract documentation and excavation stages of the project. The engineer is to be involved in the resolution of all matters relating to the excavation of the basement. The structural engineer is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of excavation issues throughout the project.

Reason

To ensure the structural stability integrity of the subject site and neighbouring buildings.

(97) SURVEY SETOUT PRIOR TO COMMENCEMENT

PRIOR TO FOUNDATION STAGE - All footings and walls adjacent to a boundary or setback line must be set out by a surveyor registered under the Surveying & Spatial Information Act, 2002, and a copy of the survey report provided to the Principal Certifier.

Advisory note: It is recommended that proposed walls on boundaries are set back a minimum of 20 millimetres to allow for construction tolerances and minimise the risk of encroachment and subsequent costs and delays.

Reason

To ensure that the building does not encroach on boundaries.

DURING BUILDING WORK

(98) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Reason

To protect the amenity of the surrounding area.

(99) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;

- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

Reason

(Prescribed condition EP&A Regulation, clauses 98A (2) and (3)).

(100) CHECK SURVEY DURING CONSTRUCTION

- (a) AT FOUNDATION STAGE - Upon commencement of wall construction, by the time the basement wall has reached one metre in height, all work on the perimeter walls must cease unless a survey and report prepared by a registered surveyor has been submitted to the Principal Certifier indicating the position of external basement walls in relation to the boundaries of the allotment, and the setbacks. Any encroachments of the subject building over the existing or proposed boundaries must be removed prior to continuation of building construction work, or alternatively a letter of approval provided by Council's Area Planning Manager, otherwise the encroachments must be removed.
- (b) AT GROUND FLOOR LEVEL - A survey report prepared by a registered surveyor must be submitted to the Principal Certifier showing all ground floor walls located within one metre of an existing or proposed boundary, by means of clearly annotated offsets, before the walls reach one metre in height.
- (c) Any encroachments of the subject building over existing or proposed boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain. Encroachments on public roads or future public reserves or public roads must be approved in writing by Council's Area Planning Manager, if supported, otherwise the encroachments must be removed.

Reason

To ensure that the building either does not encroach at an early stage, or alternatively that any encroachments are approved by Council.

(101) TREE SENSITIVE EXCAVATION

Excavation undertaken with the specified distance/s from the trunks of the following trees shall be and dug.

Tree (Root) Protection Zone Schedule:

Tree No	Species	Tree Location	SRZ (m) from Trunk
14	<i>Ulmus parvifolia</i> (Chinese Elm)	Biyanning Park	1.5
15	<i>Grevillea</i> sp 'CV' Grevillea		1.5
16-17	<i>Eucalyptus pilularis</i> (Blackbutt)		1.8
18	<i>Corymbia maculata</i> (Spotted Gum)	Kirby Walk	1.5
22-24	<i>Corymbia citriodora</i> (Lemon-scented gum)		2.5
25			2
26			3
27			1.5
28			2.5
29			2.5
32 (group)	<i>Syzygium</i> sp (Lilli Pilli)		2.5
33-36	<i>Waterhousea floribunda</i> (Weeping Lilly Pilly)		1.5
37-47	<i>Corymbia maculata</i> (Spotted Gum)	Defries Avenue	2

- (a) Within the SRZ;
 - (i) Excavation must not occur within the SRZ. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately, and the excavation must be carried out in accordance with Council's direction.
- (b) Within the TPZ;
 - (i) Tree sensitive excavation, such as small hand tools compressed air or water jetting only must be used. Roots with a diameter equal to or greater than 40mm shall not be severed or damaged unless approved in writing by Council's Tree Management Officer.

Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.
 - (ii) All excavations must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.
- (c) Footings must be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance must be provided between the tree root and footing.
- (d) All excavations located within the TPZ must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.
- (e) All root pruning must be undertaken in accordance with the Australian Standard 4373 'Pruning of Amenity Trees' and by an arborist with a minimum AQF Level 3 qualification in arboriculture.

Reason

To ensure the protection and ongoing health of trees.

(102) STREET TREE PROTECTION

All street trees located directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.
 - (ii) Tree trunk/s and/or major branches to a height of two metres must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and

- (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
 - (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
 - (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
 - (e) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
 - (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
 - (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within [specify] metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.
 - (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
 - (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Reason

To ensure the protection and ongoing health of the street trees.

(103) TREE PRUNING – FURTHER APPROVAL REQUIRED

Consent from Council's Tree Management Officer must be obtained prior to any tree pruning work being undertaken, including tree roots greater than 40mm in diameter, for any trees located within or adjacent to the site. Only minor pruning works will be approved by Council.

