

Attachment A

Recommended Conditions of Consent
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Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below in Schedules 1 and 2.

SCHEDULE 1

GENERAL CONDITIONS

(1) STAGED CONSTRUCTION CERTIFICATES

This consent allows construction works to be undertaken in the following stages:

- (a) **Construction Certificate 1 (CC1)** – Construction of the shoring wall along the north western edge of the basement car park below Building S1 (as shown in the letter prepared by Karimbla Properties, dated 7 April 2025, Council ref. 2025/237492).
- (b) **Construction Certificate 2 (CC2)** – All other works.

Reason

To ensure the orderly development of the site.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/1055 dated 21/11/2024 and the following drawings prepared by MHND Union and Allford Hall Monaghan Morris:

Drawing Number	Drawing Name	Date
DA.SUT-S.00.00 Rev C.1	Drawing List	17/04/2025
DA.SUT-S.11.00 Rev C	Site Plan – Roof	28/03/2025
DA.SUT-S.11.01 Rev C	Site Plan – Ground	28/03/2025
DA.SUT-S.11.02 Rev C	Site Plan – Basement 1	28/03/2025
DA.SUT-S.11.03 Rev C	Site Plan – Basement 2	28/03/2025

Drawing Number	Drawing Name	Date
DA.SUT-S.11.04 Rev C	Site Plan – Basement 3	28/03/2025
DA.SUT-S.11.05 Rev C	Site Plan – Basement 4	28/03/2025
DA.SUT-S1.21.00 Rev C	Basement 3	28/03/2025
DA.SUT-S1.21.01 Rev C	Basement 2	28/03/2025
DA.SUT-S1.21.02 Rev C	Basement 1	28/03/2025
DA.SUT-S1.21.03 Rev C	Basement 1 Mezzanine	28/03/2025
DA.SUT-S1.21.04 Rev C	Ground Floor	28/03/2025
DA.SUT-S1.21.05 Rev C	Levels 1-4	28/03/2025
DA.SUT-S1.21.06 Rev C	Levels 5-7	28/03/2025
DA.SUT-S1.21.07 Rev C	Level 8	28/03/2025
DA.SUT-S1.21.08 Rev C	Roof	28/03/2025
DA.SUT-S2.22.00 Rev C	Basement 4	28/03/2025
DA.SUT-S2.22.01 Rev C	Basement 3	28/03/2025
DA.SUT-S2.22.02 Rev C	Basement 2	28/03/2025
DA.SUT-S2.22.03 Rev C	Basement 1	28/03/2025
DA.SUT-S2.22.04 Rev C	Ground Floor	28/03/2025
DA.SUT-S2.22.05 Rev C	Level 1	28/03/2025
DA.SUT-S2.22.06 Rev C	Level 2-5	28/03/2025

Drawing Number	Drawing Name	Date
DA.SUT-S2.22.07 Rev C	Level 6	28/03/2025
DA.SUT-S2.22.08 Rev B	Level 7	21/03/2025
DA.SUT-S2.22.09 Rev B	Level 8-12	21/03/2025
DA.SUT-S2.22.10 Rev B	Level 13	21/03/2025
DA.SUT-S2.22.11 Rev B	Roof	21/03/2025
DA.SUT-S2.22.12 Rev B	Roof Plant	21/03/2025
DA.SUT-S3.23.00 Rev B	Ground Floor	21/03/2025
DA.SUT-S3.23.01 Rev B	Level 1-5	21/03/2025
DA.SUT-S3.23.02 Rev B	Level 6	21/03/2025
DA.SUT-S3.23.03 Rev B	Roof Plan	21/03/2025
DA.SUT-S4.24.00 Rev B	Basement 3	21/03/2025
DA.SUT-S4.24.01 Rev B	Basement 2	21/03/2025
DA.SUT-S4.24.02 Rev B	Basement 1	21/03/2025
DA.SUT-S4.24.03 Rev B	Ground Floor	21/03/2025
DA.SUT-S4.24.04 Rev B	Level 1-4	21/03/2025
DA.SUT-S4.24.05 Rev B	Level 5	21/03/2025
DA.SUT-S4.24.06 Rev B	Level 6-7	21/03/2025
DA.SUT-S4.24.07 Rev B	Roof	21/03/2025

Drawing Number	Drawing Name	Date
DA.SUT.S1.31.00 Rev B	Elevation North	21/03/2025
DA.SUT.S1.31.01 Rev B	Elevation East	21/03/2025
DA.SUT.S1.31.02 Rev B	Elevation South	21/03/2025
DA.SUT.S1.31.03 Rev B	Elevation West	21/03/2025
DA.SUT.S2.32.00 Rev B	Elevation North	21/03/2025
DA.SUT.S2.32.001 Rev B	Elevation East	21/03/2025
DA.SUT.S2.32.02 Rev B	Elevation South	21/03/2025
DA.SUT.S2.32.03 Rev B	Elevation West	21/03/2025
DA.SUT.S3.33.00 Rev B	North and East Elevation	21/03/2025
DA.SUT.S3.33.01 Rev B	South and West Elevation	21/03/2025
DA.SUT.S4.34.00 Rev B	North and South Elevation	21/03/2025
DA.SUT.S4.34.01 Rev B	East Elevation	21/03/2025
DA.SUT.S4.34.02 Rev B	West Elevation	21/03/2025
DA.SUT.S1.41.00 Rev C	Section AA	28/03/2025
1325	Section – Fire Stairs to Link Road	11/03/2025
1413 Rev A	Section BB – Stages 1 and 3	15/11/2024
DA.SUT.S2.42.00 Rev B	Section AA	21/03/2025
DA.SUT.S2.42.01 Rev B	Section BB	21/03/2025

Drawing Number	Drawing Name	Date
2225	S2 GF to B1 Ramp Profiles	21/03/2025
2224	Loading Dock Section	21/03/2025
DA.SUT.S3.43.00 Rev B	Section AA	21/03/2025
DA.SUT.S4.44.00 Rev B	Section AA	21/03/2025
DA.SUT.S4.44.01 Rev B	Section BB and CC	21/03/2025
DA.SUT.S1.51.00 Rev C	S1 Facade Details	28/03/2025
DA.SUT.S2.52.00 Rev C	S2 Facade Details	28/03/2025
DA.SUT.S3.53.00 Rev A	Facade Details	15/11/2024
DA.SUT.S4.54.00 Rev B	Facade Details	21/03/2025
DA.SUT.S1.91.00 Rev C	Adaptable Unit – Aprtmt 108-408, 507-707	28/03/2025
DA.SUT.S1.92.01 Rev C	Adaptable Unit – Apartment 505	28/03/2025
DA.SUT.S2.92.00 Rev C	Adaptable Unit – Apartment 117	28/03/2025
DA.SUT.S2.92.01 Rev C	Adaptable Unit – Apartment 118-519	28/03/2025
DA.SUT.S2.92.02 Rev C	Silver Liveable – Apartment 119-520	28/03/2025
DA.SUT.S2.92.03 Rev C	Silver Liveable – Apartment 217-517	28/03/2025
DA.SUT.S2.92.04 Rev C	Adaptable Unit – Apartment 212-612	28/03/2025
DA.SUT.S2.92.05 Rev C	Adaptable Unit – Apartment 714-1214	28/03/2025
DA.SUT.S2.92.06 Rev C	Adaptable Unit – Apartment 1311	28/03/2025

Drawing Number	Drawing Name	Date
DA.SUT.S4.94.00 Rev A	Adaptable & Silver Liveable Units	15/11/2024

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.

(3) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement between the Council of the City of Sydney and Karimbla Properties (No 60) Pty Ltd dated 18 March 2024 (VPA/2022/18) are to be complied with.

Reason

To ensure the development complies with all terms of the planning agreement.

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement between the Council of the City of Sydney and Karimbla Properties (No 60) Pty Ltd dated 24 June 2024 (VPA/2023/10) are to be complied with.

Reason

To ensure the development complies with all terms of the planning agreement.

(5) MATTERS NOT APPROVED

The following items do not form part of this consent:

- (a) Fit-out and specific use of retail and commercial tenancies;
- (b) Outdoor dining areas; and
- (c) 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) 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)	\$2,612,757.40
Transport project component	
Total housing and productivity contribution	\$2,612,757.40

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.

(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	\$3,021,471.93
Community Facilities	\$604,409.79
Traffic and Transport	\$700,922.53
Stormwater Drainage	\$277,212.14
Total	\$4,604,016.39

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

$$\text{Cpayment} = \text{Cconsent} \times (\text{CPIpayment} \div \text{CPIconsent})$$

Where:

Cpayment = Is the contribution at time of payment;

Cconsent = Is the contribution at the time of consent, as shown above;

CPIpayment = 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

CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 139.7 for the December 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 Karimbla Properties (No 60) Pty Ltd dated 24 June 2024.

