



Issued: 6 August 2021 3:10 PM

JUDGMENT/ORDER

COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2020/00270553

TITLE OF PROCEEDINGS

Applicant(s)	The Big Bocconcini Ball Pty Ltd
Respondent(s)	The Council of the City of Sydney

DATE OF JUDGMENT/ORDER

Date made or given	6 August 2021
Date entered	6 August 2021

TERMS OF JUDGMENT/ORDER

The orders of the Court are:

- (1) The Applicant is granted leave to amend development application D/2019/1488 and rely upon the plans and documents listed at Annexure 'B'.
- (2) The Applicant is to pay the Respondent's costs pursuant to section 8.15(3) of the Environmental Planning and Assessment Act 1979 as agreed or assessed.
- (3) The appeal is upheld.
- (4) Consent is granted to development application D/2019/1488 for the demolition of existing structures and construction of a five storey commercial building with ground floor retail and parking at 552-554 Botany Road, Alexandria, subject to the conditions in Annexure 'A'.

SEAL AND SIGNATURE



Signature	S Froh
Capacity	Registrar
Date	6 August 2021

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the persons name is printed where his or her signature would otherwise appear.

PARTY DETAILS

First Civil Proceeding

Applicant(s)

First Applicant

The Big Bocconcini Ball Pty Ltd

Respondent(s)

First Respondent

The Council of the City of Sydney

Annexure “A”

DETERMINATION OF MODIFICATION APPLICATION BY GRANT OF CONSENT

Modification Application No: D/2019/1488

Development: Demolition of existing structures and construction of a five storey commercial building with ground floor retail and parking.

Site: 552-554 Botany Road, Alexandria

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 6 August 2021.

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 552-554 Botany Road, Alexandria.

The conditions of consent are as follows:

CONDITIONS OF CONSENT

SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

(A) PART A - DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:

(1) VOLUNTARY PLANNING AGREEMENT

- (a) A Voluntary Planning Agreement (VPA) between the Council of the City of Sydney and The Big Bocconcini Ball Pty Ltd shall be drafted, exhibited, executed and submitted to Council in accordance with the Public Benefit Offer dated 21 June 2021;
- (b) A guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
- (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

(2) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.

(3) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

(4) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.

(B) PART B – CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

Drawing Number	Drawing Name	Prepared By	Date
DA02 Revision J	Demolition Plan	Archispectrum	09/06/2021
DA03 Revision J	Ground Floor Plan	Archispectrum	09/06/2021
DA04 Revision J	First Floor Plan	Archispectrum	09/06/2021
DA05 Revision J	Second Floor Plan	Archispectrum	09/06/2021
DA06 Revision J	Third Floor Plan	Archispectrum	09/06/2021
DA07 Revision J	Fourth Floor Plan	Archispectrum	09/06/2021
DA08 Revision J	Site and Roof Plan	Archispectrum	09/06/2021
DA09 Revision J	East Elevation – Botany Road	Archispectrum	09/06/2021
DA10 Revision J	West Elevation – Beaconsfield Lane	Archispectrum	06/06/2021
DA11 Revision J	South Elevation	Archispectrum	06/06/2021
DA12 Revision J	North Elevation	Archispectrum	06/06/2021
DA13 Revision J	Section A - A	Archispectrum	09/06/2021
DA26 Revision J	Section B-B	Archispectrum	09/06/2021
DA27 Revision I	Carpark Entry Clearance Section	Archispectrum	09/06/2021

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- a) The balcony voids to the north east corner of the levels 2, 3, 4 and roof floorplans are to be deleted.
- b) Operable windows are to be provided to the upper levels of the northern elevation and to all levels of the western elevation.
- c) 1:20 details are required of the decorative screen to the Botany Road ground level elevation and the screen along the western boundary of the landscaped courtyard.
- d) Details of the size and location of the rainwater harvesting tank to be located to the underside of level 1 floor slab are to be provided.
- e) All north facing windows are to be provided with externally mounted, operable, retractable metal horizontal louvres. West facing windows which face into the internal courtyard are to have operable vertical blades. Details of all operable louvres are to be provided including manufacturer's specification for the proposed louvres, and 1:20 facade details (plan, elevation and section) showing the method of attachment to and integration with the facade detail.
- f) The design of the egress door and hydrant cabinet on the Botany Road elevation is to be modified to remove the small recess. The cabinet is to be setback so that the outer face is aligned with the egress door and the wall in between the two removed. Additional details are to be provided to describe the materials and finishes and the construction detail of the enclosure to the hydrant cabinet including a 1:10 plan, section and elevation details.
- g) A 1:10 plan, elevation and section details of the metal balustrades, gates and pump room screen, glass type and specifications for perforated metal are to be provided including detailed material, finishing, spacing, elemental sizing details. The glass balustrades on levels 2 and 3 of the east elevation are to be replaced with a steel palisade balustrade to match the detail at the ground level.
- h) Submit amended plans showing levels for the level 4 roof terrace and the balustrade height of this terrace which is to comply with the BCA.
- i) A 1.2m high solid parapet is to be provided to the level 4 roof.
- j) Section B-B drawing DA26 revision I is to be amended to show all details, including the brick wall on northern boundary and roof over car park.
- k) Amend both Section A-A, Section B-B and the Fourth Floor Plan DA07 revision I to include levels as slab level (SL), proposed level (RL), top of wall (TW) for the green roof.