Reason

To ensure that pruning works to trees are carried out in an appropriate manner.

(104) PROTECTION OF NATIVE WILDLIFE

- (a) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself. In regards to tree pruning, works may only proceed if the animals will not come into direct harm.
- (b) In the event that the tree has nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

Reason

To ensure that wildlife is adequately protected during tree removal/pruning works.

(105) COMPLIANCE WITH CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise and Vibration Management Plan, prepared by Acoustic Logic, dated 31 October 2024 (Council ref. 2024/623365).
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

Reason

To ensure all parties are aware of the supporting documentation that applies to the development.

(106) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.

- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(107) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remediation Action Plan prepared by EI Australia, dated 22 September 2023, reference number E25861.E06_Rev3 (Council ref. 2024/399512) and the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor Rod Hardwood, dated 8 July 2024 (Council ref. 2024/407006). All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Area Planning Manager, the Site Auditor and the Principal Certifier.

Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor and Council's Area Planning Manager prior to the commencement of such work.

Reason

To ensure that the site is appropriately remediated.

(108) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Council's Area Planning Manager and the Principal Certifier must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.

Reason

To ensure that the site is appropriately remediated.

(109) IMPORTED FILL MATERIALS

All fill imported onto the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (2022) Sampling Design Guidelines.

Reason

To ensure that imported fill is not contaminated.

(110) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW EPA Waste Classification Guidelines, Part1: Classifying Waste (November 2014)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for a particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Reason

To ensure that waste from site is classified and disposed of appropriately.

(111) STOCKPILES

- (a) No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.
- (b) All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours must be covered.
- (d) All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours.

Reason

To ensure that stockpiles of soil or other materials are appropriately managed.

(112) DISCHARGE OF CONTAMINATED GROUNDWATER

Contaminated groundwater must not be discharged into the City's stormwater drainage system.

Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

To ensure that the discharge of ground water is appropriately managed.

(113) DRAINAGE AND SERVICE PIT LIDS

All existing or proposed drainage and service pit lids throughout the public domain must be to City of Sydney specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

Reason

To ensure drainage and service pit lids within the public domain are appropriately designed and installed.

(114) PUBLIC DOMAIN AND FUTURE PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain or subdivision works for the following stages:

- (a) Stage 1 - North Zetland Avenue, Defries Avenue, Ascot Avenue and George Julius Avenue Part 1, prior to the first Construction Certificate for Building D and E.
- (b) Stage 2 - Remainder Zetland Avenue, George Julius Avenue Part 2 and Biyanbing Park, prior to the first Construction Certificate for Building C.
- (c) Stage 3 - Victoria Park Parade and connection to Zetland Avenue, prior to the first Construction Certificate for Building B.
- (d) Stage 4 - Woolwash Park and Grandstand Parade, prior to the first Construction Certificate for Building A.

as described in the Public Domain Staging Plan, Rev 3, dated 21/11/2024 (Council ref. 2024/692658).

This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's Epsom Park Precinct Plans, Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights: Public Domain Design Code and Sydney Streets Technical Specification. The documentation must be checked, accurate, and comply with specified requirements. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be For Construction issue.

The Public Domain Manual and all other relevant documents are available for download from Council's website at

<https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, details must be submitted for approval with the public domain plan and additional fees may apply.

Reason

To ensure the public domain complies with Council's requirements.

(115) HOLD POINTS

Prior to an approval being issued for the construction of public domain and / or the Planning Agreement works, including civil, drainage and subsurface works, a set of hold points will be provided by the City's Public Domain Unit in accordance with the City's Public Domain Manual and Sydney Streets Technical Specification. The list of hold point inspections will be included in the Public Domain works approval letter.

These hold point inspections must be adhered to during construction works. Prior to the issue of any Occupation Certificate, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Principal Certifier.

Reason

To ensure hold points are adhered to during construction works.

(116) STORMWATER DRAINAGE CONNECTION

For approval of a connection into the City of Sydney's drainage system an "*Application for Approval of Stormwater Drainage Connections*" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to approval being issued for the construction of public domain work.

Reason

To ensure approval of connection into the Council's drainage system is sought.

(117) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of (EHO to specify hours)
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Reason

To protect the amenity of the surrounding area.

(118) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

Reason

To protect the amenity of the surrounding area.

(119) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

Reason

To protect the amenity of the public domain.

(120) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

Reason

To protect the amenity of the public domain.

(121) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

Reason

To allow adequate vehicular access to the site.

(122) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Reason

To ensure mobile cranes are used appropriately.

