

Standard Conditions of Development Consent

Revised 18 September 2006

STANDARD CONDITIONS OF DEVELOPMENT CONSENT

- These Standard Conditions were adopted by Resolution of Council on 12 December 2005 and revised 18 September 2006, and provide that minor refinements can be made by the Chief Executive Officer.
 - The Standard Conditions should be read in conjunction with all development application reports.
 - From time to time new Standard Conditions will be incorporated into this document, by Council resolution.
 - The adoption of these Standard Conditions will substantially reduce the volume of paper used in the printing of Council agenda papers by removing the necessity of printing in detail multiple standard conditions in each DA report.
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SCHEDULE 1A

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

ACCESS DRIVEWAYS	49
ACCESSIBLE CAR PARKING SPACES	48
ADDITIONAL NOISE CONDITIONS FOR LICENSED PREMISES.....	18
AFFORDABLE HOUSING CONTRIBUTION – GREEN SQUARE – FLOOR SPACE CONTRIBUTION	33
AFFORDABLE HOUSING CONTRIBUTION – GREEN SQUARE – FLOOR SPACE CONTRIBUTION IF NO CC REQUIRED (OR CROWN DA).....	34
AFFORDABLE HOUSING CONTRIBUTION – GREEN SQUARE - PAYMENT OF MONEY IN LIEU OF FLOOR SPACE.....	35
AFFORDABLE HOUSING CONTRIBUTION – GREEN SQUARE - PAYMENT OF MONEY IN LIEU OF FLOOR SPACE IF NO CC REQUIRED (OR CROWN DA).....	37
AFFORDABLE HOUSING CONTRIBUTION – ULTIMO PYRMONT – FLOOR SPACE CONTRIBUTION IF NO CC IS REQUIRED (OR CROWN DA).....	26
AFFORDABLE HOUSING CONTRIBUTION – ULTIMO PYRMONT - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION	26
AFFORDABLE HOUSING CONTRIBUTION – ULTIMO PYRMONT - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION IF NO CC REQUIRED (OR CROWN DA).....	27
AFFORDABLE HOUSING CONTRIBUTION - ULTIMO PYRMONT FLOOR SPACE CONTRIBUTION	25
AIR CONDITIONERS IN RESIDENTIAL BUILDINGS	17
ALLOCATION FOR CAR WASH BAYS.....	46
ALLOCATION FOR VISITOR PARKING	46
ALLOCATION OF ACCESSIBLE CAR PARKING SPACES	48
ALLOCATION OF PARKING	45
APPROVED DESIGN ROOF-TOP PLANT.....	10
APPROVED DEVELOPMENT	6
ARTICULATED VEHICLES	51
ASSOCIATED ROADWAY COSTS.....	51
AWARD OF HERITAGE FLOOR SPACE	8
AWARD OF HERITAGE FLOORSPACE – STAGED AWARD	9
AWNING MAINTENANCE	57
BICYCLE FACILITIES	48

BICYCLE PARKING	48
BOARDING HOUSE - PLAN OF MANAGEMENT.....	16
BOARDING HOUSE - USE AND OPERATION	16
BOUNDARY WINDOWS COVENANT	22
BUILDING HEIGHT.....	10
CAPACITY	53
CAR PARKING SPACES AND DIMENSIONS.....	45
CAR WASH BAYS.....	46
CARE OF BUILDING SURROUNDS.....	14
COFFEE CARTS.....	51
COMPLAINTS	19
COMPLIANCE WITH ACOUSTIC REPORTS/ENTERTAINMENT.....	16
CONSENT TO LAPSE	12
COPIES OF APPROVALS AND MANAGEMENT PLANS	13
COST OF TRAFFIC MANAGEMENT	51
COST SUMMARY REPORT – CONCURRENT WITH ISSUE OF CONSTRUCTION CERTIFICATE	40
DELETE DRIVEWAY	50
DEPARTMENT OF COMMUNITY SERVICES	53
DESIGN DETAILS (MAJOR DEVELOPMENT)	6
DESIGN DETAILS (MINOR DEVELOPMENT)	6
DESIGN MODIFICATIONS	7
DEWATERING	57
EMERGENCY EVACULATION PLAN PRIOR TO OCCUPATION CERTIFICATE.....	53
ERECTION OF SIGN	11
EXISTING SERVICE VEHICLE DOCK.....	50
EXTERNAL LIGHTING	57
FLOOR SPACE RATIO - ALL OTHER AREAS.....	7
FLOOR SPACE RATIO - CENTRAL SYDNEY	7
FOOTWAY SEATING	55
GAMING MACHINES.....	15
HOLDING AREAS.....	49
HOURS OF OPERATION – MINOR DEVELOPMENT.....	11

HOURS OF OPERATION – SENSITIVE USES	11
INTERCOM FOR VISITORS	47
INTERNET CAFES.....	15
INTRUDER ALARM	19
LIQUOR LICENSING ACCORD	13
LOADING FOR SEMI-TRAILERS	50
LOADING VIA THE ENTRANCE.....	50
LOADING WITHIN SITE	50
LOADING/PARKING KEPT CLEAR	50
LOCATION OF ACCESSIBLE CAR PARKING SPACES	48
LOCATION OF DRIVEWAYS	49
LOCATION OF VISITOR PARKING.....	47
MAXIMUM POPULATION OF LICENSED PREMISES	15
MOTORCYCLES.....	45
NEIGHBOURHOOD AMENITY.....	14
NO PUBLIC ENTERTAINMENT	14
NO RETAIL SALES	57
NO SPEAKERS OR MUSIC OUTSIDE	13
NO SPRUICKING/AMPLIFIED NOISE.....	12
NOISE - MECHANICAL PLANT	17
NOISE - USE	16
NOISE FROM GLASS REMOVAL	14
NOISE LIMITERS.....	19
NSW FIRE BRIGADE REQUIREMENTS	53
PARKING METERS	51
PARKING ON COMMON PROPERTY AREAS	46
PARTITION WALLS.....	57
PLACE OF PUBLIC ENTERTAINMENT	15
PLAN OF MANAGEMENT.....	13
PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME.....	44
REFLECTIVITY	57
REMOVAL OF GLASS	13
REMOVAL OF GRAFFITI	12