- l) Submit an amended ground floor plan which show a raised garden bed edge to either side of the carpark entry (Beaconsfield Lane), designed to prevent vehicle damage to landscaping.
- m) An amended roof plan showing the roof fall, roof material, gutters, downpipes, all accurately sized is required for the glazed roof over the Botany Road entrance.
- n) Provide a 1:10 section through the glazed roof over the entry to Botany Road to demonstrate construction details of the framing, roof, gutter, construction depths, the connection between the roof and the adjacent building and the condition along the boundary.

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

(3) 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	\$90,732.60
Community Facilities	\$14,105.99
Traffic and Transport	\$115,179.00
Stormwater Drainage	\$45,545.61
Total	\$265,563.21

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

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

Where:

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

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

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

CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 118.5 for the March 2021 quarter M.

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.

(4) AFFORDABLE HOUSING CONTRIBUTION – EMPLOYMENT LANDS – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE

In accordance with Clause 7.13 of Sydney Local Environmental Plan 2012 and the Employment Lands Affordable Housing Program and prior to a Construction Certificate being issued, the applicant must provide evidence that any monetary contribution towards the provision of affordable housing has been paid. Payment is to be by bank cheque made payable to the City of Sydney.

The contribution is \$167,362.95 based on the in lieu monetary contribution rate for non-residential development at \$104.70 per square metre of total non-residential floor area (1598.5sqm).

If the contribution is paid after the indexation period in which the consent is granted, being June 2021 to August 2021, the above contribution will be adjusted according to the relative quarterly change in the Sydney LGA median strata dwelling price ('MDP') using the following formula.

Contributions at Time of Payment = $C \times \text{MDP2} / \text{MDP1}$

where:

C is the original contribution amount as shown above;

MDP2 is the median dwelling price for strata dwellings in Sydney LGA taken from the NSW Government Family and Community Services Rent and Sales Report at the time of payment; and

MDP1 is the median dwelling price for strata dwellings in Sydney LGA taken from the NSW Government Family and Community Services Rent and Sales Report at the date of calculation, being March 2021 to May 2021.

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.

(5) RESTRICTION OF END OF JOURNEY– OUTSIDE CENTRAL SYDNEY

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant to the effect that 22.5sqm of the building has been approved as end of journey floor space is to be registered on the Title of the development site pursuant to section 88E of the Conveyancing Act 1919. The covenant is to be created appurtenant to Council and at no cost to Council.

(6) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 33.71 (AHD) to the top of the building and RL 32.71 (AHD) to the top of the Botany Road parapet and RL 29.21 (AHD) to the Beaconsfield Lane parapet.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

(7) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the Planning Agreement between the Council of the City of Sydney and The Big Bocconcini Ball Company Pty Ltd are to be complied with.

In accordance with the Planning Agreement:

- (a) the completion of the developer's works and dedication of land are required prior to the issue of any Occupation Certificate.

(8) HOURS OF OPERATION - MINOR DEVELOPMENT

The hours of operation of the approved uses are restricted to between 7:00am and 10:00pm Monday to Sunday inclusive.

(9) HOURS OF OUTDOOR TERRACES

The hours of use of all outdoor terraces on levels 1 to 4 are between 8:00am and 8:00pm Monday to Sunday inclusive.

(10) DELIVERY VEHICLES

Deliveries associated with the site that involve the movement of vehicles, must only occur between the hours of 7:00am and 10:00pm.

(11) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the mixed use building must not exceed 1.917:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area of the development is 1601.8sqm. At no time in the future is any Shop or Neighbourhood Shop use within the building to exceed a gross floor

area of 1000sqm as defined by the Sydney Local Environmental Plan 2012.

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

(12) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT

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 Area Planning Manager prior to a Construction Certificate being issued. The materials and samples board must not include generic material or colour descriptions, or use terminology such as 'or similar'.

(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.

(14) NO SPEAKERS OR MUSIC OUTSIDE

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(15) AIR CONDITIONERS GENERALLY

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

- (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 shall be fully concealed.

(16) REFLECTIVITY

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

(17) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site specific noise management plan shall 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 person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

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 particularly during the demolition and excavation phases.
- (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.

(18) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan referred to in Condition 17 above.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

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

(19) 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 \(NPfl\)](#) 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 NPfl 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.

For internal residential and commercial amenity only

- (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 shall 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 premise.
- (c) Corrections in [Fact Sheet C](#) of the NPfl are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

(20) SIGNAGE STRATEGY & FUTURE SIGNAGE

- a) A signage strategy is to be submitted and approved for the building prior to issue of any Occupation Certificate.
- b) 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. All future signage must comply with the approved strategy under Condition 20(a) of this consent.

(21) SHOP FRONTS/ CONVENIENCE STORES

- (a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- (b) Security roller shutters must not be installed on the outside of the shop front. Any security grill is to be a dark recessive colour, located on the inside of the shop front, must be an open grille / see through and not a solid metal type. Details are to be submitted to and approved by the Accredited Certifier prior to a Construction Certificate being issued.
- (c) Merchandise, public telephones, stored material or the like must not be placed on the footway or other public areas.
- (d) No flashing signage visible from the public way shall be installed.
- (e) The approved layout must not be altered, without the prior approval of Council, where it would result in the shopfront being obscured in any way.
- (f) Any proposed shelving along the glass shopfronts must be of an open-framed, see through construction and the combined height of shelving and any goods displayed must not exceed 1200mm above the finished floor level.
- (g) All shelving, shop fittings, refrigeration equipment and the like which are placed in front of windows, must be kept a minimum of 1 metres from the inside face of the window.