(123) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

Reason

To ensure that the archaeology of the site is appropriately managed and protected.

(124) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE

For temporary shoring including ground anchors affecting the road reserve, a separate application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council. Information and downloadable forms may be found on the City's website in the "Construction permits & approvals" section.

Reason

To ensure that approval under the Roads Act is obtained.

(125) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(126) EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.

During the construction period:-

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

Reason

To ensure no substance other than rainwater enters the stormwater system and waterways.

(127) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) *Protection of the Environment Operations Act 1997*
- (b) *Protection of the Environment Operations (Waste) Regulation 2005*
- (c) *Waste Avoidance and Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2017.*

Reason

To ensure hazardous/ industrial waste is managed appropriately.

(128) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Reason

To ensure sediment is not tracked onto the roadway.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(129) TEMPORARY WASTE ARRANGEMENT – BUILDING B

Prior to the issue of any Occupation Certificate for Building B or commencement of the use, whichever is earlier, the Council's City Cleansing and Resource Recovery Unit is to be contacted to confirm and approve the arrangements for interim waste collection for Building B.

Reason

To ensure the temporary waste management arrangement is confirmed and approved prior to the occupation of Building B.

(130) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to the issue of any Occupation Certificate for the relevant building or commencement of the use, whichever is earlier, the building owner/tenant is to enter into a contract with a licensed waste service provider for the removal of all waste and recycling stream(s). A copy of the commercial waste and recycling contract and invoices are to be made available upon request by an authorised Council officer at any time.

Reason

To ensure arrangements are in place to manage commercial waste without reliance on public place or residential waste bins.

(131) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL

- (a) Prior to the issue of an Occupation Certificate for the relevant building, Council's review and written approval of the as built waste infrastructure, facilities, and vehicle access is required. The City Cleansing & Resource Recovery Unit of Council must be satisfied that:
 - (i) All waste management facilities, storage, and collection infrastructure comply with the stamped plans, approved Operational Waste Management Plan and Council's Guidelines for Waste Management in New Developments, the City of Sydney's DCP, and the developments Conditions of Consent.
 - (ii) All waste rooms, corridors, doors, and gates to be accessed by Council's collection contractor(s) are to be fitted and accessible via Council's master key system. Specifications of locks, barrels, and supporting infrastructure are to be submitted to Council's City Cleansing & Resource Recovery Unit.
- (b) Site inspections are to be conducted by Council's City Cleansing & Resource Recovery Unit to review the site on-site waste collection, storage and loading bay infrastructure prior to the issue of an Occupation Certificate. The inspections are to be conducted a minimum 6-months prior to projects anticipated construction completion. Prior to the inspection an electronic copy of the latest architectural plans are to be submitted.

- (c) An updated Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery Unit that aligns with the latest version of architectural plans and waste related updates identified during the site inspections. The plan is to be reviewed by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate.
- (d) The developer is to enter into a formal agreement with the City of Sydney Council for the utilisation of Council's Waste Collection Service. A signed agreement is to be submitted to Council's City Cleansing & Resource Recovery unit prior to the issue of an Occupation Certificate.
- (e) The assigned strata manager for the development and direct contact details are to be provided to Council's City Cleansing & Resource Recovery Unit prior to the issue of an Occupation Certificate.

Reason

To ensure that facilities and arrangements are in place to enable the provision of a safe and efficient waste collection service responsive to Council's policies and contractual service provisions.

(132) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL

Prior to the issue of an Occupation Certificate for the relevant building, the Principal Certifier is to ensure all waste management, collection, loading and supporting infrastructure is provided in accordance with the stamped plans, approved Operational Waste Management Plan and specifications approved at the Construction Certificate.

Reason

To ensure all on-site infrastructure has been provided to support scheduled collections responsive to the Council endorsed OWMP and requirements of the Guidelines for waste management in new developments 2018.

(133) REGISTRATION OF COVENANT

Prior to the issue of any relevant Occupation Certificate, a covenant must be registered on the title of the land and a copy of the title submitted to the Council's Area Planning Manager and the Principal Certifier.

This covenant must be registered on the title of the land binding the owners and future owners with the responsibility for the ongoing maintenance and rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority.

A copy of the revised certificate of land title recording the covenant must be submitted to Council's Area Planning Manager and the Principal Certifier prior to the issue of any Occupation Certificate.

Reason

To ensure that contamination is appropriately managed.

(134) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN

Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite, the EMP must be approved by the Site Auditor and Council's Area Planning Manager prior to the issue of the final Site Audit Statement.