Reason

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

(9) 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 a 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 **\$11,273,869.46** (indexed at 8 May 2025). This is calculated by establishing the sum of the equivalent monetary contribution \$11,646.80 multiplied by 1% of the total floor area for non-residential development (1,203sqm) and the equivalent monetary contribution \$11,646.80 multiplied by 3% of the total floor area for residential development (31,865sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2025 to 28 February 2026, 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 2026 to 28 February 2026.

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.

(10) DESIGN QUALITY EXCELLENCE

- (a) As the proposal has been awarded bonus floor space or height 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 MHND Union and Allford Hall Monaghan Morris 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 the 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) GROSS FLOOR AREA

- (a) The gross floor area of the development is not to exceed 23,749sqm calculated in accordance with the definition of gross floor area under the Sydney Local Environmental Plan 2012.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total gross floor area 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) 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.

(13) EXTERNAL LIGHTING

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

Reason

To clarify that consent has not been granted for the external floodlighting or illumination of the development.

(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) ALLOCATION OF 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.

(16) 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, or for other private storage.

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.

(17) 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.

(18) 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.

(19) 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 accessible 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.

(20) 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.

(21) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 3 metres within the site from the street front property boundary.

Reason

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

(22) 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.

(23) 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.

(24) 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.

(25) 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.

(26) 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.

(27) 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.

(28) LOADING DOCK SCHEDULE/ REGISTER

The on-site loading dock is also to be made available for all residents for use by removal vehicles, bulky good deliveries and similar. This shall be managed either by a schedule showing residents when they can use the dock, or by a register managed on site to allow residents to reserve a time period for their deliveries. This information is to be made available to all residents/tenants of the building.

Reason

To ensure the availability and orderly operation of the on-site loading dock.

(29) TREES THAT MUST BE RETAINED

- (a) The existing trees detailed in Table 1 below must be retained and protected in accordance with the conditions throughout development works.

- (b) Approval is NOT granted for the removal of the tree(s) detailed in the table below, which Council has determined to be prominent landscape elements

Table 1 – Tree Retention:

Tree No	Species:	Location
1A, 1, 2, 2A, 4, 5, 6A	<i>Corymbia maculata</i> (Spotted Gum)	Link Road (street trees from Epsom Road to proposed Peters Street)
6, 7, 8	<i>Lophostemon confertus</i> (Brush Box)	
9, 9A, 9B, 9C		Epsom Road (street trees)
x12	<i>Corymbia maculata</i> (Spotted Gum)	Link Road (street trees from proposed Peters Street to Zetland Avenue)

Reason

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

(30) 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 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.

(31) 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 (including land to be dedicated/transferred to the City in the future).

Reason

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

(32) 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.

(33) PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

Reason

To ensure appropriate and safe paving materials are used.

(34) 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 type of Occupation Certificate.

Reason

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

(35) AIR CONDITIONERS GENERALLY

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring must:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations

(d) Wiring must be fully concealed.

Reason

To ensure the visual impact of air conditioners is minimised.

(36) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

A separate application must be made 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.

(37) 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.

(38) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

Reason

To require separate consent to be obtained for any additional signs.

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(39) DESIGN MODIFICATIONS – BUILDING S2 GROUND LEVEL

The design of Building S2 must be modified as follows:

- (a) All works proposed outside of the site (block boundary) including in the 1.4m site dedication for road/footpath widening on Epsom Road are not approved. The planters shown in this dedication must be removed.
- (b) G14: Retail glazing line must extend southward to sit behind the columns on Epsom Road.
- (c) G14: A level access with the footpath to Epsom Road is required. DDA access / design for flood planning level must be resolved internally for this entry.
- (d) G11: Retail glazing line must extend southward to sit behind the columns on Epsom Road. A level access with the footpath to Epsom Road is required.
- (e) G13: A level access with the footpath to Link Road is required.
- (f) The open niche behind the fire booster on Epsom Road must be removed for improved safety – this may necessitate the relocation / reconfiguration of visitor bike parking and amendments to the fire exit.
- (g) Improved design resolution and coordination of the columns / glazing lines / wall lines / stairs / ramps / entrances and services throughout the ground level must be provided to enable improved: address and access / high quality interface between the public domain, setbacks within the site and the external facade.

The modifications are to be submitted to and approved by Council's Executive Director City Planning, Development & Transport prior to the issue of any CC2 Construction Certificate.

Reason

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

(40) DESIGN MODIFICATIONS – BUILDING S3 GROUND LEVEL

The design of the Building S3 must be modified as follows:

- (a) Improved design resolution and coordination of the columns / glazing lines / wall lines / stairs / ramps / entrances and services throughout the ground level must be provided to enable; seamless ground level public domain interface in the setback to Epsom Road consistent with the western neighbour, improved address and access, and, high quality interface between the building and the public domain.

- (b) All ramping works proposed in the ground floor setback zone on Epsom Road are not approved and must be removed. A seamless continuation of the footpath level and the western neighbours seamless setback is to extend to the facade line.
- (c) The lobby glazing line and fire exit must relocate southward and align with the solid wall facing Epsom Road. This glazing line is to return to Defries Avenue to align with the eastern lobby glazing line.
- (d) DDA access / design for flood planning level must be resolved internally in the lobby. A level access with the footpath to either Epsom Road or Defries Avenue must be provided.

The modifications are to be submitted to and approved by Council's Executive Director City Planning, Development & Transport prior to the issue of any CC2 Construction Certificate.

Reason

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

(41) DESIGN MODIFICATIONS – INTERNAL LAYOUT PLANNING

The design of the buildings must be modified as follows:

Building S1:

- (a) The internalised studies to S1-A103 to S1-A703, S1-A106 to S1-A706, S1-A107 to S1-A407 vertical stack of apartments are to be removed. The relocation of the bathroom behind the bedroom and an increased room depth and area of open plan kitchen (incorporating laundry)/ dining / living is to be provided.

Building S2:

- (b) The internalised studies to S2-116 and S2-716 to S2-1216 vertical stack of apartments are to be removed. An increased room depth and area of open plan kitchen/ dining/ living (which can include a study nook as part of the main living area) is to be provided.
- (c) The internalised studies to S2-120, S2-221 to S2-521 vertical stack of apartments are to be removed. The relocation of the bathroom behind the bedroom and an increased room depth and area of open plan kitchen/ dining/ living (which can include a study nook as part of the main living area) is to be provided.
- (d) The internalised studies to S2-112, S2-119, S2-1312, and, S2-220 to S2-520 vertical stack of apartments are to be removed. An increased area of bedroom which can include a study nook as part of the bedroom or as part of the main living area is to be provided.

- (e) The internalised studies to S2-113 and S2-613 vertical stack of apartments are to be removed. The relocation of the bathroom to the study and an increased room depth and area of open plan kitchen /dining / living (which can include a study nook as part of the open plan area) is to be provided.
- (f) The internalised studies to S2-714 and S2-1214 vertical stack of apartments are to be removed. The relocation of the laundry and storage into this study (which can include a study nook as part of the open plan area) is to be provided.
- (g) The internal rooms to S2-1312 and S2-1313 are to be noted as laundries.
- (h) S2-618 is to be amended from a 3 bed apartment to a 2 bed apartment The internalised room is to be noted as laundry and the kitchen size can increase.
- (i) S2-619 is to be amended from a 1 bed apartment to a 2 bed apartment to reflect its layout.

Building S3:

- (j) The separate studies to S3-126 to S3-526 vertical stack of apartments are to be removed. An increased area of bedroom (which can include a study as part of the bedroom area) is to be provided.
- (k) The projecting blade wall to the southern elevation abutting the western neighbour is to be removed (Level 1 to roof). The roof outline (& setback plant enclosure line) are to be amended to follow the outside wall line of the level below.

Building S4:

- (l) The separate studies to S4-134 to S4-434 and S4-136 to S4-436 vertical stack of apartments are to be removed. An increased area of bedroom (which can include a desk as part of the bedroom area) is to be provided.

All buildings:

- (m) All rooms designed as a study are to have fixed desks. The drawings are to show the desks and include annotations that state the desks are fixed.

The modifications are to be submitted to and approved by Council's Executive Director City Planning, Development & Transport prior to the issue of any CC2 Construction Certificate.

Reason

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

(42) BUILDING S1 MULGU PARK FACADE

High quality design, detailing, materiality and integration with the facade, external sunshade treatments are to be provided to the following facade.

Details are to be submitted to and approved by Council's Executive Director City Planning, Development & Transport prior to the issue of any CC2 Construction Certificate:

- (a) External sunshade treatments are to be provided to Building S1 Western façade from level 1 to level 7 (to areas shown indicatively as red squares on elevation DA.SUT.S1.31.03).
- (b) These are to be designed and detailed by MHNDU/Alfred Hall Managhan Morris architects.