(22) SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

(23) 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 an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

(24) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(25) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Type	Number
Office and business car parking	Maximum of 8
Accessible Office and business car parking	1
Subtotal	Maximum of 9
Small Rigid Vehicle loading dock(s)	1
Total	10

(26) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL WITH NO STRATA SUBDIVISION

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service car spaces, are not to be used other than by an occupant, tenant or visitor of the subject building.
- (b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant, 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 covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the *Strata Titles (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the *Conveyancing Act 1919* burdening all car parking part - lots in the Strata Scheme.

(27) 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".

(28) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Non-residential Staff	11	Spaces must be Class 2 bicycle facilities
Non-residential Visitor	6	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	11	

Notes:

- (i) *Australian Standard AS 2890.3:2015 refers to class 1 as class 'A', class 2 as class 'B', and class 3 as class 'C'.*
- (a) The layout, design and security of bicycle facilities must comply with the minimum requirements of:
- Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities,*
 - 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation', and;*
 - Councils DCP section 3.11.3.*

The details must be submitted to and approved by the Principle Certifying Authority confirming prior to any Construction Certificate being issued.

(29) 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 changes 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: The applicant should contact Council's Area Traffic Engineer to discuss the proposal before making a submission.

(30) COST OF SIGNPOSTING

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

(31) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with 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.

(32) 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-street 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 Principal Certifying Authority prior to a Construction Certificate being issued.

(33) PARKING ON COMMON PROPERTY AREAS

No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction 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.

(34) VEHICLES ACCESS

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

(35) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 6.4m.

(36) 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 work commencing on site.

SCHEDULE 1B

PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING

(37) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

(38) GREEN TRAVEL PLAN

The Green Travel Plan submitted as part of this application has not been approved. A Green Travel Plan based on the draft Green Travel Plan submitted by Samana Blue dated 3 March 2021, must be submitted to and approved by Council's Area Planning Manager prior to any Occupation Certificate for the site being granted.

In preparing the final Green Travel Plan, the applicant should review information on Council's website about preparing Travel Plans. The final Green Travel Plan would include steps which address customer and staff transport patterns by providing mode share targets which promote sustainable travel behaviour, means of minimising travel demand by private car and maximise the share of travel by other modes including public transport, cycling, walking, carpooling or car share.

A Travel Plan is a 'live' document that needs to be closely monitored and reviewed throughout the first few years of implementation. The Travel Plan Coordinator responsibilities include:

- Coordinating implementation efforts,
- Conducting surveys or other data collection processes to measure progress;
- Communicating the travel plan to stakeholders;
- Coordinating events to promote awareness of the plan and associated invites;
- Coordinating marking and promotional programs.

The steps outlined above should not be considered as a linear process, but rather an on-going cycle. Travel planning requires regular review and adjustment – a review may reveal the need to reconsider objectives or targets, or to add new actions to create greater incentives for the uptake of sustainable transport choices.

Note: The applicant may also contact a member of the Transport and Access Unit, to discuss the Green Travel Plan prior to its submission.

(39) LOADING DOCK MANAGEMENT PLAN

A Loading Management Plan, must be submitted to and approved by Council prior to the Occupation Certificate being issued.

The plan should identify how the loading area will be managed and used by all building tenants including commercial, retail and office.

The plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site.

The plan shall be managed either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants to reserve a time period for their deliveries. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

(40) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

(41) 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 Section 138 of the *Roads Act 1993* is to be made to 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 Section 138 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*).

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

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

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

(43) ASBESTOS REMOVAL WORKS

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

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

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining

properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

(44) IMPORTED FILL MATERIALS

All fill imported onto the site shall 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 should 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 (1995) Sampling Design Guidelines.

(45) HAZARDOUS MATERIALS SURVEY REQUIRED

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

(46) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report referred to in Condition 45 must be complied with.

Prior to the issue of any Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report and that the site is safe for future occupation in accordance with the approved use.

(47) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any demolition and remedial works a Construction Environmental Management Plan (CEMP) must be prepared for the site and submitted to Council's Area Planning Manager for written approval prior to the commencement of work. 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.

(48) STOCKPILES

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall 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 shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

(49) CAR PARK VENTILATION

The car park must be ventilated in accordance with the *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.

(50) MECHANICAL VENTILATION

- a) The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1 and 2 - 2012. *The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*.
- b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and 2 – 2012 *The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the *Building Code of Australia*, to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate for above ground works.
- c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

(51) MICROBIAL CONTROL IN WATER SYSTEMS

The installation, operation and maintenance of water-cooling or warm water systems installed on the premises must comply with the following:

- (a) AS/NZS 3666:1:2011 - Air-handling and water systems of buildings-Microbial Control Part 1: Design, installation and commissioning.
- (b) AS/NZS 3666:2:2011 - Air-handling and water systems of building-Microbial Control Part 2: Operation and maintenance.
- (c) AS/NZS 3666:3:2011 - Air-handling and water systems of buildings-Microbial Control Part 3: Performance based maintenance of cooling water systems.
- (d) AS/NZS 3666:4:2011 – Air-handling and water stems of buildings-Microbial Control Part 4: Performance – based maintenance of air – handling systems (ducts and components).