The owner of the land is required to comply with the ongoing obligations of any EMP which form part of the final Site Audit Statement for the site.

A covenant must be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority.

A copy of the revised certificate of land title recording the covenant must be submitted to Council's Area Planning Manager and the Principal Certifier prior to the issue of any Occupation Certificate.

Reason

To ensure that contamination is appropriately managed.

(135) PUBLIC DOMAIN AND FUTURE PUBLIC DOMAIN WORKS COMPLETION

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval letter, stamped plans for Public Domain Levels and Gradients, Stormwater, Public Domain Lighting, the City's Public Domain Manual, Stormwater Drainage Manual, Sydney Lights Design Code and Sydney Streets Technical Specification for each stage:

- (a) Stage 1 - North Zetland Avenue, Defries Avenue, Ascot Avenue and George Julius Avenue Part 1, prior to the first Occupation Certificate for Building D and E.
- (b) Stage 2 - Remainder Zetland Avenue, George Julius Avenue Part 2 and Biyanbing Park, prior to the first Occupation Certificate for Building C.
- (c) Stage 3 - Victoria Park Parade and connection to Zetland Avenue prior to the first Occupation Certificate for Building B.
- (d) Stage 4 - Woolwash Park, Grandstand Parade prior to the first Occupation Certificate for Building A.

as described in the Public Domain Staging Plan, Rev 3, dated 21/11/2024 (Council ref. 2024/692658).

The public domain work must be inspected and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate for the relevant building or before the commencement of use, whichever is earlier.

Reason

To ensure the public domain works are completed in accordance with the approved documents and Council's requirements.

(136) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate for the relevant building:

- (a) The Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.
- (b) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

Reason

To protect underground drainage system.

(137) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner civil engineer (NER/RPEng) must be submitted to the Principal Certifier prior to issue of any Occupation Certificate for the relevant building stating that the development has been constructed and the required minimum flood planning levels achieved in accordance with the recommendations of the report titled '130 Joynton Avenue Flood Assessment Report' prepared by Mott McDonald Australia Pty Ltd dated November 2023.

Reason

To ensure the development achieves the required floor levels.

(138) COMMON PROPERTY MEETING/ MUSIC PRACTICE ROOM - ACOUSTIC REQUIREMENTS

The Meeting/ Music Rooms must remain common property and be provided and maintained for the use of all residents and achieve the following acoustic requirements:

- (a) The ceiling must have an airborne sound insulation rating equal to or greater than RW + Ctr of 58. In this instance, to prevent flanking paths for noise, the walls and ceiling must meet the deemed to satisfy provisions F5.5 (e) and F5.5 (f) of the Volume One (Class 2-9) of the National Construction Code.
- (c) Music Room door systems (door, frame & seal) must achieve an airborne sound insulation rating of Rw 45, and windows (combined glass frame and seal) must achieve an Rw 40. Windows to the façade of a building must be of minimum necessary dimensions, per the requirements of the Building Code of Australia. Access doors must be to common property accessible by all building occupants.
- (d) The floor is to be carpeted.

Reason

To ensure the acoustic amenity of surrounding residential uses is maintained.

(139) BASIX

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate for the relevant building being issued.

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 EP&A Regulation 2021).

(140) PHYSICAL MODELS

- (a) Prior to the issue of any Occupation Certificate for the relevant building an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

Reason

To ensure the provision of an appropriate physical model of the development.

(141) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to any Occupation Certificate being issued for the relevant building, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) building design above and below ground in accordance with the development consent;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Reason

To ensure the provision of an appropriate electronic model of the development.

(142) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted to the Principal Certifier at the completion of the building work for each building certifying the location of the building in relation to the boundaries of the allotment.

Reason

To ensure the development does not encroach onto neighbouring properties.

(143) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facades including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications approved under the 'Materials and Samples Board – Major Development' condition of this consent.

Reason

To ensure the approved materials and samples board is complied with.

(144) UNDER AWNING LIGHTING

Under awning lighting must be fitted with LED lighting technology (or other technology with an improved lighting power density – watts per square metre). Batten type fluorescent lighting is not approved. Illumination from the under awning lighting, when measured from any place in the public domain, must be designed and certified to comply with the following:

- (a) the maximum horizontal luminance level must not exceed 200 lux including light spill from shop windows. Lux level may be increased to 220 lux in some areas in Central Sydney CBD;
- (b) the horizontal illuminance uniformity ratio (E_{avg}/E_{min}) must not exceed 4:1 to ensure safe movement of pedestrians;
- (c) the intensity, colour, period of intermittency and hours of illumination must be varied if adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting* is being caused to the amenity of the area;
- (d) where nearby residents are located above the level of the under awning lighting, details are to be provided to show that light is not directed upwards toward such residences.