Reason

To improve building and facade quality and interfaces with the public domain.

(43) DESIGN MODIFICATIONS – WASTE MANAGEMENT

The design of the building must be modified as follows:

Basement

- (a) Retail waste room to be provided in the basement (to achieve this residential food and bulky waste area may be combined)
- (b) An enclosed and designated space incorporating three phase power to be provided to store the ride on bin tug and trailer for the transfer 1,100L bins and bulky waste. Adequate clearance for the use of this trailer to be demonstrated.

Ground floor loading dock

- (c) 'Retail Bulky Waste' room loading dock to be marked up as a 'Residential bulky waste collection room'.
- (d) Access doors from loading dock to residential lobby to be widened as far as possible. Preference for double doors and minimum of 1200mm to be provided for Building S2 Tower B to facilitate residential onboarding.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of any CC2 Construction Certificate.

Reason

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

(44) ACOUSTIC ATTENUATION AND NATURAL VENTILATION

The following details are to be submitted to and approved by Council's Area Planning Manager prior to the issue of any CC2 Construction Certificate for above ground works.

- (a) *118-130 Epsom Rd & 905 South Darling St, Zetland - Stage 3 South DA Noise Impact Assessment* (TRIM record 2025/214699) makes in principle design recommendations in Appendix B to modify the building designs to:
 - (i) address simultaneous natural ventilation and acoustic attenuation to achieve windows open noise criteria *via passive noise mitigation* to certain apartments.
 - (ii) address simultaneous natural ventilation and acoustic attenuation with *attenuated devices (vertical plenums)* to certain apartments.
- (b) Additional information is required, and the building design is to be amended, to address the *passive noise mitigation to certain apartments* approach in detail including:
 - (i) Updated comprehensive acoustic report detailing the specific requirements to each level and each balcony / glazing configuration variation to achieve required noise reduction via passive noise mitigation.
 - (ii) Demonstrated minimums of ADG 4B-1 area of unobstructed openings achieved, noting louvre windows are preferred over awnings for their increased air flow.
 - (iii) Updated Architectural general arrangement drawings, including 1:20 scale balustrade, soffit detailing and 1:50 scale window and door opening configurations, fully co-ordinating with and capturing this report's detailed recommendations.
- (c) Additional information is required, and the building design is to be amended, to address the *attenuated devices (vertical plenums) to certain apartments* approach in detail including:
 - (i) A Natural Ventilation Report is required to be provided by a suitably qualified consultant which reflects the below plenum inclusions, their exact component specification, and demonstrates the minimum required airflow all as required by the *City of Sydney's Draft Alternative Natural Ventilation Of Apartments In Noisy Environments: Performance Pathway Guideline*
 - a. Means of controlling the airflow within the plenum. This is typically addressed via a damper which is manually controllable from inside the room served by the plenum.
 - b. Flyscreens which are accessible and removable for cleaning from inside the room served by the plenum.
 - c. Hinged grille to the room served by the plenum for access to the required flyscreen
 - (ii) Updated Architectural general arrangement drawings and 1:20 scale minimum plans, and section details of the natural ventilation plenums which fully co-ordinate with and capture this report's detailed recommendations, including all plenum inclusions.

- (iii) The information submitted should show a level of detail equivalent to For Construction detailing.
- (d) Both Acoustic consultant and Natural Ventilation consultant review and confirmation that the architectural documentation achieves both the required ADG natural ventilation requirements and windows open noise criteria requirements simultaneously

Reason

To ensure natural ventilation and noise attenuation is achieved simultaneously.

(45) AWNING DESIGN

1:50 scale minimum plans, elevations, sections and details of all awnings which demonstrates high quality; design, integration with the façade, materiality and finishes are to be submitted to and approved by Council's Area Planning Manager prior to the issue of any CC2 Construction Certificate for above ground works:

- (a) Demonstrated compliance with required kerb setbacks and height clearances as per DCP 3.2.4
- (b) Relationship to existing bus stop shelter on Epsom Road
- (c) Interface with retail, services and level 1 façades
- (d) Structure
- (e) Waterproofing, drainage and integrated downpipes
- (f) Materials & finishes

The information submitted should show a level of detail equivalent to 'For Construction' detailing.

Reason

To ensure high quality awnings and interface with the public domain.

(46) PRIVACY TREATMENTS

External privacy treatments are to be provided which are high quality design, detailing, materiality and integration with the façade, to the following apartments.

1:20 scale minimum plans, elevation and section details of each privacy treatment variations are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any CC2 Construction Certificate for above ground works:

Building S1:

- (a) The north facing study windows of S1-104 to S1-704 vertical stack of apartments and the south facing study windows of S1-105 to S1-405 vertical stack of apartments are to be obscure glazing.

- (b) The south facing bedroom window of S1-505 to S1-705 vertical stack of apartments are to be obscure glazing and the bedroom robe replanned to be clear of the window

Building S2:

- (c) The east facing bedroom windows of S2-122 are to be amended to be high level windows (this can include solid aluminium panel below the window to retain the window suite proportions) and is to include external fixed vertical privacy louvres.
- (d) The east facing bedroom windows of S2-223 to S2-523, S2-620 vertical stack of apartments and the west facing bedroom windows of S2-212 to S2-612, S2-713 to S2-1213, S2-1312 vertical stack of apartments are to include external fixed vertical privacy louvres.

Building S3:

- (e) The east facing living and dining room windows of S3-G26 are to include external fixed vertical privacy louvres.
- (f) The west facing corridor windows on all levels are to be obscure glazing.

Building S4:

- (g) The west facing study windows which look on to common breezeway corridors on all levels are to be obscure glazing.
- (h) The western external edge of the common breezeway corridor on levels 1-4 are to include external fixed vertical privacy louvres.
- (i) The north facing bedroom window of S4-134 to S4-434, and, S4-532 vertical stack of apartments are to include external fixed vertical privacy louvres.
- (j) The south facing bedroom window of S4-136 to S4-736 vertical stack of apartments are to include external fixed vertical privacy louvres.

The required information must include detailed material, finishing, spacing, elemental sizing details. The information submitted should show a level of detail equivalent to 'For Construction' detailing.

Reason

To ensure adequate privacy for residents.

(47) PUBLIC DOMAIN INTERFACE

Updated overall plans, elevations and sections, and, 1:20 scale minimum plans, elevation and section details which demonstrates high quality; design, integration with both the facade and public domain interface, and materiality and finishes of the following are to be submitted to and approved by Council's Executive Director City Planning, Development & Transport prior to the issue of any CC2 Construction Certificate for above ground works:

- (a) Building S1/S2/S3/S4: Retail and lobby glazing (including columns), retail and lobby access including stairs, ramps and entries, and, landscape planters facing Link Road, Epsom Road, Peters Street, Chimes Street, Rose Valley Way including Shareway, and, Defries Avenue.
- (b) Building S1: Service elements / Fire exits / Blank walls to Lifts
- (c) Building S1: The design of Peters Street does not form part of this consent. As the ramps and steps are not approved in the design as shown on the plans, access to Building S1 retail lobby must not be reliant on the Peters Street frontage.
- (d) Building S2: Loading entrance area which is to be amended to include high quality treatments to all faces including reveals which extend the façade treatments, including a high quality soffit. The garage door is to be a high quality panel lift door.
- (e) Building S2: Fire Hydrant Booster Valve Cabinet / Water & Gas Meter / Substation
- (f) Building S3: Water & Gas Meter / Bike Store / Plant / Bin Store
- (g) Building S4: Fire Exits / Plant / Planters
- (h) Building S3/S4: Ground level street interfaces: Each variation of ground floor apartment interface condition demonstrating; high quality resolution of; landscaping including planter designs, fencing, gates, paths and stairs, and, public domain levels. Ground level landscaped areas are to be common property rather than allocated to the ground floor units. The designs are to demonstrate adequate passive surveillance and privacy is achieved simultaneously.

The required information must include detailed material, finishing, spacing, elemental sizing details. The information submitted should show a level of detail equivalent to 'For Construction' detailing.

Reason

To ensure high quality design and detailing, and interfaces with the public domain.

(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 & Transport prior to any 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'.

No tinted window glazing is approved.

Reason

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

(49) GLAZING

Prior to the issue of any CC2 Construction Certificate for above ground works, the following details are to be submitted to Council's Area Planning Manager for approval as follows:

- (a) All transparent glass (including any balcony glazing) is to be clear to achieve a high level of transparency to provide visual depth and have a neutrality of colour. A consistency in appearance and colour characteristics between all facades is to be achieved.
- (b) The submitted details are to include physical samples of the glass types, details of the manner of assembly, and the glazing characteristics including the proposed Shading Coefficient, the Visible Light Transmission and the Reflectivity.

Reason

To ensure clear and consistent glazing is used throughout.