Note: The occupier of premises at which a water-cooling system is installed, must notify the council in writing on the prescribed form, of the installation of all water-cooling tower systems within the premises - Public Health Act 2010. Warm water systems other than hospitals (which also includes nursing homes, declared mental health facilities, private health facilities) are exempt from notifying Council.

Notification forms are available on Council's website www.cityofsydney.nsw.gov.au

(52) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

(53) 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 (BCA). Prior to the issue of a Construction Certificate and Occupation Certificate the Accredited 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 relevant requirements of 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.

(54) ROAD OPENING PERMIT

A separate Road Opening Permit under Section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

(55) 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 Section 138 of the *Roads Act 1993* must be lodged with Council.

(56) 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.

(57) 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.

(58) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:
 - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
 - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (v) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

Note: Temporary structures, including hoardings and scaffolding, proposed for erection on City-owned and controlled land (footways and roadways), must comply with the City's *Guidelines for Hoardings and Scaffolding* and be approved by Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Policy for Waste Minimisation in New Developments*

2005, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:

- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
- (ii) The name and address of the company/contractor undertaking demolition/excavation works.
- (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
- (iv) The name and address of the transport contractor.
- (v) The type and quantity of material to be removed from site.
- (vi) Location and method of waste disposal and recycling.
- (vii) Proposed truck routes, in accordance with this development consent.
- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
- (ix) Measures to control noise emissions from the site.
- (x) Measures to suppress odours.
- (xi) Enclosing and making the site safe.
- (xii) Induction training for on-site personnel.
- (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
- (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
- (xv) Disconnection of utilities.
- (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).

- (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
- (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
- (xx) Working hours, in accordance with this development consent.
- (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

(59) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 550 – 550A Botany Road Alexandria and 556 – 558 Botany Road Alexandria 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 Accredited Certifier and the Council prior to the issue of a 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.

(60) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM

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

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.
- (b) Include a drawing(s) that clearly shows:

- (i) location of site boundaries and adjoining roads
- (ii) approximate grades and indications of direction(s) of fall
- (iii) approximate location of trees and other vegetation, showing items for removal or retention
- (iv) location of site access, proposed roads and other impervious areas
- (v) existing and proposed drainage patterns with stormwater discharge points
- (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
 - (viii) frequency and nature of any maintenance program
 - (ix) other site-specific soil or water conservation structures.

(61) EROSION AND SEDIMENT CONTROL

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

During the construction period:-

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and

- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

(62) NOTIFICATION – NEW CONTAMINATION EVIDENCE

- (a) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to Council's Area Planning Manager and the Principal Certifier.
- (b) In the event that excavation activities uncover potential Acid Sulphate Soils, an Acid Sulphate Soils Management Plan shall be submitted to the Council's Area Planning Manager for approval and all recommendations contained within this Acid Sulphate Soils Management Plan must be implemented.

(63) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the 552 – 554 Botany Road Alexandria is to be prepared to Council's satisfaction. The recording is to be in digital form, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

Procedure

The archival documentation, and the number and type of selected enlarged photographs required will be determined by the significance and quality of the building or structure. For a scope of work, refer to Council's Heritage Specialist to determine the particular architectural/design features of the building/site that may need to be recorded.

The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'. The photographic recording is to be in digital form, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture'. One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The digital form of the recording is to be as follows:

- (i) The Development Application number and the Condition of Consent number must be noted.
- (ii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (iii) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately

4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.

- (iv) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (v) The report can be submitted on a USB, CD or DVD, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: DOS title, image subject/description and data photograph taken.

(64) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION AND/OR DEMOLITION

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

(65) ACCESSIBLE GREEN ROOFS

This condition applies to accessible roof terraces and façade planters on structure on Levels 1 – 4.

- (a) A detailed green roof design in accordance with the landscape plans dated 22 May 2021 revision E, prepared by Zenith Landscape Designs and in coordination with the revised architectural plans as amended by Condition 2 is required. A landscape package, including plans and details drawn to scale, and technical specification, prepared by a suitably qualified landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
 - (i) Location and details of existing and proposed services, raised planters, walls, balustrades, hard surfaces, furniture, and fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.

- (ii) Engineers report confirming structural capacity of building for proposed roof terrace loads.
 - (iii) Wind study (if applicable) confirming suitability of the roof for intended use.
 - (iv) Details of Level 4 shade structure, balustrade, maintenance access gate to the edge of the terrace
 - (v) Details of soil types and depth including any mounding.
 - (vi) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (vii) 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.
 - (viii) Green roof maintenance plan including specialist access report. This plan is to be complied with during occupation of the property.
 - (ix) Maintenance methodology for safe working at height including access requirements, location of any anchor points, gates, and transport of materials such as green waste removal.
- (b) Prior to the issue of a Construction 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.
 - (d) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

(66) INACCESSIBLE GREEN ROOFS

This condition applies to shallow profile, inaccessible green roofs.

- (a) A detailed green roof design in accordance with the landscape plans dated 22 May 2021 revision E, prepared by Zenith Landscape Designs and in coordination with the revised architectural plans as amended by Condition 2 is required. A landscape package, including plans and details drawn to scale, and technical specification, prepared by a suitably qualified landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a 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) Engineers report confirming structural capacity of building for proposed green roof loads.