RESTRICTION OF GROCERY AND CONVENIENCE RETAILING – CENTRAL SYDNEY	21
RESTRICTION ON CLUB	21
RESTRICTION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME– ULTIMO/PYRMONT	44
RESTRICTION ON RESIDENTIAL DEVELOPMENT	19
RESTRICTION ON SERVICED APARTMENTS	20
RESTRICTION ON USE OF CAR SPACES – COMMERCIAL (INC. SERVICED APARTMENTS)	22
RESTRICTION ON USE OF CAR SPACES – COMMERCIAL WITH NO STRATA SUBDIVISION	23
RESTRICTION ON USE OF CAR SPACES – HOTEL	22
RESTRICTION ON USE OF CAR SPACES – RESIDENTIAL	22
RESTRICTION ON USE OF CAR SPACES – RESIDENTIAL, SERVICED APARTMENTS AND MIXED USE	23
SEALING OF CAR PARK	46
SECTION 61 CONTRIBUTIONS PAYABLE - COST SUMMARY REPORT – SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE	41
SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE	42
SECTION 94 CONTRIBUTION – ULTIMO PYRMONT	24
SECTION 94 CONTRIBUTIONS – LEICHHARDT LEP AREA	38
SECTION 94 CONTRIBUTIONS – SOUTH SYDNEY 1998 – INSIDE GREEN SQUARE	28
SECTION 94 CONTRIBUTIONS - SOUTH SYDNEY 1998 – OUTSIDE GREEN SQUARE	29
SECTION 94 CONTRIBUTIONS PLAN – SOUTH SYDNEY 1997	27
SECTION 94 CONTRIBUTIONS SOUTH SYDNEY 2003 PLAN - INSIDE GREEN SQUARE ..	31
SECTION 94 CONTRIBUTIONS SOUTH SYDNEY 2003 PLAN - OUTSIDE GREEN SQUARE	32
SECURITY	54
SECURITY GATES	49
SECURITY MANAGEMENT PLAN	13
SERVICE VEHICLE SIZE LIMIT	51
SERVICE VEHICLES	45
SHOP FRONTS	12
SHOP FRONTS/CONVENIENCE STORES	54
SHORT STAY PUBLIC CAR PARKS	47
SIGN FOR VISITOR PARKING	47

SIGN ILLUMINATION	10
SIGNAGE – TIME LIMITED CONSENT	10
SIGNAGE STRATEGY.....	10
SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME	44
SIGNAL SYSTEM	49
SIGNS - RESTRICTED PREMISES.....	11
SIGNS - SEPARATE DA REQUIRED	10
SIGNS AT EGRESS.....	49
SIGNS/GOODS IN THE PUBLIC WAY	11
STACKED PARKING EMPLOYEES OR TENANTS ONLY.....	46
STRATA LOTS FOR RESIDENTIAL DEVELOPMENT	46
SURVEILLANCE CAMERAS	13
TOILET DOORS IN HOTELS AND NIGHTCLUBS.....	12
TRAFFIC WORKS.....	51
TREATMENT OF PROPOSED EXTERNAL WALLS.....	57
UNDER AWNING LIGHTING.....	56
VEHICLE FOOTWAY CROSSING	50
VEHICLES AWAITING REPAIR.....	49
VEHICLES ENTER/LEAVE IN FORWARD DIRECTION.....	49
VISIBILITY TO CONVENIENCE STORE INTERIOR	54
VISITOR AND TOURIST ACCOMMODATION - PLANS OF MANAGEMENT	16
VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION	16
WASTE AND RECYCLING COLLECTION	14

GENERAL PLANNING

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. **[insert DA number]** dated **[insert date DA was lodged]** and **[insert title of Statement of Eviron. Effects]** prepared by **[insert author of the reports]**, dated **[insert date of the reports]** and the following drawings:

[Use either Alt + N, or Tab, to move to the next field in the table]

[To add a row to the table, place the cursor in the last cell of the table and press the Tab key.]

[To remove a row from the table, simply select the row, then hold down the SHIFT key and press the DELETE key]

Drawing Number	Architect	Date
[drawing no]	[name of architect]	[drawing date]
[drawing no]	[name of architect]	[drawing date]
[drawing no]	[name of architect]	[drawing date]
[drawing no]	[name of architect]	[drawing date]
[drawing no]	[name of architect]	[drawing date]

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.

[Next condition]

(2) DESIGN DETAILS (MAJOR DEVELOPMENT)

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by **[insert]** dated **[insert]**.

(3) DESIGN DETAILS (MINOR DEVELOPMENT)

- (a) A materials sample board detailing all proposed finishes must be submitted for the approval of Council prior to a Construction Certificate being issued.

[Planner: Use when you are going to be specific as to the changes required, and make sure that the requested changes do not have a consequential impact.]

(4) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) **[insert]**

The amendments are to be submitted for the approval of Council prior to a Construction Certificate being issued.

[Planner: Apply to all consents for new multi storey buildings.]

(5) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed **[insert FSR]** calculated in accordance with the *Sydney Local Environmental Plan 2005*. For the purpose of the calculation of FSR, the Floor Space Area of the development is **[insert number]**sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under *Sydney Local Environmental Plan 2005* applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

[Planner: Use (c) if the application involves allocation of HFS, if not, delete; if HFS allocated advise Admin and Planning Officer.]

- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that **[insert sqm of HFS (whole number only ie no decimals)]**sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of **[insert FSR]** as specified in the *Sydney Local Environmental Plan 2005*.

(6) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed **[insert FSR]**; for the residential use must not exceed **[insert FSR]**; and for the mixed use must not exceed **[insert FSR]** calculated in accordance with **[insert planning instrument]**. For the purposes of the calculation of FSR, the Gross Floor Area of the business component is **[insert number]**sq m, for the residential component is **[insert number]**sq m, and the total Gross Floor Area is **[insert number]**sq m.

- (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 **[insert applicable planning instrument]**, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

[Planner: For any HFS awards, advise relevant admin officer by sending relevant memo.]

(7) AWARD OF HERITAGE FLOOR SPACE

The owner of the site may be awarded **[insert sqm of heritage floor space (whole number only, ie no decimals)]**sqm of heritage floor space under the *Sydney Local Environmental Plan 2005*, if the criteria set out in the sub clauses below are complied with.

- (a) The owner must complete the conservation work approved by this development consent and future Construction Certificates to the satisfaction of Council, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register. In particular the following conservation works must be undertaken:
- (i) **[insert list of conservation works]**
 - (ii)
- (b) The owner must enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:
- ensure the continued conservation and maintenance of the building; and
 - limit any future development of the site to the total area of the conserved building, which has a FSA of **[insert]**sqm.
- (c) All legal documentation must be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
- (d) The owner will be registered as the owner of **[insert sqm of HFS (number only)]** sqm of heritage floor space only after the completion of paragraphs (a) to (c) of this condition, to the satisfaction of Council.
- (e) On the satisfactory completion of (a) to (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

(8) AWARD OF HERITAGE FLOORSPACE – STAGED AWARD

The owner of the site may be awarded [**insert sqm of heritage floor space (whole number only, ie no decimals)**]sqm of heritage floor space under the *Sydney Local Environmental Plan 2005*, if the criteria set out in the sub clauses below are complied with.