(50) WIND MITIGATION

- (a) The 'Pedestrian Wind Assessment' prepared by CPP Wind Engineering Consultants, dated 28 March 2025 (Council ref. 2025/203702) identifies locations that fail the wind safety criteria and makes recommendations to modify the building and landscape design to address wind impacts.

Amended architectural and landscape plans are to be submitted to and approved by Council's Executive Director City Planning, Development & Transport prior to the issue of any CC2 Construction Certificate:

- (i) **Building S2 Level 7 rooftop communal open space** – Localised areas of enclosed pergola are to be provided to selected seating areas to achieve pedestrian sitting criteria for part of the rooftop communal open space. These are to be located clear of proposed canopy trees to allow for proposed tree canopy growth to maturity.
- (b) A revised Wind Report including quantitative wind testing results is to be provided with the amended architectural and landscape plans which demonstrate that the detailed design of the above referenced wind mitigation measures achieves the required wind mitigation outcomes.

Reason

To provide well designed and integrated wind mitigation requirements which are co-ordinated across documentation.

(51) STORAGE DETAILS

- (a) An updated storage details diagram for all buildings, demonstrating consistency with the objectives, design criteria and design guidance in the Apartment Design Guide, must be submitted and approved by Council's Area Planning Manager prior to any CC2 Construction Certificate being issued.
- (b) The details diagram must show at a minimum:
 - (i) The volume of each cupboard within apartments
 - (ii) The volume of any storage cages in the basement
 - (iii) The allocation of basement storage spaces to individual apartments
- (c) Storage for Building S3 located within the basements of Buildings S2 and S4 must be clearly identified.
- (d) Secured bike parking rooms, located under the future public domain, are to Common Property, and must not be counted towards the storage totals for each apartment.
- (e) Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the works have been constructed in accordance with the approved Storage Details Diagram approved by Council.

Reason

To ensure compliant storage is provided to every unit.

(52) REFLECTIVITY

- (a) Prior to issue of any 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%.
- (b) In addition, the Registered Certifier must ensure that all glare mitigation recommendations of the Reflectivity Report titled 'Stage 3, Epsom Road, Zetland Reflectivity Assessment' dated 21 March 2025 prepared by SLR (TRIM record 2025/186894) must be met. These glare mitigation recommendations may include a more stringent reflectivity percentage than that described under (a), as well as other recommendations.

Reason

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

(53) 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 CC2 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.

(54) PUBLIC ART

- (a) Public art must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.
- (b) The site-wide Preliminary Public Art Plan submitted with this development application has not been approved. The site-wide Preliminary Public Art Plan is to be revised to include:
 - (i) a public art budget of 0.35% of the estimated cost of development for each development stage (calculated to be \$556,118.13 to meet the Stage 3 South contribution); and
 - (ii) nominate public art opportunities noted to be in the property boundary for stages NE, NW, and South, including on the corner of Link Road and Epsom Road.

and resubmitted for approval prior to the issue of any CC2 Construction Certificate.

- (c) The public artwork must be in accordance with the approved Preliminary Public Art Plan, the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments.
- (d) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Executive Director City Planning, Development & Transport prior to issue of any CC2 Construction Certificate.
- (e) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Executive Director City Planning, Development & Transport prior to the issue of any Occupation Certificate.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. 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 public art is installed to the City's satisfaction.

(55) 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.

(56) CAR PARK AND BICYCLE PARKING DESIGN

Amended architectural plans for the ground and basement levels must be submitted to and approved by Council's Area Planning Manager prior to any CC2 Construction Certificate being granted. These plans must address the following concerns:

- (a) Provide a consolidated parking schedule for car, motorcycle and bicycle parking for the entire development. This schedule should include the bicycle parking spaces on the ground level as well as service vehicle spaces in the basement.
- (b) The following parking spaces are to be included within the parking schedule, whilst ensuring that the LEP maximum parking numbers are not exceeded:
 - (i) The unlabelled parking space adjacent to space S4 RA.6 on Basement 2 of Building S4.
 - (ii) The 'hashed' parking space between space V.9 and V.10 on Basement 3 of Building S4, noting that V.9 and V.10 have not been allocated as accessible spaces.
- (c) Clearly indicate the service vehicle spaces on the plans.
- (d) Amend the ramp grades on S2 basement plans to match the ramp profiles provided.
- (e) Specify the number of bicycle parking spaces provided on the ground level plans.
- (f) Bicycle parking design is to be designed in accordance with AS 2890.3, including the provision of 1.5m clear aisle widths.
- (g) End of trip facilities for the development to be provided in accordance with the DCP requirements.

Reason

To ensure issues relating to the car park and bicycle parking are resolved.

(57) PRELIMINARY LOADING AND SERVICING MANAGEMENT PLAN

A revised Preliminary Loading and Servicing Management Plan must be submitted to and approved by Council's Area Planning Manager prior to the issue of any CC2 Construction Certificate.

The Preliminary Loading and Servicing Management Plan must include the strategy for the management of all servicing of the site including delivery vehicles, garbage collection, service vehicles and should include information such as arrivals to the site, the anticipated numbers of arrivals per week, time of day of the arrivals, length of stay, vehicle type etc. along with how these will be managed to prevent disruption to public streets.

The Plan should be generally in accordance with the *Preliminary Loading and Servicing Management Plan* prepared March 2025 submitted as part of the application. The Plan should also include the following additional information:

- (a) Demonstrate how waste bins, removalist deliveries and retail deliveries can be transferred to/from the loading area with minimal impact to the public domain. This should include the Council waste collection for Building S3.
- (b) Demonstrate how unimpeded access will be provided for residential collection vehicles to set down within 10m of waste storage areas between 6am and 6pm on collection day(s) or until all scheduled residential waste collections have been completed for the day.

Reason

To ensure the loading dock and servicing is managed safely.

(58) MODIFICATION OF DEVELOPMENT CONSENT D/2023/753

- (a) Development consent D/2023/753, dated 5 August 2024, must be modified pursuant to Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979.
- (b) Drawing No. C-2 291 is to be modified to provide an on-street loading zone on Rose Valley Way to replace the 2P parking signs, adjacent to Building S4 and opposite Building S3 (10m from the bin room).
- (c) Notice of such modifications shall be given to Council in accordance with Section 67 of the Environmental Planning and Assessment Regulation 2021 prior to any CC2 Construction Certificate for Building S3.

Reason

To ensure D/2023/753 is modified to allow an on-street loading space is provided adjacent to Building S3.

(59) ON-STREET LOADING ZONE ON ROSE VALLEY WAY

An on-street loading zone is to be provided on Rose Valley Way, adjacent to Building S4 and opposite Building S3 (10m from the bin room)

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.

Reason

(60) To ensure on-street loading space is provided adjacent to Building S3. 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 CC2 Construction Certificate being issued.

Reason

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

(61) 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 CC2 Construction Certificate.

Car Parking Type	Number
Residential spaces	159
Accessible residential spaces	36
Residential visitor spaces	27
Accessible residential visitor spaces	2
Retail parking	8
Accessible retail parking	1
Car share parking	3
Motorcycle parking	22
Medium rigid/ Council waste vehicle loading dock	1

Reason

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

(62) 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	265	Spaces must be class 2 bicycle facilities
Residential visitor	44	Spaces must be Class 2/3 bicycle facilities
Non-residential	4	Spaces must be Class 2 bicycle facilities
Non-residential visitor	11	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	4	

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 CC2 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.

(63) CAR SHARE SPACES

- (a) A minimum of 3 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised plan showing these spaces must be submitted to and approved by Council's Area Planning Manager prior to the issue of any CC2 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.

(64) 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.

(65) DESIGN MODIFICATIONS - LANDSCAPE

- (a) The 'PUBLIC DOMAIN CIVIL WORKS SOUTH STAGE 3 PACKAGE' dated 13 NOVEMBER 2024 (Council ref. 2024/666356) identifies stormwater OSD tanks, inlet pits and pipes that fall within planters at ground level. The design of stormwater devices in each building and landscaping is to be coordinated to ensure ground level landscaping and presentation to each building is unencumbered by these items.
- (b) An overlay must be submitted that confirms the location of OSD / WSUD tank and pits for each block to ensure the proposed ground level landscaping is feasible.
- (c) Revised landscape drawings and details fully describing the above must be submitted to and approved by Council's Area Planning Manager prior to the issue of any CC2 Construction Certificate.

Reason

To ensure the proposed ground level landscaping is feasible.

(66) STORMWATER PITS IN GARDEN BEDS

- (a) Granite paving (P1) to building S1 and S2 that interfaces with Mulgu park pavements are not approved. The pavements must be Ecotrihex permeable pavement system.
- (b) Revised landscape drawings and details fully describing the above must be submitted to and approved by Council's Area Planning Manager prior to the issue of any CC2 Construction Certificate.