Reason

To ensure the provision of an appropriate level of illumination and to protect the amenity of the public domain.

(145) LAND SUBDIVISION

A separate application must be made for the subdivision online through the Planning Portal, at www.planningportal.nsw.gov.au to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the Environmental Planning and Assessment Act 1979. Go to the "Post Consent Certificates" section on the website for Subdivision Certificates, and ensure that Sydney City Council is noted as the certifier. It is recommended that the PDF versions of the subdivision, Administration sheets & Section 88B Instrument that are uploaded are between 400 & 600 dpi as these may be digitally signed.

Reason

To ensure separate development consent is sought for the plan of subdivision and issue of a Subdivision Certificate.

(146) STRATA SUBDIVISION

Any proposal for strata subdivision will require development consent and therefore the lodgement of a separate development application or complying development application and subsequent approval from Council, or a Registered Strata Certifier, of the Strata Plan – and issue of a Strata Certificate, under the Strata Schemes Development Act 2015.

Reason

To ensure separate approval is sought for any Strata Plan.

(147) STREET ADDRESSES OF LOTS

In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2017, the street addresses for each lot must be shown on the final plan of subdivision. An application should be made to Council to obtain the correct street address for each lot.

Reason

To ensure requirements of Clause 60(c) of the Surveying and Spatial Information Regulation 2017 are met.

(148) BUILDING/ STRATA MANAGEMENT STATEMENT

- (a) The Building/Strata Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to Council's satisfaction, and be submitted with the subdivision application for the subdivision.
- (b) The terms of the easements required by this consent must not contain any clauses permitting the terms of the easements to be overridden, suspended or superseded by a Building Management Statement or Strata Management Statement

Reason

To ensure the orderly development of land.

(149) STORAGE

Prior to the issue of any occupation certificate for the relevant building the Principal Certifying Authority must be satisfied that the minimum storage requirements of the Apartment Design Guide have been met. No more than 50% of the minimum storage requirements for each apartment is to be provided within the basement.

Reason

To ensure the minimum storage requirements are achieved.

(150) CAR PARK VENTILATION

The car park must be ventilated in accordance with the *National Construction Code (previously known as Building Code of Australia)* and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

Reason

To ensure car park ventilation complies with relevant standards.

(151) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

AT COMPLETION – Prior to the issue of any type of Occupation Certificate for the relevant building, a Final Identification Survey prepared and signed by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building and showing offsets in relation to the boundaries of the allotment. Any encroachments of the building over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act, 1919, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to the issue of any type of Occupation Certificate. Encroachments upon public roads at ground level must, if supported, be approved by Council's Area Planning Manager prior to the issue of any type of Occupation Certificate. Approved architectural embellishments at Levels 1 and above must not encroach by more than 450mm.

Reason

To ensure that either the building does not encroach, or that any encroachments are formalised on title.

(152) TRANSPORT ACCESS GUIDE

- (a) A Transport Access Guide must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate. The Transport Access Guide must:
 - (i) Detail sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes.
 - (ii) Specify communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.
- (b) The Transport Access Guide must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times.

Reason

To ensure that sustainable transport options are considered and communicated effectively.

(153) LOADING DOCK MANAGEMENT PLAN

A final Loading Dock Management Plan is to be prepared for distribution to relevant tenants outlining how the loading dock will be managed and used by all relevant tenants. The Plan must include, but is not limited to, management of deliveries to ensure vehicles are not waiting on public streets to enter the site.

The plan is to be prepared and submitted to and approved by Council's Area Planning Manager prior to issue of any Occupation Certificate.

Once approved, this management plan is to be provided to all relevant tenants and external users of the loading area.

Reason

To ensure that the loading dock is appropriately managed.

(154) WAY FINDING PLAN

A way finding plan must be submitted to and approved by Council's Area Planning Manager prior to any Occupation Certificate being issued.

The Plan must show all way finding signage to/from the residential and retail lobby entries, bicycle facilities, loading dock, service bay, residential and commercial waste storage areas, and any visitor parking provided. The plan must also show directions to footpaths and lifts where appropriate. This might include illuminated signage and linemarking where appropriate.

Reason

To ensure way finding is appropriately implemented across the site.