- (a) The owner must complete the conservation work approved by this development consent and future Construction Certificate, to the satisfaction of Council, prior to the registration of such heritage floor space in Council's Heritage Floor Space Register.
 - (i) [**insert sq. metres**] of heritage floor space may be awarded upon completion of the following conservation works proposed in the current application:
 - a. [**insert works**].
 - b. [**insert works**].
 - (ii) [**insert sq. metres**] of heritage floor space may be awarded upon the completion of the following conservation works:
 - a. [**insert works**]
 - b. [**insert works**]
- (b) The owner must enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building, which has a FSA of [**insert**]sqm.
- (c) All legal documentation must be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
- (d) The owner will be registered as the owner of [**insert sqm of HFS (number only)**] sqm of heritage floor space only following the completion of paragraphs (a) to (c) of this condition to the satisfaction of Council.
- (e) On the satisfactory completion of (a) to (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

[Planner: Applies to all major DA's throughout the LGA.]

(9) BUILDING HEIGHT

- (a) The height of the building must not exceed RL [*insert RL number*] (AHD) to the top of the building and RL [*insert RL number*] (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority.

(10) APPROVED DESIGN ROOF-TOP PLANT

All roof-top plant and associated equipment must be located within the approved building envelope. Should the plant exceed the approved building envelope, then further approval is required from Council.

SIGNS

(11) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs (other than exempt or complying signs under Council's exempt and complying DCPs) which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

(12) SIGNAGE STRATEGY

A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location,, type, construction, materials and total number of signs appropriate for the building.

(13) SIGNAGE – TIME LIMITED CONSENT

The sign(s) and any associated structure(s) must be removed and the building/site reinstated, within a period of 3 years from the date of consent or on the termination of the subject lease of the property, whichever occurs first. If the sign is to be retained after this period, a new development application must be lodged with Council before the expiration of the consent.

(14) SIGN ILLUMINATION

- (a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood. If in the opinion of Council injury is likely to be caused, the intensity, period of intermittency and hours of illumination must be varied to the approval of Council.
- (b) The sign(s) must not flash.

[Planner: Applies to all under awning and shop front signs.]

(15) ERECTION OF SIGN

The sign is to be erected in a secure manner to ensure safety and its installation is not to involve measures that would cause irreversible damage to the building.

(16) SIGNS/GOODS IN THE PUBLIC WAY

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

(17) SIGNS - RESTRICTED PREMISES

A sign may only be erected, displayed or exhibited at the restricted premises where:

- (a) The sign does not exceed 600 millimetres in height or width, and an area of 0.36sq.m, does not contain neon illumination, does not flash, and contains only:
 - (i) the words 'RESTRICTED PREMISES' in capital letters, 50 millimetres in height; and
 - (ii) the name of the operator of the restricted premises or the registered name of the business.
- (b) Not more than one such sign is to be erected, displayed or exhibited.

MANAGEMENT AND USE

(18) HOURS OF OPERATION – MINOR DEVELOPMENT

The hours of operation are restricted to between [*insert open time*] and [*insert close time*] Mondays to Saturdays inclusive and [*insert open time*] and [*insert close time*] on Sundays.

(19) HOURS OF OPERATION – SENSITIVE USES

The hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between [*insert open time*] and [*insert close time*] Mondays to Saturdays inclusive and [*insert open time*] and [*insert close time*] on Sundays.
- (b) Notwithstanding (a) above, the use may operate between [*insert appropriate additional hours*] for a trial period of [*insert trial period*] from the date of [*CHOOSE from the following options: this consent| issue of the Occupation Certificate| issue of the approved variation of the Liquor License*].

- (c) A further application may be lodged to continue the trading hours outlined in (b) above before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

(20) CONSENT TO LAPSE

- (a) The period during which the use is approved to operate is restricted to [*insert time frame*]. The use must cease after that time. A further development application may be lodged before the expiration date for Council's consideration of the continuation of the use.
- (b) Council's consideration of this further application will take into account the compliance of the use in terms of: conditions of consent; number and nature of substantiated complaints regarding the operation of the premises; and any views expressed by the NSW Police Service.

(21) REMOVAL OF GRAFFITI

The owner/manager of the site must be responsible for the removal of all graffiti from the building within 48 hours of its application.

(22) NO SPRUICKING/AMPLIFIED NOISE

No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject property.

(23) SHOP FRONTS

- (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 grille to be located on the inside of the shop front must be an open grille and see through and not a solid metal type. Details are to be submitted to Council or the Principal Certifying Authority prior to a Construction Certificate being issued.

[Planner: Applies to all new major developments and changes of use which may have public safety and amenity implications.]

(24) TOILET DOORS IN HOTELS AND NIGHTCLUBS

To discourage illegal activity and in the vent of an emergency, the doors of the toilets used by patrons of the hotel/nightclub must not extend from the floor to the ceiling.

(25) SECURITY MANAGEMENT PLAN

Prior to a Construction Certificate being issued, a Security Management Plan, which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site must be submitted to and approved by Council. The approved plan must be implemented during operation of the use.

(26) NO SPEAKERS OR MUSIC OUTSIDE

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain.

(27) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management, signed and dated [*insert date*].

(28) LIQUOR LICENSING ACCORD

The Licensee is encouraged to join and adopt the principles of the local Liquor Licensing Accord (contact Safe City on 9265 9172 for information or www.cityofsydney.nsw.gov.au).

(29) SURVEILLANCE CAMERAS

Security cameras must be installed and maintained in good operational order and placed in strategic places such as the external entrance and exit doors. The DVDs/tapes/discs must have the time and date automatically recorded and be kept in a secure place to ensure their integrity for a minimum period of 28 days before being reused or destroyed. The DVDs/video tapes/discs are to be made available to the Police upon request.

Note: Digital recordings (DVDs) are the preferred form of surveillance recording.

(30) COPIES OF APPROVALS AND MANAGEMENT PLANS

A full and current copy of the development consent for the operation of the licensed premises, the security management plan and, where applicable, the Place of Public Entertainment approval under section 68 of the Local Government Act must be kept on-site and made available to Police or Council Officers upon request.

(31) REMOVAL OF GLASS

Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises (except from any approved bottle shop area).

(32) WASTE AND RECYCLING COLLECTION

- (a) The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

(33) CARE OF BUILDING SURROUNDS

In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

(34) NOISE FROM GLASS REMOVAL

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied/transferred within the premises and removed in containers.

(35) NEIGHBOURHOOD AMENITY

- (a) Signs must be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (b) The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.

(36) NO PUBLIC ENTERTAINMENT

No "*public entertainment*", as defined under *Local Government Act, 1993* is to be provided within the premises unless approved by a development application under the *Environmental Planning and Assessment Act, 1979* and an application under section 68 of the *Local Government Act, 1993*.