Reason

To ensure an appropriate interface with the Mulgu Park pavements.

(67) LANDSCAPE OF THE SITE

- (a) A landscaped design package and technical specification suitable for construction, prepared by a registered landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to the issue of any CC2 Construction Certificate. These documents 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, services, furniture, shade structures, lighting and other features.
 - (iii) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
 - (iv) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (v) Details of drainage, waterproofing and watering systems.
 - (vi) 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, are to be submitted with the landscape package.
- (c) 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.

(68) ACCESSIBLE GREEN ROOFS

- (a) A detailed green roof design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Executive Director City Planning, Development & Transport prior to the issue of any CC2 Construction Certificate. These documents must include:

- (i) A statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments.
 - (ii) Location and details of existing and proposed services, walls, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Engineers report confirming structural capacity of building for proposed roof terrace loads.
 - (iv) Wind study (if applicable) confirming suitability of the roof for intended use.
 - (v) Details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
 - (vi) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (vii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (viii) Green roof maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
 - (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

Reason

To ensure that the accessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

(69) INACCESSIBLE GREEN ROOFS

- (a) A detailed green roof design including plans and details drawn to scale, and technical specification, prepared by a registered landscape architect, must be submitted to and approved by Council's Executive Director City Planning, Development & Transport prior to the issue of any CC2 Construction Certificate. These documents must include:

- (i) Location and details of existing and proposed services, walls, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (ii) Details of soil types and depth including any mounding.
 - (iii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (iv) Planting details, and location, numbers, type and supply size of plant species. A high diversity of plant species diversity that are drought resistant should be provided.
 - (v) Long term green roof maintenance plan. This plan is to be complied with during occupation of the property, and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any safety anchor points, gates and transport of materials and green waste.
 - (vi) A statement outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.
- (b) Prior to the issue of any CC2 Construction Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
 - (c) Inaccessible green roofs must be completed prior to the issue of an Occupation Certificate.

Reason

To ensure that the inaccessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

(70) LANDSCAPING OF THE SITE (TREES)

- (a) The Landscape Plan prepared by Urbis dated 15 November 2024 is not approved. A detailed 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 CC2 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) 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.

- (iii) The Plans must specify the location, quantity, type, and supply of plant species, along with their container size and mature dimensions (height and width), in accordance with the relevant Australian Standard.
- (iv) 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.
- (v) The planting schedule must include a diverse range of trees selected from the City of Sydney Tree Species List, ensuring suitability, mature dimensions, and compatibility with the Sydney area. Species such as *Melaleuca linariifolia*, identified as 'limit use' due to the risk of Myrtle Rust, must be avoided and replaced with alternative species from the Tree Species List.
- (vi) The landscape plan must include the projected canopy cover for the site within 10 years of construction completion, demonstrating adequate space for unrestricted growth.
- (vii) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction.
- (viii) Details of planting procedure and maintenance.
- (ix) Details of drainage, waterproofing and watering systems.
- (x) Prior to the issue of a CC2 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.

(71) ELECTRICITY SUBSTATION AND TURRETS

- (a) Prior to the issue of any CC2 Construction Certificate for the buildings, provision must be made by the project architects to locate any electricity turrets and substations required as a consequence of the development within the site boundaries or proposed 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 that the provision of a substation and turrets to service the development is appropriately incorporated into the design of the building in a manner that minimises streetscape impacts.

(72) 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.

(73) PUBLIC DOMAIN LEVELS AND GRADIENTS

Prior to the issue of any CC2 Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted for review to the City's Public Domain Unit prior to approval from Council's Area Planning Manager. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.

Reason

To ensure public domain levels and gradients comply with Council's requirements.

(74) STORMWATER DRAINAGE DESIGN

Prior to issue of any CC2 Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professionals must be submitted to and approved by the City's Public Domain Unit and must include:

A certified stormwater drainage design complying with:

- (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.

(75) 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 CC2 Construction Certificate.

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.

(76) STORMWATER QUALITY ASSESSMENT

Prior to issue of any CC2 Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NPER) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit.

The report must include a response to all stormwater 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.

(77) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Figure 5 of the report titled 'Flood Impact Assessment Report' prepared by EGIS dated 13 November 2024 (Council ref. 2024/666309).

Details must be submitted to the Registered Certifier prior to the issue of any CC2 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.

(78) PUBLIC DOMAIN LIGHTING UPGRADE

Prior to issue of any CC2 Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted for review to the City's Public Domain Unit prior to approval by Council's Area Planning Manager. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications A5 and B8*, *Sydney Lights Design Code* and *Public Domain Manual*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/d-a-associated-works>.

The lighting upgrade plan must cover all adjacent street frontages, being Link Road, Rose Valley Way, Chimes Street, Peters Street, Defries Avenue and Epsom Road.

Advice on site specific lighting requirements must be obtained from City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

Reason

To ensure pedestrian and street lighting in the public domain complies with Council's requirements.

(79) NEW ROAD DESIGN

Preparation of the detailed design and construction documentation for the proposed public road system must include all necessary liaison with, and requirements of, all relevant public utility authorities, Roads and Maritime Services, the City of Sydney, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance. Written evidence of approval from relevant authorities must be submitted to the City with the road design submission.

A design package must be prepared based on the requirements outlined in Council's *Public Domain Manual*. A design report for the road works must be prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, standards and specifications and those of all other relevant authorities as applicable. All engineering plans and calculations must be checked, signed and certified by a suitably qualified practicing professional engineer and included in the report. The design package and report must be submitted to and approved by Council's Public Domain Manager prior to the construction of the road.

Reason

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

(80) 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.

(81) BASEMENT AND LINKS BELOW FUTURE ROADS

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

- (a) Have a minimum depth cover of 2m 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.

Reason

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

(82) FOOTPATH AWNINGS

Footpath awnings which are proposed to be constructed above the public domain (including public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the Local Government Act 1993 and/or Section 138/139 of the Roads Act 1993 prior to any Construction Certificate for above ground works.

Documentation must be submitted to the City's Construction and Building Certification Services Unit with the application demonstrating that the awning height complies with Development Control Plan 2012. Plans are to include dimensions confirming the awning width and setback from the kerb. Awning gutters are to be concealed from the public domain and plans are to confirm downpipes are located within or recessed into the ground floor frontage of the building.

Reason

To ensure compliance with City regulations.

(83) FUTURE FOOD USE – MECHANICAL VENTILATION PROVISION

Prior to the issue of any CC2 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 Airconditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Ventilation and Airconditioning in Buildings – Fire and Smoke Control in Buildings.

Reason

To ensure the mechanical ventilation complies with relevant standards.

(84) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL

The Operational Waste Management Plan accompanying this Development Application has not been approved by this consent. An Operational Waste Management Plan is to be submitted to and reviewed by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of any CC2 Construction Certificate.

The plan must comply with Council's Development Control Plan and *Guidelines for Waste Management in New Developments*. The plan must address:

- (a) Update architectural drawings for all waste facilities and infrastructure.
- (b) Path of travel from all retail tenancies in S2 and access arrangements to loading dock and waste storage area to be marked up, demonstrating pathway and procedures to minimise impacts to the public domain.
- (c) Residential bins to be relocated to basement storage areas immediately following collection.
- (d) That retail tenants will be given access to the residential lobby to access the retail waste storage room in the basement. Specify that no separate bulky waste management for retail tenancies has been provided for. The path of travel should be drawn up and provided for.
- (e) Confirm the developer is responsible for purchasing a bin tug, trailer and bin lifters as required.
- (f) Unimpeded access will be provided for residential collection vehicles to set down within 10 meters of waste storage area(s) between 6am and 6pm on collection day(s) or until all scheduled residential waste collections have been completed for the day.
- (g) Building management or cleaners will decant 240L recycling bins into 1,100L bins for collection prior to transferring to respective loading areas.

Reason

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

(85) WASTE INFRASTRUCTURE – RESIDENTIAL

Prior to the issue of any CC2 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 1,200mm 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.
- (c) Linear track system configuration to be drawn up on plans in all chute discharge rooms (including supporting elevations).
- (d) The path of transfer to provide minimum spatial requirements (minimum room sizes, minimum door sizes, manoeuvring space, size of bin holding areas etc.) for waste management systems and specified bin sizes.

- (e) Bin moving equipment storage room (B1) to incorporate three phase power.

Reason

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

(86) WASTE CHUTE – ACOUSTIC CONSTRUCTION PERFORMANCE VERIFICATION

Prior to the issue of any CC2 Construction Certificate, all chute rooms and chutes construction are to be verified by an appropriately qualified acoustic consultant to the satisfaction of the principle certifying authority to achieve:

- (a) an RW + Ctr of not less than 55 if the adjacent rooms are habitable rooms (includes a kitchen, laundry and hallway) and walls are to achieve a DnT, w + Ctr of not less than 50 in verification prior to occupation, and
- (b) an LnT,W + CI of not more than 55 if the adjacent rooms are habitable rooms (includes a kitchen, laundry and hallway) and achieve a LnT,w + CI of not more than 55 in verification of the construction methodology prior to occupation.