(155) LAND DEDICATION OR TRANSFER - STAGING

- (a) Prior to the issue of any type of Occupation Certificate for either Building D or E to be constructed upon Lot 1, a copy of the titles for Lots 10 and 11 must be provided to the Principal Certifier, as proof they have been dedicated as public road in accordance with the associated Voluntary Planning Agreement for the development.
- (b) Prior to the issue of any type of Occupation Certificate for Building C to be constructed upon Lot 2, a copy of the title for Lots 8, 9, 12 and 17 must be provided to the Principal Certifier, as proof they have been dedicated or transferred in accordance with the associated Voluntary Planning Agreement for the development. Lot 8 must be dedicated as public reserve. Lots 9 and 12 must be dedicated as public road. Lot 17 may be transferred to council or dedicated as public reserve at Council's discretion.
- (c) Prior to the issue of any type of Occupation Certificate for Building B to be constructed upon Lot 3, a copy of the title for Lot 7 must be provided to the Principal Certifier, as proof it has been dedicated as public road in accordance with the associated Voluntary Planning Agreement for the development.

- (d) Prior to the issue of any type of Occupation Certificate for Building A to be constructed upon Lot 4, a copy of the titles for the following lots must be provided to the Principal Certifier, as proof they have been dedicated or transferred to Council in accordance with the associated Voluntary Planning Agreement for the development.
 - (i) Lot 5 to be dedicated as public reserve.
 - (ii) Lot 6 to be dedicated as public reserve.
 - (iii) Lot 13 to be dedicated as public reserve or transferred to Council, at Council's discretion.
 - (iv) Lot 14 to be dedicated as public reserve or transferred to Council, at Council's discretion.
- (e) Public domain works within the land to be dedicated must be sufficiently complete to the satisfaction of Council's Area Planning Manager prior to the issue of a subdivision certificate for the purpose of dedication of the lots.
- (f) Land must be dedicated unencumbered. All leases, restrictions, covenants, easements and planning agreements must be extinguished prior to, or subsequent to the dedication of Lots as public road or public reserve unless written approval from Council is obtained advising that the easement is a permissible easement.

Reason

To ensure land to be dedicated to the City is not encumbered by any easements or other affectations.

OCCUPATION AND ONGOING USE

(156) OCCUPATION CERTIFICATE TO BE SUBMITTED

Occupation Certificates must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building, in accordance with the following Occupation Certificate staging:

- (a) Occupation Certificate 1 – Building groups D & E
- (b) Occupation Certificate 2 - Building C
- (c) Occupation Certificate 3 - Building B
- (d) Occupation Certificate 4 - Building A

Reason

To ensure the site is authorised for occupation.

(157) SCHEDULED COLLECTIONS – COMMERCIAL

- (a) Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's Guidelines for Waste Management in New Developments, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for Managing Waste in Public Places.
- (b) In accordance with the approved waste management plan, waste and recycling stream(s) bins must not be placed on the street for collection. Waste collection will occur within the site at all times. Unimpeded access must be provided to the waste and recycling stream(s) storage area(s) at all times.
- (c) Unobstructed access is to be provided for waste collection vehicles to set down within 10m of the waste storage and collection area(s) during zone collection times on collection days.
- (d) The collection of waste and recycling stream(s) is to only occur during designated zone collection times outlined within the Local Approvals Policy for Managing Waste in Public Places to minimise impacts to residential amenity.

Reason

To minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(158) ONGOING WASTE MANAGEMENT – RESIDENTIAL

- (a) The ongoing use of development must be in accordance with the approved Operational Waste Management Plan, Council's Guidelines for Waste Management in New Developments, the City of Sydney's DCP, and the developments Conditions of Consent.

- (b) All general waste and recycling stream(s) materials emanating from the premises must be stored in the designated waste storage area(s) integrated within the built form and must not be stored outside the premises (including any public place) at any time.
- (c) The property manager is responsible for lodging requests for damaged/broken bins, managing the rotation of bins, ensuring the full allocation of relevant bins are available for scheduled collections, management of odour and the routine cleaning and maintenance of all waste storage areas.
- (d) Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.
- (e) The property manager is responsible for the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney Council responsive to the approved Operational Waste Management plan.
- (f) Commercial waste and recycling stream(s) and supporting infrastructure to be stored in a separate lockable, enclosed, and walled area free from the residential waste and recycling stream(s) rooms. The residential rooms to have relevant locks to inhibit commercial tenants access to Councils residential waste streams.

Reason

To support the safe and efficient scheduled Council waste collection service and ensure the impacts of waste management on the public domain and public health are minimise.