(37) PLACE OF PUBLIC ENTERTAINMENT

- (a) The use of the premises (or subject part) for the provision of entertainment must not commence until such time as an application, pursuant to section 68 of the *Local Government Act 1993*, has been submitted to and approved by Council. The premises must comply with the requirements of the *Building Code of Australia*, in particular those relating to Places of Public Entertainment.
- (b) The provision of entertainment within the premises must cease after a period of [*insert time frame*] from the date of the Place of Public Entertainment final approval under section 68 of the *Local Government Act 1993*. A further application may be lodged before the expiration of the [*insert time frame*] trial period for Council's consideration.
- (c) Where a licensed premises holds, or obtains, a Place of Public Entertainment approval, each specific area to which the approval refers must display, in a prominent position, a sign which states the number of persons approved under the POPE licence in letters a minimum 25mm in height on a contrasting background.

(38) MAXIMUM POPULATION OF LICENSED PREMISES

For licensed premises, in addition to the sign showing the licensee's name, there must be affixed alongside, details of the maximum number of persons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs must not exceed 600mm in height or width in total.

(39) GAMING MACHINES

- (a) No signage visible from the public way is to be installed that advertises directly or indirectly, the gaming machines on site.
- (b) No automatic teller machines are permitted to be installed in the same room in single level premises and on the same floor in multi level premises containing gaming machines.

(40) INTERNET CAFES

- (a) The use is approved as an internet café and not an amusement arcade and therefore computers are to be made available only for the purpose of general computing and accessing the internet.
- (b) A minimum of 5% of the total computer work-stations must be designed and installed in accordance with AS 1428, to provide access for use by patrons with a disability. The location of all work-stations and specifications must be nominated to the satisfaction of the Principal Certifying Authority prior to an Occupation Certificate being issued.

(41) BOARDING HOUSE - USE AND OPERATION

The use and operation of the premises must comply with the requirements of Schedule 1 (Standards of Places of Shared Accommodation) of the Local Government Orders Regulation, 1999 under the Local Government Act 1993, the Public Health Act, 1991 and regulations there under and Council's Boarding House Development Control Plan 2004.

(42) BOARDING HOUSE - PLAN OF MANAGEMENT

A Plan of Management must be submitted to Council for approval prior to a Construction Certificate being issued. The Plan of Management must include the minimum criteria as stipulated in Council's Boarding Houses Development Control Plan 2004, section 2.9.

(43) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION

The use and operation of the premises must comply with the requirements of Schedule 1 (Standards for Places of Shared Accommodation) of the Local Government Orders Regulation, 1999 under the Local Government Act 1993, the Public Health Act, 1991 and regulations there under and Council's "Visitor and Tourist Accommodation Development Control Plan 2006".

(44) VISITOR AND TOURIST ACCOMMODATION - PLANS OF MANAGEMENT

Plans of Management must be submitted to Council for approval prior to an Occupation Certificate being issued. The Plans of Management must include the minimum criteria as stipulated in Council's "Visitor and Tourist Accommodation, Development Control Plan 2006" section 2.10.0.

NOISE

(45) COMPLIANCE WITH ACOUSTIC REPORTS/ENTERTAINMENT

All recommendations contained in the Acoustic Report prepared by *[insert]*, dated *[insert]*, must be implemented during construction and use of the premises, including the following:

- (a) *[Planner: insert relevant particulars from Acoustic Report Recommendations. Separate out construction recommendations (under paragraph(a)) and use recommendations (under paragraph(b)) and put time frames on any physical construction works required - eg. Prior to CC or OC]***

(46) NOISE - USE

Noise caused by the approved use including music and other activities must comply with the following criteria:

- (a) The use must not result in the transmission of “*offensive noise*” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
- (c) The L10 noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
- (d) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

(47) NOISE - MECHANICAL PLANT

Noise associated with mechanical plant must not give rise to any one or more of the following:

- (a) Transmission of “*offensive noise*” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) An indoor LAeq sound pressure level contribution in any place of different occupancy greater than 3 dB(A) above the L90 background level in any octave band from 31.5 Hz to 9 kHz centre frequencies inclusive between the hours of 7am to midnight and 0 dB(A) above the L90 background level in any octave band from 31.5 Hz to 9 KHz centre frequencies inclusive between the hours of midnight to 7am the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.

(48) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS

The air conditioner/s must not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or

- (ii) before 7.00am and after 10.00pm on any other day.
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

[Planner: this condition is not to be hidden]

(49) ADDITIONAL NOISE CONDITIONS FOR LICENSED PREMISES

During the first 60 days of public entertainment being provided at the premises, the following acoustic measures must be undertaken:

- (a) a suitably qualified acoustic consultant must be appointed (such appointment to be before the entertainment commences) to:
 - (i) measure and verify that the noise emanating from the premises complies with the noise criteria in the "Noise Use" conditions; and
 - (ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria in "Noise Use condition".
- (b) The noise measurements must be:
 - (i) undertaken without the knowledge of the applicant, manager or operator of the premises; and
 - (ii) taken on at least three different occasions on three different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or the close of business, whichever occurs first; and
 - (iii) submitted to Council's Licensed Premises unit within 7 days of the testing.
- (c) If the acoustic consultant recommends that additional treatment or works be undertaken under condition (a)(ii) above, those recommendations must be:
 - (i) submitted to Council with the noise measurements as required in (b)(ii) above; and
 - (ii) implemented to the acoustic consultant's satisfaction before the end of the first 60 days of public entertainment being provided on the premises.
- (d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, public entertainment on the premises must cease until such time as the recommendations are implemented and verified.

(50) COMPLAINTS

If, during the on-going use of the premises, substantiated complaints of breaches of noise conditions occur after the initial noise verification process is complete, as required by the "Additional Noise Conditions for Licensed Premises" above, the applicant must:

- (a) arrange for further acoustic testing to be undertaken by a suitably qualified acoustic consultant; and
- (b) immediately implement any recommendations made by the consultant to ensure the premises complies with the noise levels specified in the "Noise-Use" condition above.

(51) NOISE LIMITERS

- (a) All amplification equipment used in the premises is to be controlled by a root mean square (RMS) noise limiter, calibrated by an acoustic engineer. The equipment must be tamper proof and only operable by the management/licensee or their nominee.
- (b) The noise limiter is to be calibrated in accordance with the manufacturer's specification or on an as-needs basis with certification that the equipment is correctly calibrated being kept on the premises and made available to Council officers upon request.

(52) INTRUDER ALARM

Intruder alarm/s associated with the development are permitted to operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2000* under the *Protection of the Environment Operations Act, 1997*.