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).

Reason

To protect the amenity of residential apartments.

(87) SIGNAL SYSTEM

A system of traffic lights and/or mirrors must be installed at the ends of any one-way ramps (with limited visibility), to indicate traffic movement on the ramp(s).=

Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

Reason

To maintain the orderly operation of vehicle parking areas.

(88) FLOOD EMERGENCY RESPONSE PLAN

- (a) Prior to the issue of any CC2 Construction Certificate, a Flood Emergency Response Plan is to be prepared by a suitably qualified flood engineer and approved by Council's Area Planning Manager.
- (b) The Flood Emergency Response Plan must include all measures required to be implemented to ensure the ongoing management of flooding risk in relation to the building, including (but not limited to) the following:
 - (i) Describe the flood conditions in the vicinity of the site.

- (ii) If appropriate, direct persons on the site to seek refuge above the Probable Maximum Flood level for all levels of the building that are flood affected. Shelters in place for flood affected parts of the building is not permissible.
- (iii) Include a map directing residents and visitors to a refuge via a flood free pathway within the building.
- (vii) Provide details of access to flood free areas for disabled persons.
- (c) No toxic or other hazardous materials are to be stored below the Flood Planning Level or in the basement levels.

Reason

To ensure flood risk management measures are complied with.

(89) SITE AUDIT STATEMENT

Prior to the issue of the CC2 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 for the Stage South land 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 submitted and approved for the development site under D/2023/753 on 5 August 2024 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 and 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.

(90) 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.

(91) 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 any CC2 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).

(92) FLOOR TO CEILING HEIGHT

Prior to any CC2 Construction Certificate being issued, the Registered 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.

(93) 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 20/03/2025, ref 20240990.1/2003A/R1/SW, titled DA Noise Impact Assessment, Council Ref 2025/214699 must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any CC2 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.

(94) CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:-

- (a) Identification of noise sensitive receivers near to the site.

- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.(c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.(d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery.(e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.(f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.(g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.(h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

Reason

To ensure an adequate construction noise and vibration management plan is prepared.

(95) 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 Coordinator | Area Planning Manager for written 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.

(96) 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.

(97) TELECOMMUNICATIONS PROVISIONS

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broadband access by ground or satellite delivery. The details must be submitted for the approval of the Registered Certifier prior to any CC2 Construction Certificate being issued.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

Reason

To ensure the development adequately provides for telecommunications.

(98) TELECOMMUNICATIONS IN NEW DEVELOPMENTS

Prior to the issue of any CC2 Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Registered Certifier that arrangements have been made for:

- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

Reason

To ensure the development adequately provides for telecommunications.

(99) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of any 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.

(100) LETTERBOXES

- (a) Details of the location and design of all letterboxes are to be submitted to the satisfaction of the Principal Certifier prior to the issue of any CC2 Construction Certificate.
- (b) Letterboxes are to be discreetly located, must not obstruct and/or dominate the public way and must be of a type and specification that minimises opportunities for mail theft.

- (c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

Note: The applicant is strongly advised to contact Australia Post to discuss how the letterboxes within the lobby will be accessed.

Reason

To ensure letterboxes are located in an appropriate location on the site to prevent mail theft.

(101) DESIGN FOR ENVIRONMENTAL PERFORMANCE

Prior to the issue of any CC2 Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the Design for Environmental Performance report prepared by Sonali Padarath, dated 15 November 2024 (Council ref. 2024/675347) are incorporated into the relevant construction plans and accompanying documentation:

- (a) Section 3 – BASIX

A copy of the required completed BASIX certificate(s) accepted as part of this consent/as amended above must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate(s) must be specified on the plans submitted with the Construction Certificate application.

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 Division 1 of Part 6 of the EP&A Regulation, 2021.

- (b) Section 4 – Energy Efficiency and Greenhouse Gas Emissions Abatement
- (c) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
- (d) Section 6 – On site Renewable Energy Generation and Storage
- (e) Section 7 – Design for Resilience to Climate Change
- (f) Section 8 – Designing for mains potable water savings and water efficiency
- (g) Section 9 – Storm water quality
- (h) Section 10 – City Greening
- (i) Section 11 – Promoting Active Transport and Reducing Transport Emissions
- (j) Section 12 – Materials, Embodied Carbon and Circularity
- (k) Section 13 – Waste Management and Resource Recovery
- (l) Section 14 – Third Party Certification and Design, Construction or Technology Innovations

Changes to any commitments as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager prior to the issue of any CC2 Construction Certificate.

Reason

To ensure the environmental performance of the development.

(102) EMBODIED EMISSIONS REPORTING

Prior to the issue of any CC2 Construction Certificate, as per requirements under the Sustainable Buildings SEPP, embodied emissions reporting is to be updated to reflect finalised material specifications and increased design detail. If the NABERS Embodied Emissions Tool is active prior to submission of construction certificate documentation, then reporting is to be provided through the tool.

Reason

To ensure quantification of embodied emissions from the development.

(103) ELECTRIC VEHICLE CHARGING

Prior to the issue of any CC2 Construction Certificate, it is to be demonstrated that:

- (a) 10% of worker car spaces are fitted with a Level 2 charger or higher
- (b) 25% of retail customer car spaces are fitted a three phase Level 2 EV charger at 22 kilowatts or higher
- (c) EV charges will be supplied by renewable energy through a GreenPower plan, for at least 5 years

Evidence of EV chargers is to be shown on for construction electrical plans. Written agreement or confirmation is sufficient for renewable energy procurement requirement.

Additionally, in accordance with the relevant Planning Agreement (VPA/2023/18) to enable all residential parking spaces within the Development to be capable of being fitted with an Electric Vehicle Charger, electric vehicle charging infrastructure shall be provided as follows:

- (d) Power supply and distribution boards for electric vehicle charging in accordance with Section J9D4 'Facilities for electric vehicle charging equipment' in NCC 2022 Volume One – Building Code of Australia, and
- (e) All residential parking spaces are to be located within 10 metres of a cable tray sized to accommodate cabling for 100% of spaces it serves and terminates at the closet electronic vehicle distribution board.

Reason

To ensure sustainability requirements are implemented.

(104) NON-POTABLE RECYCLED WATER DUAL RETICULATION

Prior to the issue of any CC2 Construction Certificate details are to be provided to the Principal Certifier demonstrating compliance with the Non-potable Recycled Water Dual Reticulation requirements of the relevant Planning Agreement (VPA/2022/18).

Reason

To ensure sustainability requirements are implemented.

(105) 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.

(106) 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.

(107) 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.

BEFORE BUILDING WORK COMMENCES

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

Prior to the commencement of any works on site, including, but not limited to construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifier.

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
 - (i) existing site contours;
 - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
 - (iii) 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).

Reason

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

(109) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), 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 for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);

- (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2017*).

Reason

To ensure the necessary approval is obtained for temporary structures over a public road.

(110) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, 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 prior to the installation of such devices.

Note: Building maintenance unit means a power operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2017*).

Reason

To ensure appropriate approvals are sought for operating hoisting devices.

(111) OTHER REQUIRED APPROVALS

Any structure, attachment or activity which is proposed to be undertaken in, on or above a road reserve or the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the Local Government Act 1993 and/or Section 138/139 of the Roads Act 1993 prior to the commencement of work/activities within the road reserve/public domain. Such activities include but not limited to:

- (a) installation of construction-related temporary structures including hoardings/scaffolding;
- (b) installation and/or alterations to advertising/business signs;
- (c) installation and/or alterations to street awnings;
- (d) crane operation and other hoisting activities;
- (e) temporary works (e.g. barricading, road openings, mobile hoisting devices);
- (f) works zones (for loading and unloading from the roadway); and
- (g) temporary ground anchoring and shoring to support a roadway when excavating; and
- (h) any other structure or encroachment including facade elements/architectural features.

Reason

To ensure use of a public place is managed appropriately.

(112) 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.

(113) 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.

(114) TREE PROTECTION BEFORE AND DURING CONSTRUCTION

All trees that will be affected by the development within the property and on any adjoining land, must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and as follows:

- (a) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 6 metres of the trunk of any tree to be retained (including trees within adjoining properties).
- (b) Excavation must not occur within 6 metres of the trunk of any retained tree (including trees within adjoining properties). If excavation is proposed within this zone, Council's Tree Management Officer must be contacted immediately, and the excavation must be carried out in accordance with Council's direction.
- (c) Excavations where they are within 8 metres of any tree (including trees in adjoining properties) must be undertaken using non-destructive methods (such as by hand) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.
- (d) 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.
- (e) Tree trunk and major branch protection must be undertaken prior to the commencement of any works. The protection must be by a qualified Arborist with a minimum AQF Level 3 qualification in arboriculture and must include:
 - (i) Tree trunk/s and/or major branches must be protected by wrapped thick carpet underlay or similar padding material to limit damage;
 - (ii) Timber planks (50mm x 100mm) 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 hessian and timber planks must not be fixed to the tree in any instance, or in any fashion;
 - (iii) 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.
- (f) The protection must be certified by an arborist with a minimum AQF Level 5 qualification in arboriculture.