- (iii) Details of parapet edge, green roof profile including soil types and depth including any mounding.
- (iv) Details of drainage and irrigation systems, including overflow provisions, water retention cells in the drainage layer and location of rainwater harvesting tank.
- (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species including native grasses that contribute to habitat creation and biodiversity.
- (vi) Green roof maintenance plan. This plan is to be complied with during occupation of the property.
- (vii) Specialist access report to confirm maintenance methodology for safe working at height including access requirements, location and radius of any anchor points, gates, and transport of materials such as green waste removal.
- (viii) A plan 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 a Construction 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.
- (d) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

(67) LANDSCAPING OF THE SITE

This condition relates to ground floor landscape on natural ground.

- (a) A detailed landscape design in accordance with the landscape plan dated 22 May 2021 revision E, prepared by Zenith Landscape Designs and in coordination with the revised architectural plans as amended by Condition 2 is required. A landscape package, including plans and details drawn to scale, and technical specification, prepared by a suitably qualified landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
 - (i) Location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, on structure and in pots.
 - (ii) Details of deep soil in accordance with the approved stamped ground level plan. Where relatively natural soil areas do not exist in the deep soil area or contaminated lands, provide details of clean fill including subsoil and topsoil layers.

- (iii) Location and details of existing and proposed structures on the site including, but not limited to, paved areas, garden edges, walls, fence and associated footings, services, furniture, lighting and other features
- (iv) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
- (v) 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.
- (vi) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (vii) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of an Occupation Certificate, the deep soil area must be constructed in accordance with drawing 20-4339-L06 revision E. Where relatively natural soil areas do not exist in the deep soil area, photographic evidence of installation of clean fill, in accordance with approved details, must be submitted to and approved by Council's Area Planning Manager.
- (c) All landscaping in the approved plan is to be complete prior to an Occupation Certificate being issued.

(68) TREES THAT MUST BE PROTECTED

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

Table 1 – Trees to be protected:

Tree No	Botanical/Common Name	Location
1	<i>Robinia pseudoacacia</i> (Honey Locust)	Botany Road street tree
2	<i>Platanus acerifolia</i> (London Plane Tree)	

(69) TREE PROTECTION PLANS

- (a) All detailed architectural, building, engineering (structural, stormwater and drainage services) and landscape documentation submitted for the Construction Certificate shall clearly show on all drawings the retention of trees as required by these conditions of consent, the position of their trunks, full diameter of their canopies, Structural Root Zones (SRZs) and Tree Protection Zones (TPZs).

(70) STREET TREE PROTECTION

All street trees 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 limb protection must be undertaken prior to the commencement of any works. The protection must be installed and certified by a qualified Arborist (AQF level 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunks at all times;
 - (ii) Tree trunk/s and/or major branches, must be protected by wrapped hessian or similar 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 hessian 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) 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 setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Young street trees shall be protection by installing three (3) wooden takes around the edge of the tree pit. Hessian shall be wrapped around the stakes. If existing stakes are already in place, these shall suffice as tree protection.
- (d) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (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 in any area known to, or suspected of having street 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 3 metres of any street tree. Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 30mm diameter are encountered during the 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 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

construction activities may result in a prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

(71) STREET TREE PRUNING

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

(72) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone as detailed below:
 - (i) Installation of tree protection measures;
 - (ii) During demolition of any ground surface materials (paving, concrete, grass etc) within the Tree Protection Zone (TPZ) of any tree to be retained;
 - (iii) During any excavation and trenching which has been approved by Council within the TPZ of any tree to be retained;
 - (iv) During any Landscape works within the TPZ of any tree to be retained.
- (b) An Arboricultural Compliance Report which includes photographic evidence and details of the health and condition of trees, must be submitted to Council's Area Planning Manager at each hold-point listed below:
 - (i) Certification tree protection measures have been installed in accordance with the conditions prior to the commencement of works;
 - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
 - (iii) Details of any other works undertaken on any tree to be retained or within TPZ/s;
 - (iv) A final compliance report shall be submitted prior to the issuing of the Occupation Certificate.

(73) LANDSCAPING OF THE SITE (TREES)

- (a) 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 a Construction Certificate. The plan must include:

- (a) 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;
 - (b) Location, numbers, type and supply of plant species, with reference to the relevant Australian Standard;
 - (c) All trees must be grown to Australian Standard 2303:2015 'Tree stock for landscape use' and must self-supporting without the use of stakes. Nothing is to be fixed or tied to the tree/s;
 - (d) The design must provide a minimum 15% canopy cover across the site, provided by trees that will reach a minimum height of 8 metres.
 - (e) New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting;
 - (f) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
 - (g) Details of planting procedure and maintenance;
 - (h) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
 - (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(74) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description,

identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;

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

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

(75) 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.

(76) PUBLIC DOMAIN LEVELS AND GRADIENTS

Prior to the issue of any Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. 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 Gradients plans are to be included with Public Domain Plan – Detailed Documentation for Construction Condition submission.