COVENANTS/RESTRICTIONS ON TITLE

(53) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels [*insert*]) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the [**CHOOSE the relevant instrument: Sydney Local Environmental Plan 2005|Sydney Regional Environmental Plan|South Sydney Local Environmental Plan 1998|Leichhardt Local Environmental Plan 2000.**]

- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from [**insert the title of the “residential” definition from the relevant instrument above**] as defined in [**CHOOSE the relevant instrument: Sydney Local Environmental Plan 2005|Sydney Regional Environmental Plan|South Sydney Local Environmental Plan 1998|Leichhardt Local Environmental Plan 2000**]. The covenant is to be registered on title prior to an Occupation Certificate being issued, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) No more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children’s beds, cots or bassinets.
- (d) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.
- (e) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (f) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building such that the Building Manager or agent has control over who shares units.
- (g) Car parking spaces may only be used for storage related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

(54) RESTRICTION ON SERVICED APARTMENTS

The following restriction applies to buildings approved for serviced apartment use:

- (a) The accommodation portion of the building (levels [**insert**]) must be used as serviced apartment accommodation only and not for permanent residential purposes or any other use.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from [**insert the “serviced apartment” title of the definition from the relevant instrument above**] as defined in [**CHOOSE the relevant instrument: Sydney Local Environmental Plan 2005|Sydney Regional Environmental Plan|South Sydney Local Environmental Plan 1998|Leichhardt Local Environmental Plan 2000**]. The covenant is to be registered on title prior to an Occupation Certificate being issued, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.

[Planner: this clause to be used when building contains grocery or convenience retailing that is not included as floor space area under Sydney LEP 2005]

(55) RESTRICTION OF GROCERY AND CONVENIENCE RETAILING – CENTRAL SYDNEY

- (a) The part of the building that has been approved as basement grocery or convenience retailing [*insert sqm*] sqm and has been excluded from floor space for the purposes of calculating floor space ratio must be maintained as grocery or convenience retailing as defined in *Sydney LEP 2005*.
- (b) Prior to an Occupation Certificate being issued, a documentary restrictive covenant to the effect that [*x sqm*] of the building has been approved as basement grocery or convenience retailing and has been excluded from floor space for the purposes of calculating floor space ratio 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.

[Planner: use this condition when a club has used the FSR 'bonus' under Clause 41 of the Sydney LEP 2005. This condition should be placed after the floor space ratio condition in the report/consent]

(56) RESTRICTION ON CLUB

The following applies to the development:

- (a) In recognition of the long and historic association of the [*insert name*] Club on the land an amount of [*insert sqm*]sqm (being part of the area occupied by the club equivalent to an FSR of 2:1) has been excluded from the FSR calculations and therefore the [*insert name*] Club must continue to operate within the building.
- (b) Prior to an Occupation Certificate being issued, a documentary restrictive covenant to the effect that the area used as the [*insert name*] club [*insert x sqm*] must not be used for any purpose other than the [*insert name*] Club 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.

[Planner: in most cases windows in a wall on a common boundary are not appropriate unless secured with an easement for light and air. In some circumstances, for non-residential development, this condition can only be used where the windows are not required for light and ventilation under the BCA]

(57) BOUNDARY WINDOWS COVENANT

All windows adjacent to the [**describe boundary**] boundary of the site must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. Prior to a Construction Certificate being issued, a documentary restrictive covenant is to be registered on the Title of all units/tenancies facing the affected boundary. The covenant is to be created appurtenant to Council and at no cost to Council.

[Planner: applies to all DA's for strata subdivision of commercial developments which have on-site parking]

(58) RESTRICTION ON USE OF CAR SPACES – COMMERCIAL (INC. SERVICED APARTMENTS)

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used by those other than an occupant or tenant of the subject building.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

[Planner: applies to all DA's for strata subdivision of residential developments which have on-site parking]

(59) RESTRICTION ON USE OF CAR SPACES – RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used by those other than an occupant or tenant or resident of the subject building.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

[Planner: applies to DAs that include a hotel component]

(60) RESTRICTION ON USE OF CAR SPACES – HOTEL

The following conditions apply to car parking:

- (a) The on site car parking spaces are not to be used by those other than hotel guests, function patrons and staff of the subject building.

- (b) Car parking spaces used in connection with hotel function areas are to be available only to patrons while using the function facilities and must not be used for public car parking.
- (c) Prior to an Occupation Certificate being issued, 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 Council.

[Planner: applies to all residential or mixed residential/commercial or serviced apartment DAs with on site car parking but not if DA includes strata subdivision. If the DA is for serviced apartments delete the word 'tenant' where it appears]

(61) RESTRICTION ON USE OF CAR SPACES – RESIDENTIAL, SERVICED APARTMENTS AND MIXED USE

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building.
- (b) Prior to an Occupation Certificate being issued, 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, 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.

[Planner: applies to all commercial DAs with on-site car parking but not if DA includes strata subdivision]

(62) 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 by those other than an occupant or tenant of the subject building.

- (b) Prior to an Occupation Certificate being issued 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.

CONTRIBUTIONS

ULTIMO PYRMONT

(63) SECTION 94 CONTRIBUTION – ULTIMO PYRMONT

A contribution under section 94 of the *Environmental Planning and Assessment Act 1979* must be paid in accordance with the following:

Cash Contribution Required

- (a) In accordance with the adopted "*Ultimo Pymont Contributions Plan 1994*" a cash contribution must be paid to Council in accordance with this condition.

Amount of Contribution

- (b) The amount of the contribution is \$[**insert amount of contribution (without \$)**].

Note: The contribution will be indexed annually, see paragraph (f) below.

Purposes for which Contribution Required

- (c) The contribution is required, and must be held and applied in accordance with the Act and the *Ultimo Pymont Contributions Plan 1994*, for the purposes, and in the proportions, set out as follows:
 - (i) Open Space - 64%
 - (ii) Community Facilities - 9.5%
 - (iii) Roads and Associated Infrastructure - 26.2%
 - (iv) Administration - 0.3%

Certification of Contribution

- (d) Certification of the Section 94 Contribution calculation, including verification of gross floor area and resident/worker population as applicable, and indexation of the contribution in accordance with the “*Ultimo Pyrmont Contributions Plan 1994*” (if applicable) must be submitted for the approval of Council, prior to a Construction Certificate being issued

If the Construction Certificate is to be issued by a Principal Certifying Authority, they must seek Council’s endorsement of the calculation prior to its issue.

Timing of Payment

- (e) The contribution must be paid [**CHOOSE from the following options:** prior to issue of a Construction Certificate. | prior to issue of a Subdivision Certificate. | prior to the commencement of the development.] Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney. Personal or company cheques will not be accepted.

Indexing

- (f) The contribution rate in “*Ultimo Pyrmont Section 94 Contributions Plan 1994*” will be adjusted in accordance with clause 19 of the Plan being not less than annually.
- (g) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.
- (h) Please contact Council’s Planning Administration staff to confirm the amount payable, prior to payment.

(64) AFFORDABLE HOUSING CONTRIBUTION - ULTIMO PYRMONT FLOOR SPACE CONTRIBUTION

The Affordable Housing Contribution is as follows:

- (a) Pursuant to *Sydney LEP 2005* a total of [**insert sqm - number only**] sqm identified as Unit No(s) [**insert unit number**] on DA drawing No(s) [**insert drawing number**] must be provided to be used for the sole purpose of affordable housing in accordance with the relevant principles of *Sydney LEP 2005* and the adopted City West Affordable Housing Program; and
- (b) Prior to a Construction Certificate being issued, the applicant must provide evidence to Council that the title to the affordable housing unit(s) to be contributed will be transferred to City West Housing Pty Limited, or the unit(s) to be managed in accordance with the affordable housing principles set out in the *Sydney LEP 2005* and the adopted City West Affordable Housing Program; and

- (c) Prior to an Occupation Certificate being issued, the applicant must provide evidence to Council that the title to the contributed unit(s) has transferred to City West Housing Pty Limited.