- (g) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council.

Reason

To ensure the protection and ongoing health of trees.

**(115) 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.

(116) 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.

DURING BUILDING WORK

(117) COMPLIANCE WITH NATIONAL CONSTRUCTION CODE

All proposed work must comply with the *National Construction Code (previously known as Building Code of Australia)*.

Reason

(Prescribed condition - EP&A Regulation 2021 clause 69(1)).

(118) FLASHINGS TO BOUNDARY WALLS

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

Note: Attachments or connections to party walls may require the consent of the adjoining property owner/s.

Reason

To prevent water entering between the walls of adjoining properties.

(119) 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.

(120) 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 9am to 12pm and 2pm to 5pm.
- (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.

(121) 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.

(122) 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 approved Construction Noise and Vibration Management Plan.

- (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.

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.

(123) 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.

Note: Information and downloadable forms may be found on the City's website in the 'Construction permits and approvals' section.

Reason

To ensure that approval under the Roads Act is obtained.

(124) 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 2021, Section 70.

(125) 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.

(126) 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.

(127) 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.

(128) 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.

(129) 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.

(130) 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 5 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.

(131) 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.

(132) PUBLIC DOMAIN WORKS SECURITY BOND

A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to an approval being issued for the approval of the Public Domain Plan.

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

Reason

To ensure public domain works are completed and any damage to the public domain is rectified.

(133) 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.

(134) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain plan and future public domain plan and all relevant documentation must be submitted to City's Public Domain Unit prior to approval by the Executive Director City Planning Development & Transport and before construction of any public domain works. 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 *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 prepared, signed and dated by a registered surveyor, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be for Construction issue and will be approved under Section 138 of the Roads Act.

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.

Note: All areas between the approved buildings and approved kerbs, excluding parks, are to be included in the Public Domain Plan documentation.

Reason

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

(135) HOLD POINTS

Prior to an approval being issued for the construction of public domain and / or 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.

(136) 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.

(137) PUBLIC DOMAIN LIGHTING RETICULATION

Prior to the issue of any relevant approval for the construction of public domain works, a detailed Public Domain Lighting Reticulation Plan for pedestrian and street lighting in the public domain must be submitted to and approved by the City's Public Domain Unit in accordance with the City's *Sydney Lights Design Code*, *Sydney Streets Code*, *Sydney Streets Technical Specification* and *Public Domain Manual*.

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>.

If applicable, this public domain lighting documentation must include pole footing locations and structural details, location and details of underground electrical reticulation including connections and conduits, pit cabling and certifications as described in the City's *Public Domain Manual*. The public domain lighting is to be superimposed on the public domain plan to show any conflicts between lighting and the proposed landscape design.

Reason

To ensure the public domain lighting documentation complies with Council requirements.

(138) SURVEY SETOUT

Prior to the commencement of construction all footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor.

The building shall be sufficiently set back to ensure that no component of the building (such as the roof, guttering, or downpipes) encroach upon or overhang the boundaries of the site.

The registered surveyor shall provide a survey and report to the Principal Certifier indicating the position of the footings, walls and floor slabs in relation to the boundaries of the allotment.

Reason

To ensure the development does not encroach onto neighbouring properties.

(139) CHECK SURVEYS DURING CONSTRUCTION

Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying and Spatial Information Act, 2002, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries and is in accordance with approved setbacks. This survey shall be provided to the Principal Certifier prior to the concrete pour. The concrete pour must not take place until the Principal Certifier receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site, and is compliant with the setbacks approved under this consent.

Reason

To ensure the development does not encroach onto neighbouring properties.

(140) 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.

(141) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

All recommendations contained in the Acid Sulfate Soils Management Plan (Council ref: 2024/377083) prepared by *Trinitas Group*, reference *V1F* dated 25 June 2024 must be implemented.

Reason

To ensure that Acid Sulphate Soils are appropriately managed.

(142) 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.

(143) 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.

(144) 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.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(145) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL

Prior to the issue of an Occupation Certificate 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.

(146) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL

- (a) Prior to the issue of an Occupation Certificate, 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.

(147) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

Prior to the issue of an **Occupation Certificate**, 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.

(148) 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*.

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 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.

(149) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION

Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

Reason

To ensure Council receives works-as-executed documentation for public domain works.

(150) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate:

- (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.

(151) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the 'Flood Impact Assessment Report' prepared by EGIS dated 13 November 2024 (Council ref. 2024/666309).

Reason

To ensure the development achieves the required floor levels.

(152) PUBLIC DOMAIN SAFE ACCESS

Prior to the issue of any Occupation Certificate, pedestrian and vehicle access must be provided between all pedestrian and vehicle entrances to the relevant building to the surrounding road network by way of safe, accessible, well-lit roads and footpaths.

Reason

To ensure the residents and members of the public can access the development safely.

(153) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Prior to the issue of any type of Occupation Certificate for each 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 including gutters and downpipes over the side boundaries or rear lane that are not approved in the DA must be removed, or where approved, 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 must, if supported, be approved by Council's Area Planning Manager prior to the issue of any type of Occupation Certificate.

Reason

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

(154) 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' condition of this consent.

Reason

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

(155) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building 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 any other use.
- (b) A Restriction on the Use of Land is to be registered on the title of the development site in the above terms and restricting any change of use of from residential accommodation as defined in *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 covenant 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 where no subdivision will occur.
- (c) If a lot 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.

Reason

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

(156) RESTRICTION ON USE OF CAR SPACES AND STORAGE SPACES

The following conditions apply to car parking:

- (a) The on-site car parking spaces and/or storage spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.
- (b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of Land, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The Restriction is to be created to the benefit of Council, at no cost to and to the satisfaction of Council.
- (c) If the building is to be strata subdivided, all car parking spaces and/or storage spaces, exclusive of service and visitor car spaces, must be allocated to a residential or commercial lot (as the case may be), consistent with planning controls, within the Strata Scheme.
- (d) If the building is to be strata subdivided, a Restriction on the Use of Land must be created burdening all lots containing car parking spaces in the Strata Scheme, pursuant to section 88B of the *Conveyancing Act 1919*, to the effect of (a) above. The Restriction is to be created to the benefit of Council, at no cost to and to the satisfaction of Council.

Reason

To ensure the on-site car parking spaces and/or storage spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the building.

(157) BASIX

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

Reason

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

(158) PHYSICAL MODELS

- (a) Prior to the issue of any Occupation Certificate 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.

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

- (a) Prior to any Occupation Certificate being issued, 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.

(160) STREET ADDRESSES OF LOTS – PRIOR TO STRATA CERTIFICATE

In accordance with Clause 61 of the *Surveying and Spatial Information Regulation 2024*, the street address for the lot must be shown on the Administration Sheet for any future strata plan. An application must be made to Council's Spatial Services Unit prior to the lodgement of any strata certificate application, to obtain the correct street address for the lot. The street address allocated by Council must be provided to the registered surveyor for inclusion in a schedule on the Administration Sheet.

Reason

To ensure compliance with the provisions of the *Surveying & Spatial Information Regulation 2024*.

(161) 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.

(162) TRANSPORT ACCESS GUIDE

A 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.

The following information shall be submitted to and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate for the site/use:

- (a) A Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes.
- (b) Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

Reason

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

(163) LOADING AND SERVICING MANAGEMENT PLAN

A final Loading and Servicing 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 an 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.

(164) 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.

(165) BUILDING/STRATA MANAGEMENT STATEMENT

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.

- (a) Shared driveways and loading docks must be covered by suitable easements defined on the subdivision plan to the satisfaction of Council, and not be dealt with only by means of an SMS or BMS.
- (b) Garbage rooms must be covered by suitably dimensioned easements shown on the plan to Council's satisfaction, unless fully enclosed by walls, and garbage room doors kept closed at all times unless personnel are present
- (c) The Building / Strata Management Statement must not prevail over any easement, restriction on the use of land, or positive covenant that benefits Council.

Reason

For the orderly operation of the buildings, and clarity for owners and purchasers of future lots.

(166) ADDITIONAL EASEMENTS

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

Reason

For the orderly operation of the buildings.