(77) STORMWATER DRAINAGE DESIGN

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professionals demonstrating compliance with the requirements of Section 3.7.2 - *Drainage and Stormwater Management*, Section 3.7.3 – *Stormwater Quality*, 3.7.4 – *Additional provisions for Commercial and Industrial Properties* of the Sydney Development Control Plan 2012 must be submitted to and approved by the City's Public Domain Unit.

The submission must include the following;

- (a) A stormwater infrastructure design certification, stating that the proposed design complies with:
 - (i) Council's *Sydney Streets Technical Specifications*, Part A4 *Stormwater Drainage Design*;
 - (ii) Council's *Sydney Streets Technical Specifications*, Standard Drawings;
 - (iii) Council's *Sydney Streets Technical Specifications*, Part B10: *Stormwater Drainage Construction*; and
 - (iv) All relevant Australian Standards.
- (b) Structural certification of the hydraulic and structural design of all elements, excluding standard details from Council's *Sydney Streets Technical Specifications*.

The above certification shall accompany information that address the requirements of *Section 4.5 Data Requirements, Part A4 Stormwater Drainage Design* of Council's *Sydney Streets Technical Specifications*. 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>.

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

- (a) Note: A Deed of Agreement 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.
- (b) Note: The total discharge per site from kerb outlets must not exceed 25Litres/sec. If site discharge is greater, a connection must be made to a Council kerb inlet pit. If no kerb inlet pit exists, an extension of the Council storm water pipe system is required with a minimum 375mm diameter RCP.

(78) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in the report titled “*Flood Risk Management Report 552-554 Botany Road Alexandria*” prepared by ENDEPTH Engineers Pty Ltd dated December 2020.

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

(79) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain plan and all relevant documentation must be submitted to and approved by the City’s Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain complies with the City of Sydney’s *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights Design Code*, *Sydney Streets Technical Specification* and *Sydney’s Parks Code*. The plan must consider road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. The documentation must be *checked, accurate, and comply with specified requirements*. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be to construction standard 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, an *Application for Public Domain Levels and Gradients* must be submitted to and approved by the Public Domain Unit to reflect these changes prior to an approval being issued for the construction of public domain work.

Note: Stamped plans will be issued for construction and approved under Section 138 of the Roads Act.

(80) DRIVEWAY WIDTH

The applicant must submit a revised plan which shows the driveway width has been designed to accommodate the largest vehicle to service the site. These plans must be submitted to Council for review and approved prior to the Construction Certificate being issued.

(81) SECTION 138 ROADS ACT APPROVAL

Approval under Section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of any excavation in or disturbance of a public way for the construction of approved public domain works.

(82) HOLD POINTS

Prior to an approval being issued for the construction of public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be provided by the City's Public Domain Unit in accordance with the City's *Public Domain Manual* and *Sydney Streets Technical Specification* (an approved list of hold points will be included in the Public Domain works Approval letter). These hold points must be adhered to during construction works.

Evidence that public domain (and dedicated land) hold points have been completed and approved by the City must be provided to the Certifier prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

(83) 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 the issue of a Construction Certificate for the public domain.

(84) LIGHTING RETICULATION

Prior to the issue of any relevant approval for the construction of public domain works, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain along both the Botany Road and Beaconsfield Lane frontages must be submitted to and approved by the City's Public Domain Unit in accordance with the City of Sydney'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/associated-works>.

If applicable, this public domain lighting documentation shall 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.

(85) PUBLIC DOMAIN WORKS BOND

A Public Domain Works Bond will be required as security 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 Public Domain Works Bond must be submitted as cash, an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of the City as security for completion of the obligations under this consent (Guarantee).

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

The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to City of Sydney standards and approval and the required certifications, warranties and works-as-executed documentation are submitted and approved by the City in writing. On satisfying the above requirements, 90% of the security will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(86) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 6-month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Practical Completion for public domain works.

(87) NO OBSTRUCTIONS

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

(88) PUBLIC DOMAIN WORKS COMPLETION

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval, approved stamped plans for Gradients and Levels, Stormwater, Public Domain Lighting, the City of Sydney'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 Certificate of Practical Completion 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.

(89) PUBLIC DOMAIN COMPLETION - WORK AS EXECUTED DOCUMENTATION

Prior to a Certificate of Practical Completion 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.

(90) 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 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.

(91) LAND REMEDIATION

- a) The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Remedial Action Plan titled 'Remedial Action Plan Lot 1 of DP85396 – 552 – 554 Botany Road, Alexandria, NSW', dated March 2021, prepared by SLR Consulting Australia Pty Ltd, reference: 610.16715_R03, version no: -v1.1, and the Letter of Interim Advice Site Audit Interim Letter prepared by NSW Accredited Site Auditor via Enviroview Pty Ltd, dated 28 April 2021 reference: IA 0301-2002_02. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.
 - i. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and Acid Sulfate Soils Management must be immediately notified to the Council's Area Planning Manager, the Site Auditor and the Principal Certifier.
 - ii. Any variations to the approved Remediation Action Plan shall be approved in writing by the Site Auditor and Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the commencement of such work.
- b) Any land that is to be dedicated to the City must not be encumbered by a Long-Term Environmental Management Plan. If a remediation 'cap and contain' methodology is adopted, any land dedicated to the city must include clean fill to a minimum depth of 1.5m below the surface before a capping layer is put in place.
- c) The depth of any remediation 'cap and contain' methodology must also fulfil commitments made to the provision of deep soil and landscaping approved under this consent and its conditions.