(65) AFFORDABLE HOUSING CONTRIBUTION – ULTIMO PYRMONT – FLOOR SPACE CONTRIBUTION IF NO CC IS REQUIRED (OR CROWN DA)

The Affordable Housing Contribution is as follows:

- (a) Pursuant to *Sydney LEP 2005* a total of [**insert sqm (number only)**] sqm identified as Unit No(s) [**insert unit number**] on DA drawing No(s) [**insert drawing number**] must be dedicated to be used for the sole purpose of affordable housing in accordance with the relevant principles of *Sydney LEP 2005* and the adopted City West Affordable Housing Program; and
- (b) **Prior to the commencement of construction**, the applicant must provide evidence in the form of a deed of agreement with cost to be borne by the applicant, **to Council** that the title to the affordable housing units(s) to be contributed will be transferred to City West Housing Pty Limited, to be managed in accordance with the affordable housing principles set out in *Sydney LEP 2005* and the adopted City West Affordable Housing Program; and
- (c) Prior to any occupation of the development the applicant must provide evidence to Council that the title to the contributed unit(s) has transferred to City West Housing Pty Limited.

(66) AFFORDABLE HOUSING CONTRIBUTION – ULTIMO PYRMONT - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION

The Affordable Housing Contribution is as follows:

- (a) Prior to a Construction Certificate being issued, and pursuant to *Sydney LEP 2005* and the adopted City West Affordable Housing Program, the applicant must provide evidence to Council that a monetary contribution towards the provision of affordable housing has been paid. The contribution is \$[**insert amount**]
- (b) Bank cheques to the value of the required contribution are to be made in favour of 'City West Housing Pty Ltd and paid to the Department of Planning. Contact the Housing Policy Team at the Department of Planning on Ph: 9228-6111, Fax: 9228 6455 or information@dipnr.nsw.gov.au for further information and to arrange a time to make the payment.
- (c) Certification of the Affordable Housing Contribution calculations including verification of total floor area, prepared by a Quantity Surveyor, and indexation of the contribution in accordance with the Affordable Housing Program, must be submitted for the approval of Council, prior to a Construction Certificate being issued.

- (d) If the Construction Certificate is to be issued by a Principal Certifying Authority, they must seek Council's endorsement of the calculation prior to issue of the Construction Certificate.
- (e) Prior to issue of an Occupation Certificate, the applicant must provide evidence to Council that the bank guarantee referred to in (a) above has been redeemed as payment of this contribution. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with the adopted City West Affordable Housing Program.

(67) AFFORDABLE HOUSING CONTRIBUTION – ULTIMO PYRMONT - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION IF NO CC REQUIRED (OR CROWN DA)

The Affordable Housing Contribution is as follows:

- (a) Prior to commencement of construction and pursuant to the *Sydney LEP 2005* and adopted City West Affordable Housing Program, the applicant must provide Council with evidence that a monetary contribution towards the provision of affordable housing has been paid. The contribution is \$**[insert amount]**
- (b) Bank cheques to the value of the required contribution are to be made favour of 'City West Housing Pty Ltd and paid to the Department of Planning. Contact the Housing Policy Team at the Department of Planning on 9228-6111, Fax 9228 6455 or information@dipnr.nsw.gov.au for further information regarding the payment.
- (c) Prior to any occupation of the development, the applicant must provide evidence to Council that the bank guarantee referred to in (a) above has been redeemed as payment of the contribution. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with the adopted City West Affordable Housing Program.

FORMER SOUTH SYDNEY

(68) SECTION 94 CONTRIBUTIONS PLAN – SOUTH SYDNEY 1997

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979*, *South Sydney City Council Section 94 Contributions Plan, 1997* and *South Sydney City Council Section 94 Contributions Plan – Multi Function Administration Centre*, the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Open Space Land Acquisition	\$ [0.00]

Open Space/Townscape/Public Domain	\$[0.00]
Accessibility And Transport	\$[0.00]
Management	\$[0.00]
Multi-function Administration Centre	\$[0.00]
Total	\$[0.00]

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

$$\text{Contributions at Time of Payment} = C \times \text{CPI}_2 / \text{CPI}_1$$

where:

- C is the original contribution amount as shown above;
- CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the **[insert relevant quarter e.g. March Quarter 04/05]**.

The contribution must be paid [**CHOOSE from the following options:** prior to issue of a Construction Certificate.] prior to issue of a Subdivision Certificate.[prior to the commencement of the development.] Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney (direct deposit, personal or company cheques will not be accepted). Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

(69) SECTION 94 CONTRIBUTIONS – SOUTH SYDNEY 1998 – INSIDE GREEN SQUARE

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979*, and *South Sydney City Council Section 94 Contributions Plan 1998 and South Sydney City Council Section 94 Contributions Plan – Multi Function Administration Centre*, the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Open Space/LGA Works Programme	\$[0.00]
Open Space/Green Square	\$[0.00]

Accessibility And Transport	\$[0.00]
Road Infrastructure/Green Square	\$[0.00]
Community Facilities/Green Square	\$[0.00]
Management	\$[0.00]
Multi-Function Admin Centre	\$[0.00]
Total	\$[0.00]

The above payments, with the exception of the land acquisition components and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual valuations.

$$\text{Contributions at Time of Payment} = C \times \text{CPI}_2 / \text{CPI}_1$$

where:

C is the original contribution amount as shown above;

CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being the **[insert relevant quarter e.g. March Quarter 04/05]**.

The contribution must be paid **[CHOOSE from the following options:** prior to issue of a Construction Certificate.]prior to issue of a Subdivision Certificate.]prior to the commencement of the development.] Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney (direct deposit, personal or company cheques will not be accepted). Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

Copies of the Section 94 Contributions plan may be inspected at Council's offices.

(70) SECTION 94 CONTRIBUTIONS - SOUTH SYDNEY 1998 – OUTSIDE GREEN SQUARE

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979*, and *South Sydney City Council Section 94 Contributions Plan 1998* and *South Sydney City Council Section 94 Contributions Plan – Multi Function Administration Centre*, the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Open Space: LGA Works Programme	[\$0.00]
Open Space: New Parks	[\$0.00]
Accessibility and Transport	[\$0.00]
Management	[\$0.00]
Multi-Function Admin Centre	[\$0.00]
Total	[\$0.00]

The above payments, with the exception of the land acquisition component of New Parks and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual valuations.

$$\text{Contributions at Time of Payment} = C \times \text{CPI}_2 / \text{CPI}_1$$

where:

- C is the original contribution amount as shown above;
- CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
- CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – **[insert latest quarter and year]**.