(167) EASEMENTS UNDER SEC 196 CONVEYANCING ACT

Documentary reciprocal easements for services, drainage, support and shelter, and emergency egress, affecting the whole/part of each lot if so desired, must be created over the lots in any subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

Reason

To ensure the orderly operation of the building.

(168) RIGHTS OF CARRIAGEWAY OVER SHARED DRIVEWAY AREAS

All shared driveway areas must be covered by dimensioned rights of carriageway on the subdivision plan, in stratum if appropriate, pursuant to Section 88B of the *Conveyancing Act, 1919*. Global rights of carriageway must not be used for the shared driveway areas

Reason

To ensure clarity in relation to the driveway areas and the orderly operation of the buildings.

(169) STRATA TITLE PARKING SPACES AND STORAGE AREAS

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

Reason

To prevent the sale of individual car parking spaces.

(170) STRATUM SUBDIVISION – PRIOR TO OCCUPATION CERTIFICATE

Prior to the issue of any Occupation or Strata Certificate, a Stratum Subdivision plan over the site, including all lots containing corridors or traffic passageways beneath proposed roads used as access between buildings, shall be completed and registered with the Office of NSW Land Registry Services, showing the relevant components of the building in stratum and creating any easements as necessary. Evidence of registration of the stratum subdivision plan shall be supplied to the Registered Certifier prior to the issue of an Occupation or Strata Certificate.

Reason

To ensure the orderly development of land.

(171) EASEMENTS FOR ACCESS

Appropriate Easements for Access (or similar) are to be created over any required corridors, passages, traffic aisles, stairs and lifts, within the development that are needed to provide access from (or across) one lot to another, pursuant to Section 88B of the Conveyancing Act 1919. The Easements are to be reciprocal in nature (where applicable), granting rights of access to persons and/or vehicles, and are to be created in appropriate terms acceptable to Council, with the Council being the authority to release, vary or modify the easement.

Reason

To ensure the orderly development of the property.

OCCUPATION AND ONGOING USE

(172) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate 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.

Reason

To ensure the site is authorised for occupation.

(173) 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.

(174) 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.

(175) 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.

(176) 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 developments 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) Unobstructed access to be provided for Councils standard waste collection vehicles to access the waste and recycling storage area(s), loadings bays and supporting infrastructure between the hours 6am and 6pm on 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.

(177) 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 minimised.

(178) 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.

(179) ONGOING MANAGEMENT AND ACCESS TO WASTE FACILITIES

The waste collection facilities and loading dock in the north-east and north-west stages are to be accessible for waste and loading relating to Building S1 and S2 and uses approved as part of this development including residential and commercial components of the buildings, regardless of future ownership of individual buildings.

Reason

To support the safe and efficient management and collection of residential and commercial waste for all buildings relying on the facilities located in adjacent stages.

(180) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

Reason

To ensure all works to the City's public domain are protected under a liability period.

(181) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

(182) 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.

(183) USE OF COMMON AREAS AND FACILITIES

- (a) The roof top communal open spaces (including internal communal facilities) must be available for the use all residents of the respective buildings and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.
- (b) Basement bicycle parking under future roads or parks associated with Buildings S1 and S4 must be designated as common property on any future strata subdivision of the site, with no exclusive use rights.

Reason

To ensure common areas within the residential development are maintained and that all works under future road and park are common property.

(184) FLOOD EMERGENCY RESPONSE PLAN

The approved Flood Emergency Response is to be implemented and operated by the building owner and/or Owners Corporation at all times.

Reason

To ensure flood risk management measures are complied with.

(185) 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.

(186) CAR WASH BAYS

- (a) All car wash bays must have connections to water and sewer.
- (b) All car washing must be conducted in a wash bay which is roofed and bunded to exclude rainwater, and which is graded to an internal drainage point connected to sewer in accordance with the trade waste agreement obtained from Sydney Water. Car wash run off must not enter the stormwater drainage system or give rise to water pollution.

Reason

To ensure the premises has access to water and sewer and to that run off is discharged appropriately.

(187) 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.

(188) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE RESIDENTIAL PREMISE

- (a) Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate residential accommodation:
 - (i) $L_{A1, \text{Slow } 15 \text{ minute}} \leq L_{A90, 15 \text{ minute}} \text{ dB(A)}$.

Reason

To protect the acoustic amenity of surrounding properties.

(189) VIBRATION

Operation of the use is not to result in the transmission of any perceptible vibration to an occupiable area within a separate premises.

Reason

To protect the amenity of surrounding properties.

(190) 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.

(191) ALCOVE LIGHTING

Any approved alcoves must be fitted with a sensor-activated security light. The light must be maintained in good working order. The intensity, colour, and 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. LED lighting technology (or other technology with an improved lighting power density – watts per square metre) must be implemented.

Reason

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

(192) 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.

(193) MAIL ROOMS

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

Reason

To ensure mail rooms are secured.

(194) 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.

(195) NUMBER OF ADULTS PER ROOM

- (a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (b) The total number of adults residing in one unit must not exceed twice the number of approved bedrooms.
- (c) Studies must not be used as bedrooms.

Reason

To prevent overcrowding.

(196) SHOP FRONTS

All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.

Reason

To ensure an appropriate presentation to the public domain.

SCHEDULE 2

PRESCRIBED CONDITIONS

The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021* which apply to the development:

Refer to the NSW State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3 – TERMS OF APPROVAL

The General Terms of Approval provided by Water NSW (Ref no. IDAS1158540) 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. |
| 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.

- 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.watarnsw.com.au/customer-service/water-licensing/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
- GT0174-00001 Construction phase monitoring bore requirements GTA: a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval. d) The monitoring bores should be used to develop a water table map for the site and its near environs. e) The monitoring bores must be protected from construction damage. Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.
- GT0241-00001 A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: 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. 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.

SCHEDULE 4 – CONDITIONS OF CONSENT – EXTERNAL AGENCIES

The following conditions have been recommended by NSW State Agencies:

AUSGRID

Proximity to Existing Network Assets

Underground Cables

There are existing underground electricity network assets in Link Rd and Epsom Rd. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Substation

There are existing electricity substation assets Within the Building.

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.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

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 113.

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.

SYDNEY WATER

Water Servicing

- Our preliminary assessment indicates that water servicing should be available for the proposed development.
- Amplifications, adjustments, deviations and/or minor extensions may be required.
- Detailed requirements will be provided at the S73 application stage.

Wastewater Servicing

- Our preliminary assessment indicates that wastewater servicing should be available for the proposed development. However, to connect into our system, the proponent needs to carry out additional modelling as relating to the following:
 - There is a category 1 overflow asset 1254100 downstream of the development on the Southern Division Submain. **The proposed 241 dwellings exceed the 200 dwellings threshold and so requires a hydraulic assessment.**
 - The developer needs to request their WSC to engage an approved hydraulic consultant to carry out wastewater modelling and confirm there is no increase in frequency / volume in the category 1 overflows due to the development.
 - If there is increase in these overflows, the hydraulic consultant needs to carry out an options assessment to identify works to ensure no deterioration condition is maintained at these overflows.
- **We recommend that the proponent engages directly with their WSC and Sydney Water as soon as possible regarding this as hydraulic modelling/options can take many months to complete. The earlier this is progressed, the better, to prevent development delay or their Section 73 from progressing.**

Stormwater

- Our system notes that a 2743X1219 Brick Wall/Concrete Base stormwater channel (Shea Creek).
- Prior to obtaining the occupation certificate for this development, the proponent is required to complete the construction of a portion of the Green Square Trunk Drainage (GSTD) system under Rose Valley Way and associated utility diversion as per the approved concept application.
- Further discussion relating to required adjustment and deviation works and updates are to be carried out between the applicant, and their Water Servicing Coordinator (WSC), Account Manager and Case Manager(s) under CN 212787 and other associated cases.

Growth information

Sydney Water supports government-backed growth initiatives within our area of operations, striving to provide timely and cost-effective water and wastewater infrastructure without undue impacts. To offer robust servicing advice and investigate staged servicing possibilities, we require the proponent to provide **anticipated ultimate and annual growth data** for this development as outlined in the enclosed Growth Data Form.

Next steps

- Should the Department decide to progress with the subject development application, Sydney Water would require the following conditions be included in the development consent.

- Section 73 Compliance Certificate
- Building Plan Approval

Further details of the conditions can be found in **Attachment 1**.

- **The proponent is strongly advised to continue engaging with their WSC, Account and Case Manager(s) under their active existing cases regarding their proposed staging work and hydraulic modelling progression.**
- The proponent should complete and return the enclosed Growth Data Form as part of the above case intel. The Growth Data Form should be updated promptly with Sydney Water in case of changes.
- Council is advised to forward the enclosed *Sydney Water Development Application Information Sheet (for proponent)* to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions.

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the Land Development Manual.

Prior to the issue of an Occupation/Subdivision Certificate:

(A) 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:

(B) 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.

(C) 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](#).