(92) LAND DEDICATION – NO LONG-TERM ENVIRONMENTAL MANAGEMENT PLAN

Any land that is to be dedicated to the City as part of the associated Voluntary Planning Agreement must not be encumbered by an Environmental Management Plan or Long-Term Environmental Management Plan.

(93) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner engineer (NER/RPEng), 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 report titled *“Flood Risk Management Report 552-554 Botany Road Alexandria “* prepared by ENDEPTH Engineers Pty Ltd dated December 2020.

(94) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Bond calculated based on 40 square metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney’s adopted Schedule of Fees and Charges. The Public Domain Damage Bond must be submitted as an unconditional bank guarantee or insurance bond as per the Council’s Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).
- (b) The Guarantee must be lodged with Council prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The Guarantee in this condition will be retained in full until the Public Domain Works Deposit Guarantee is lodged with Council. Upon lodgement of the Public Domain Works Deposit Guarantee, the Guarantee in this condition will be released.

(95) DRAINAGE AND SERVICE PIT LIDS

All existing or proposed drainage and service pit lids throughout the public domain shall 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 the 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.

(96) 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.

(97) 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".

(98) 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 the submission of the 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 an Occupation Certificate or subdivision/strata certificate being issued.

(99) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

(100) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to any Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

(101) WASTE AND RECYCLING MANAGEMENT – GENERAL

- (a) The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to promote the efficient storage, separation, collection

and handling of waste to maximise resource recovery and provide safe and healthy spaces for people to live and work in.

(102) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL

- (a) A Waste and Recycling Management Plan is to be approved by the Accredited Certifier prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Building Waste and Recycling Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

- (b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

(103) WASTE/RECYCLING COLLECTION - COMMERCIAL

- (a) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading.
- (b) The collection of waste and recycling must only occur during the designated zone collection times to avoid noise disruption to the surrounding area.
- (c) Waste and recycling bins must not be placed on the street for collection, services must be conducted within the property boundary or as wheel-out/wheel back service. Commercial waste storage and service collections arrangements must be conducted in accordance with the City's *Waste Policy – Local Approvals Policy for Managing Waste in Public Places (2017)*.
- (d) Unimpeded access shall be provided for collection vehicles to set down within 10 metres of waste storage area(s) during zone collection times on collection day(s).

(104) ENERGY EFFICIENCY OF BUILDINGS

The design of the building and its services must achieve a rating of 5 stars under the NSW Office and Environment and Heritage (OEH) National Australian Built Environment Rating System (NABERS Energy).

This can be demonstrated by:

- (a) Entering into a Commitment Agreement with OEH, to deliver this star rating:
 - (i) for the base building, being services traditionally supplied as 'common' to tenants such as air conditioning, lifts and common area lighting;

- (ii) or for the whole building where there is to be one tenant to occupy the whole building.

The applicant must provide a copy of the completed Commitment Agreement with their Construction Certificate application; and

- (b) Providing a copy of the independent energy assessment report to OEH and submitted with the Construction Certificate application, that follows the current OEH guidelines. This report must be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to in clause (a) above:

- (i) Commitment Agreement means an agreement that is set out in accordance with OEH NABERS Commitment Agreement, which is made/signed between OEH and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
- (ii) Star rating refers to the benchmarking system applied by OEH for measuring the energy efficiency of a building, and known as NABERS the National Australian Built Environment Rating System.
- (iii) Base building means central services and common areas of a building.
- (iv) Tenancies means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services.
- (v) Whole building means all of the building, being the fabric of the building itself and all services and fit-outs.

(105) FIRE HYDRANT

The design and location of the fire hydrant is to remain as shown on the approved plans and integrated into the fabric of the building. Where the location and design of the fire hydrant is required to be amended, this must be approved by Council's Area Planning Manager, prior to issue of a Construction Certificate for above ground works.

(106) SITE AUDIT STATEMENT

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

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

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

(107) 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 DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. 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 the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(108) DISCHARGE OF CONTAMINATED GROUNDWATER

Contaminated groundwater shall 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.

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(109) 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.

(110) 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 permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 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 Unit, 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*.

(111) VEHICLE CLEANSING

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

(112) COVERING OF LOADS

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

(113) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Waste water arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

(114) STREET NUMBERING – MAJOR DEVELOPMENT

Prior to any Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the *Policy on Numbering of Premises within the City of Sydney*. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

(115) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

(116) 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 approval under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be obtained.

(117) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(118) 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 permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

(119) 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.

(120) SURVEY

- a) AT FOUNDATION STAGE - All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment within one week of the perimeter walls reaching one metre in height. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.
- b) Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying & Spatial Information Act, 2002, confirming that the formwork adjacent to the 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 boundaries of the site.
- c) AT COMPLETION - Prior to the issue of any Staged or final Occupation Certificate - a Final Identification Survey prepared 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 in relation to the boundaries of the allotment. Any encroachments of the building over the side boundaries must be rectified prior to the issue of any Staged or final Occupation Certificate, or suitable easements registered on title.