The contribution must be paid [**CHOOSE from the following options:** prior to issue of a Construction Certificate.]prior to issue of a Subdivision Certificate.]prior to the commencement of the development.] Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney. Personal or company cheques will not be accepted. Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

Copies of the Section 94 Contributions plan may be inspected at Council's offices.

[Planner: the plan applicable for the former South Sydney properties transferred to the city of Sydney on 6 February 2004 is the South Sydney section 94 contribution plan - 2003 and the South Sydney Section 94 Contributions Plan Multi Function Administration Centre]

(71) SECTION 94 CONTRIBUTIONS SOUTH SYDNEY 2003 PLAN - INSIDE GREEN SQUARE

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (as amended)*, and *South Sydney City Council Section 94 Contributions Plan 2003* and *South Sydney City Council Section 94 Contributions Plan – Multi Function Administration Centre*, the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Open Space/LGA Works Programme	[\$0.00]
Open Space/New Parks (Green Square)	[\$0.00]
Accessibility and Transport	[\$0.00]
New Road Infrastructure/Green Square	[\$0.00]
Community Facilities/Green Square	[\$0.00]
Public Art Program	[\$0.00]
Library Resources	[\$0.00]
Management	[\$0.00]
Multi-Function Admin Centre	[\$0.00]
Total	[\$0.00]

The above payments, with the exception of the land acquisition component of New Parks and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual valuations.

$$\text{Contributions at Time of Payment} = C \times \text{CPI}_2 / \text{CPI}_1$$

where:

C is the original contribution amount as shown above;

CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – **[insert latest quarter and year]**.

The contribution must be paid [**CHOOSE from the following options:** prior to issue of a Construction Certificate.]prior to issue of a Subdivision Certificate.]prior to the commencement of the development.] Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney. Personal or company cheques will not be accepted. Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

Copies of the Section 94 Contributions plan may be inspected at Council's offices.

[Planner: the plan applicable for the former South Sydney properties transferred to the city of Sydney on 6 February 2004 is the South Sydney section 94 contribution plan - 2003 and the South Sydney Section 94 Contributions Plan Multi Function Administration Centre]

(72) SECTION 94 CONTRIBUTIONS SOUTH SYDNEY 2003 PLAN - OUTSIDE GREEN SQUARE

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (as amended)*, and *South Sydney City Council Section 94 Contributions Plan 2003 and South Sydney City Council Section 94 Contributions Plan – Multi Function Administration Centre*, the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Open Space: LGA Works Programme	[\$ 0.00]
Open Space: New Parks	[\$ 0.00]
Accessibility and Transport	[\$ 0.00]
Library Resources	[\$ 0.00]
Management	[\$ 0.00]
Multi-Function Admin Centre	[\$ 0.00]
Total	[\$ 0.00]

The above payments, with the exception of the land acquisition component of New Parks and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual valuations.

$$\text{Contributions at Time of Payment} = C \times \text{CPI}_2 / \text{CPI}_1$$

where:

C is the original contribution amount as shown above;

CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – [**insert latest quarter and year**].

The contribution must be paid [**CHOOSE from the following options:** prior to issue of a Construction Certificate.]prior to issue of a Subdivision Certificate.]prior to the commencement of the development.] Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney. Personal or company cheques will not be accepted. Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

Copies of the Section 94 Contributions plan may be inspected at Council's offices.

(73) AFFORDABLE HOUSING CONTRIBUTION – GREEN SQUARE – FLOOR SPACE CONTRIBUTION

Pursuant to Clause 27P of the *South Sydney Local Environmental Plan 1998 (as amended)*, a total of [**insert**]sqm identified as Unit No(s) [**insert unit number**] on DA drawing No(s) [**insert drawing number**] must be provided to be used for the sole purpose of affordable housing in accordance with the principles as set out in Clause 27N of the *South Sydney Local Environmental Plan 1998 (as amended)*.

Prior to a Construction Certificate being issued, the applicant must provide evidence to Council that the title to the affordable housing unit(s) to be contributed will be transferred to a recommended affordable housing provider in accordance with Schedule 1 of the *Green Square Affordable Housing DCP*.

Prior to an Occupation Certificate being issued, the applicant must provide evidence to Council that the title to the contributed unit(s) has been transferred to a recommended affordable housing provider.

A covenant in the terms set out in Attachment [**insert number**] is to be placed onto the title so that current and future property owners and Council will have evidence of the agreement in relation to the affordable housing unit(s) provided if the property is sold at any time in the future.

NOTE: If any GST is liable for the affordable housing contribution(s), such GST component must be paid by the applicant.

(74) AFFORDABLE HOUSING CONTRIBUTION – GREEN SQUARE – FLOOR SPACE CONTRIBUTION IF NO CC REQUIRED (OR CROWN DA)

Pursuant to Clause 27P of the *South Sydney Local Environmental Plan 1998 (as amended)*, a total of [insert]sqm identified as Unit No(s) [insert **unit number**] on DA drawing No(s) [insert **drawing number**] must be provided to be used for the sole purpose of affordable housing in accordance with the principles as set out in Clause 27N of the *South Sydney Local Environmental Plan 1998 (as amended)*.

Prior to the commencement of construction, the applicant must provide evidence to Council that the title to the affordable housing unit(s) to be contributed will be transferred to a recommended affordable housing provider in accordance with Schedule 1 of the *Green Square Affordable Housing DCP*.

Prior to any occupation of the development the applicant must provide evidence to Council that the title to the contributed unit(s) has been transferred to a recommended affordable housing provider.

A covenant is to be placed onto the title so that current and future property owners and Council will have evidence of the agreement in relation to the affordable housing unit(s) provided if the property is sold at any time in the future.

NOTES: If any GST is liable for the affordable housing contribution(s), such GST component must be paid by the applicant.

Planner: amount of affordable housing floor space calculation is based on “total floor area” rather than “gross floor area” used in calculating the FSR of a development. The main difference is that the area of balconies, up to Council’s minimum DCP 1997 requirement, is included in the calculation of total affordable housing floor area – refer Cl. 27M of LEP.

The amount of the monetary contribution is calculated on the total floor area (not a percentage of it). Contribution = (total residential floor area [m2] x residential rate [\$]) + (total non-residential floor area [m2] x non-residential rate [\$])

(75) AFFORDABLE HOUSING CONTRIBUTION – GREEN SQUARE - PAYMENT OF MONEY IN LIEU OF FLOOR SPACE

In accordance with Clause 27P of *South Sydney Local Environmental Plan 1998 (as amended)*, and prior to a Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning, 23-33 Bridge Street, Sydney or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$[**insert amount**] based on the in lieu monetary contribution rate for non-residential development at \$37.10 per square metre of total non-residential floor area [**insert value**]sqm, and for residential development at \$111.32 per square metre of total residential floor area [**insert value**]sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted [**insert relevant period eg. 1 March 05 to 28 February 06**], the amount of the contribution will be indexed in accordance with the formula set out below.