(159) SCHEDULED COLLECTIONS – RESIDENTIAL

- (a) Scheduled collections and waste management arrangements of Council's residential waste stream(s) is to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan, the conditions of consent and the City's Local Approvals Policy Managing Waste in Public Spaces.
- (b) Council's Domestic Waste Charge is applied to all residential rate accommodation properties in accordance with section 496 of the Local Government Act 1993. Residential accommodation is defined in accordance with the Sydney Local Environmental Plan 2012 dictionary.
- (c) Council's Domestic Waste Charge is applied to all residential rate accommodation properties in accordance with the Sydney Local Environmental Plan 2012 dictionary.
- (d) Unobstructed access to be provided for Councils standard waste collection vehicles to access the waste collection day(s) to support the provision of a safe and efficient waste collection service to the site.

Reason

To support the safe and efficient scheduled residential waste collection service and minimise the impacts on public amenity and safety.

(160) ONGOING WASTE MANAGEMENT – COMMERCIAL

- (a) The ongoing use of development/tenancy must be in accordance with the approved Operational Waste Management Plan, Council's Guidelines for Waste Management in New Developments, the City of Sydney's DCP, and the developments Conditions of Consent.
- (b) All general waste and recycling materials emanating from the premises must be stored in the designated waste storage area(s), must not be stored outside the premises (including the public domain) at any time.
- (c) All waste and recycling stream(s) storage area(s) are to only be used for the purposes of storing waste and recycling from the premises in accordance with the original consent and approved Operational Waste Management Plan and not be converted to a different use.
- (d) Scheduled collections and waste management arrangements of the development/tenancy is the responsibility of the business owner or property manager and are to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan and this consent. These arrangements include:
 - (i) arranging an adequate number of bins and the servicing regime matched to the needs of the premises.
 - (ii) actively managing waste streams and supporting infrastructure to ensure bins are not overflowing, damaged or leaking and lids are fully closed at all times.
 - (iii) routine cleaning and maintenance of waste storage area(s) to inhibit the permeation of odour and prevent litter and pests.
 - (iv) the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney.
- (e) Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.

Reason

To promote good waste management arrangements and minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(161) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
 - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
 - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An $L_{Aeq,15 \text{ minute}}$ (noise level) emitted from the development must not exceed the $L_{A90, 15 \text{ minute}}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
 - (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
 - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.

(162) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Reason

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

(163) STACKED PARKING EMPLOYEES OR TENANTS ONLY

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to any Occupation Certificate being issued. The moving of stacked vehicles must occur wholly within the property.

Reason

To maintain the orderly operation of vehicle parking areas.

(164) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed structure shall encroach onto the adjoining properties.

Reason

To protect neighbouring properties.

(165) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Reason

To protect the public way.

(166) LANDSCAPE MAINTENANCE PLAN

The Landscape Maintenance Plan approved by Council under the 'Landscaping of the Site' condition of this consent must be complied with during occupation of the site.

Reason

To ensure the maintenance methodology approved under the Landscape Maintenance Plan is complied with.

(167) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the buildings must be used as permanent residential accommodation only and not for the purpose of a boarding house or hostel, hotel or motel accommodation, serviced apartments, tourist and visitor accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.

- (b) A Restriction on the Use of Land is to be registered on the title of the future strata lots in the above terms and restricting any change of use of those levels from residential accommodation as defined in the Sydney Local Environmental Plan 2012. The restriction is to be registered on title prior to any type of Occupation Certificate being issued or the use commencing, whichever is earlier. The restriction must contain terms reasonably required by Council and will be drafted by Council's solicitor, at the cost of the applicant, in accordance with the City's Fees and Charges, or included with a Section 88B Instrument for the future strata plan and burdening all residential strata lots.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.
- (e) All car spaces and storage spaces must form part of a residential strata lot. Car spaces and storage spaces must not have their own separate strata title.

Reason

To ensure the residential accommodation portion of the site is used for permanent residential purposes.

(168) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than by an occupant or tenant of the subject building.
- (b) The future strata subdivision of the site is to include a Restriction on the Use of Land pursuant to Section 88B or Section 88E of the Conveyancing Act 1919, burdening all strata lots with car parking in the strata plan.
- (c) All car spaces and storage spaces must form part of a commercial strata lot. Car spaces and storage spaces must not have their own separate strata title.

Reason

To ensure the on-site car parking spaces are not to be used other than by an occupant or tenant of the building.

(169) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than by a resident or occupant of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

- (b) The strata subdivision of the site is to include a Restriction on the Use of Land pursuant to Section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.
- (c) All car spaces and storage spaces must form part of a residential strata lot. Car spaces and storage spaces must not have their own separate strata title.

Reason

To ensure the on-site car parking spaces are not to be used other than by a resident of the building.