(121) REDEFINITION PLAN

- a) Prior to the issue of any approval for demolition or Construction Certificate, the initial boundary definition survey work necessary for the preparation of a redefinition plan redefining the boundaries of the subject site shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter to the Principal Certifier certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate.
- b) Prior to the issue of any Staged or Final Occupation Certificate, the redefinition plan shall be completed and lodged with the Office of NSW Land Registry Services, showing the new components of the building and creating any easements as necessary. Evidence of lodgement of the redefinition plan shall be supplied to the Principal Certifier prior to the issue of a Staged or Final Occupation Certificate. It should be noted that, due to the age of the base plan, a redefinition plan will be required by NSW Land Registry Services to be lodged in conjunction with, or prior to, any strata plan for the site. Redefinition of the boundaries prior to construction will minimise the risk of problems with encroachment and consequent significant delays and expense. It is also noted that the old boundaries have been varied by adjoining later plans. Should the registered surveyor form the opinion that registration of the redefinition plan prior to construction is necessary due to the potential for disagreement with the boundary fixation, then the requirements in subclause (b) relating to showing the new components of the building on the plan need not apply.

Advisory note: It is recommended that the Construction Certificate plans provide for the external walls of the building to be set back a minimum of 20 millimetres from the boundaries to allow for construction tolerances and minimise risk of encroachment and consequent delays and expenses.

(122) 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.

(123) 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 9.30am to 1pm and 2pm to 4.30pm Mondays to Fridays and 9.30am to 1.30pm Saturdays.
- (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*.

(124) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting*. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

(125) 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.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3

TERMS OF APPROVAL

The Terms of Approval as advised by Transport for NSW are as follows:

1. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Botany Road boundary.
2. The redundant driveway on the Botany Road boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Botany Road shall be in accordance with TfNSW requirements.

Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au. Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

3. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

4. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@rms.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

5. TfNSW is currently undertaking a program to implement "Clearways" on State roads within Sydney. If not already in place, "Clearway" restrictions will be implemented along the full Botany Road frontage of the development site, extending to the bus zone north of the property. All works and signposting associated with the subject development shall be at no cost to TfNSW.

6. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.
7. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
8. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Botany Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
9. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Botany Road.
10. Sight distances from the proposed vehicular crossings to vehicles on Beaconsfield Lane are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists. Council should consider implementing regulatory signposting along Beaconsfield Lane to ensure sight lines can be maintained.

Annexure B – Amended Plans, Drawings and Material

The Big Bocconcini Ball Pty Ltd
v
The Council of the City of Sydney
Land and Environment Court of NSW Proceedings No. 2020/27053

TAB	DOCUMENT	DATE
1.	Schedule of Changes prepared by Archispectrum	9 June 2021
2.	Architectural Plans prepared by Archispectrum <ul style="list-style-type: none"> - DA01 Revision J - Site Analysis - DA02 Revision J - Demolition Plan - DA03 Revision J - Ground Floor Plan - DA04 Revision J - First Floor Plan - DA05 Revision J - Second Floor Plan - DA06 Revision J - Third Floor Plan - DA07 Revision J - Fourth Floor Plan - DA08 Revision J - Site and Roof Plan - DA09 Revision J - East Elevation – Botany Road - DA10 Revision J - West Elevation – Beaconsfield Lane - DA11 Revision J - South Elevation - DA12 Revision J - North Elevation - DA13 Revision J - Section A - A - DA14 Revision J - Shadow Diagrams – Winter Solstice 9am - DA15 Revision J - Shadow Diagrams – Winter Solstice 10am - DA16 Revision J - Shadow Diagrams – Winter Solstice 11am - DA17 Revision J - Shadow Diagrams – Winter Solstice 12pm - DA18 Revision J - Shadow Diagrams – Winter Solstice 1pm - DA19 Revision J - Shadow Diagrams – Winter Solstice 2pm - DA20 Revision J - Shadow Diagrams – Winter Solstice 3pm - DA21 Revision J - Sun eye view diagrams - existing - DA22 Revision J - Sun eye view diagrams – proposed - DA23 Revision K - Area Calculations – 21 June 2021 - DA24 Revision J - External Finished - DA25 Revision I - Louvre Details - DA26 Revision J - Section B-B - DA27 Revision I - Carpark Entry Clearance Section - DA28 Revision J - Building Area - DA29 Revision I - Existing Area Calculations 	9 June 2021 and 21 June 2021
3.	Landscape Plans prepared by Zenith Landscapes <ul style="list-style-type: none"> - 20-4339 L01 Revision E - Landscape Plan - 20-4339 L02 Revision E - Landscape Plan - 20-4339 L02 Revision E - Landscape Plan - 20-4339 L03 Revision E - Landscape Plan - 20-4339 L04 Revision E - Landscape Plan - 20-4339 L05 Revision E - Landscape Plan 	22 May 2021

	- 20-4339 L06 Revision E - Landscape Plan	
4.	Green Travel Plan prepared by Samana Blue	3 March 2021
5.	Traffic Impact and Parking Assessment prepared by Samana Blue Engineering	24 May 2021
6.	Traffic Response to Contention prepared by Samana Blue	10 December 2020
7.	Site Audit Interim Advice prepared by Enviroview	9 April 2021
8.	Remedial Action Plan prepared by SLR	March 2021
9.	Operational Waste Management Plan prepared by Elephants Foot	24 May 2021
10.	Construction Waste Management Plan prepared by Elephants Foot	26 May 2021
11.	Flood Risk Management Report prepared by Endepth	1 December 2020
12.	Letter of Offer to enter into VPA	21 June 2021