(170) RESTRICTION ON MEETING/ MUSIC ROOM

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of Land is to be created and registered on the Title of the development site pursuant to section 88B of the *Conveyancing Act 1919*. The Restriction is to be created in terms to the effect that the area on the ground floor of Buildings C and D2 has been approved as a meeting/music practice room must be retained for that use only. The Restriction is to be created appurtenant to Council and at no cost to Council.

Reason

To ensure the meeting/music practice room is restricted for those uses only.

(171) STRATA TITLE PARKING SPACES

All parking spaces other than visitor parking or service spaces must form part of a residential or commercial strata unit in any future strata subdivision of Lot 63. No parking spaces or storage spaces are to have their own individual strata title.

Reason

To ensure relevant parking spaces are restricted for residential use.

(172) STREET ADDRESSES OF LOTS

In accordance with Clause 60(c) of the *Surveying and Spatial Information Regulation 2017*, the street addresses for each lot must be shown on the Administration Sheet for the future subdivision and strata plans. An application must be made to Council's Spatial Information Systems Team by email:

SpatialInformationSystemsTeam@cityofsydney.nsw.gov.au

The application must be made prior to the lodgement of the subdivision certificate or strata certificate applications, to obtain the correct street address for each lot or strata lot. The street addresses allocated by Council must be provided to the registered surveyor for inclusion in a schedule on the Administration Sheet. This schedule must be completed before the issue of a subdivision/strata certificate. The subdivision/strata certificate must not be issued if the schedule contains words to the effect "address not available" unless the lot is being dedicated as public road with that plan.

Reason

To ensure street addresses are appropriately allocated, and subsequently issued to the State's emergency services divisions, police departments and postal service.

(173) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to any Occupation Certificate or subdivision/strata certificate being issued.

Reason

To ensure the requirements of Sydney Water are met.

(174) USE OF COMMON AREAS AND FACILITIES

The communal open space and common areas must be available for the use all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

Reason

To ensure designated areas within the residential development are maintained as common property.

(175) MAIL ROOMS

All mail rooms must be secured with access restricted to Australia Post and residents only.

Reason

To ensure mail rooms are secured.

(176) AWNING MAINTENANCE

All awnings must be regularly inspected and maintained to ensure the structural integrity and aesthetic and functional quality.

Reason

To ensure the awnings are adequately maintained.

SCHEDULE 2 – TERMS OF APPROVAL

The General Terms of Approval provided by Water NSW (Ref no. IDAS1156400) are as follows:

WATER NSW GENERAL TERMS OF APPROVAL

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Dewatering

- GT0115-00001 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
- GT0116-00001 Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
- GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement – see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
- GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a

period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

- GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- GT0121-00001 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
- GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):
i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by

WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

- GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/waterlicensing/dewatering
- GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site – Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

SCHEDULE 3 – CONDITIONS OF CONSENT – EXTERNAL AGENCIES

The following conditions have been recommended by NSW State Agencies:

SYDNEY AIRPORT

1. The building must not exceed a maximum height of 62.665 metres AHD, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
2. Separate approval must be sought under the Regulations for any equipment (e.g. cranes, concrete pumps) required to construct the building. Construction cranes or concrete pumps may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (e.g. cranes, concrete pumps) be obtained prior to any commitment to construct.
3. The proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSYY-CA-941.
4. On completion of construction of the building, the Proponent must provide SACL with a written report from a certified surveyor on the finished height of the building.
5. A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.

Breaches of approval conditions are subject to significant penalties under Section 185 and 186 of the Act.

SYDNEY WATER

Development conditions

Prior to the issue of an Occupation/Subdivision Certificate:

Section 73 Compliance Certificate

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Prior to the issue of a Construction Certificate/Complying Development Certificate:

Building Plan Approval (including Tree Planting Guidelines)

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in®](#) to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's [Technical guidelines – Building over and adjacent to pipe assets](#).

Sydney Water Requirements for Commercial and Industrial Developments (for proponent's information)

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any

business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>)
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at:

<https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

TRANSPORT FOR NSW

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2022 and AS 2890.2-2018.
2. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the classified road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

AUSGRID

The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

Ausgrid Underground Cables are in the vicinity of the development.

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA).

In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Ausgrid Kiosk Substation in the vicinity of the development

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA class 10a structure constructed from noncombustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

New Driveways - Proximity to Existing Poles

Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

New or modified connection

To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website:
www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf).

<https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf>

The consent should be read together with the *Conditions of development consent advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,
the reuse of stormwater,
the detention of stormwater,
the controlled release of stormwater, and
connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.