NOTES:

- (a) Applicants have two payment options:

Option 1 is payment by bank cheque using 'Form B - Receipt to Release Certificate of Construction after payment by Bank Cheque'. Form B must be obtained from the City of Sydney, and then must be lodged with a bank cheque with the NSW Department of Planning.

Option 2 is lodgement of a bank guarantee using 'Form A - Receipt to Release Certificate of Construction after lodgement of Bank Guarantee'. Form A must be obtained from the City of Sydney, and then must be lodged with a Bank Guarantee with the NSW Department of Planning.

Where Form A has been used, an occupation certificate will not be released until payment by bank cheque using 'Form C - Receipt to Release Certificate of Occupancy after payment by Bank Cheque'. Form C must be obtained from the City of Sydney and then must be lodged with a bank cheque with the NSW Department of Planning.

- (b) Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing contribution amount can be obtained from the relevant Form A, B or C at time of payment.

- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment = $C \times \text{HPI}_2 / \text{HPI}_1$, where:
 - (i) C is the original contribution amount as shown above;
 - (ii) HPI_2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 - (iii) HPI_1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent *[insert relevant period eg. 1 March 05 to 28 February 06]*.

Planner: amount of affordable housing floor space calculation is based on “total floor area” rather than “gross floor area” used in calculating the FSR of a development. The main difference is that the area of balconies, up to Council’s minimum DCP 1997 requirement, is included in the calculation of total affordable housing floor area - refer Cl. 27M of LEP.

The amount of the monetary contribution is calculated on the total floor area (not a percentage of it). Contribution = (total residential floor area [m²] x residential rate [\$] + (total non-residential floor area [m²] x non-residential rate [\$] + (total non-residential floor area [m²] x non-residential rate [\$])

Planner: amount of affordable housing floor space calculation is based on “total floor area” rather than “gross floor area” used in calculating the FSR of a development. The main difference is that the area of balconies, up to Council’s minimum DCP 1997 requirement, is included in the calculation of total affordable housing floor area – refer Cl. 27M of LEP

The amount of the monetary contribution is calculated on the total floor area (not a percentage of it). Contribution = (total residential floor area [m²] x residential rate [\$]) + (total non-residential floor area [m²] x non-residential rate [\$])

(76) AFFORDABLE HOUSING CONTRIBUTION – GREEN SQUARE - PAYMENT OF MONEY IN LIEU OF FLOOR SPACE IF NO CC REQUIRED (OR CROWN DA)

In accordance with Clause 27P of *South Sydney Local Environmental Plan 1998 (as amended)*, and prior to commencement of construction, the applicant must provide Council with evidence that a monetary contribution towards the provision of affordable housing has been paid at the Department of Planning, 23-33 Bridge Street, Sydney, or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$[**insert amount**] based on the in lieu monetary contribution rate for non-residential development at \$37.10 per square metre of total non-residential floor area [**insert value**]sqm, and for residential development at \$111.32 per square metre of total residential floor area [**insert value**]sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to any occupation of the development, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period of the year in which the consent is granted [**insert relevant period eg. 1 March 05 to 28 February 06**], the amount of the contribution will be indexed in accordance with the formula set out below.

NOTES:

- (a) Applicants have two payments options:

Option 1 is payment by bank cheque using 'Form B - Receipt to Release Certificate of Construction after payment by Bank Cheque'. Form B must be obtained from the City of Sydney, and then must be lodged with a bank cheque with the NSW Department of Planning.

Option 2 is lodgement of a bank guarantee using 'Form A - Receipt to Release Certificate of Construction after lodgement of Bank Guarantee'. Form A must be obtained from the City of Sydney, and then must be lodged with a Bank Guarantee with the NSW Department of Planning.

Where Form A has been used, an occupation certificate will not be released until payment by bank cheque using 'Form C - Receipt to Release Certificate of Occupancy after payment by Bank Cheque'. Form C must be obtained from the City of Sydney and then must be lodged with a bank cheque with the NSW Department of Planning.

- (b) Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing contribution amount must be obtained from Council. The contribution amount can be obtained from the relevant Form A, B or C at time of payment.

- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment = $C \times \text{HPI}_2 / \text{HPI}_1$, where:
 - (i) C is the original contribution amount as shown above;
 - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent [*insert relevant period eg. 1 March 05 to 28 February 06*].

LEICHHARDT LEP AREA

(77) SECTION 94 CONTRIBUTIONS – LEICHHARDT LEP AREA

A contribution under section 94 of the Act is to be paid in accordance with the following:

(a) **Open Space and Recreation**

Prior to a Construction Certificate being issued for works in connection with this development consent, a monetary contribution of \$[*insert*] must be paid to Council for the cost of acquiring and augmenting public open space in lieu of its physical provision.

The contribution must be paid [**CHOOSE from the following options:** prior to issue of a Construction Certificate.]prior to issue of a Subdivision Certificate.]prior to the commencement of the development.] Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney (direct deposit, personal or company cheques will not be accepted). Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

This contribution has been imposed pursuant to s.94 of the Environmental Planning and Assessment Act, and the **Leichhardt Open Space and Recreation Contributions Plan**, after identifying that the development will increase the demand for local and district open space within the area.

It has been calculated on the following basis:

- (i) [insert] new lots;
- (ii) [insert] new dwellings less than 55m2 in floor area;
- (iii) [insert] new dwellings between 55m2 and 85m2 in floor area;
- (iv) [insert] new dwellings between 85m2 and 120m2 in floor area;
- (v) [insert] new dwellings over 120m2 in floor area;
- (vi) with a concession of [insert] existing dwellings and [insert] existing lots.

The Contribution Plan may be inspected or a copy purchased at the Customer Service Counter in Council's offices.

(b) **Community Facilities and Services**

Prior to a Construction Certificate being issued for works in connection with this development consent, a monetary contribution of \$[insert] must be paid to Council for the cost of providing community facilities and services.

The contribution must be paid [**CHOOSE from the following options:** prior to issue of a Construction Certificate.]prior to issue of a Subdivision Certificate.]prior to the commencement of the development.] Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney (direct deposit, personal or company cheques will not be accepted). Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

This contribution has been imposed pursuant to s.94 of the Environmental Planning and Assessment Act, 1979 and the Leichhardt Community Facilities and Services Contributions Plan, after identifying that the development will increase the demand for community facilities and services within the area. It has been calculated on the following basis:

- (i) [insert] new dwellings less than 55m2 in floor area;
- (ii) [insert] new dwellings between 55m2 and 85m2 in floor area;
- (iii) [insert] new dwellings between 85m2 and 120m2 in floor area;
- (iv) [insert] new dwellings between 120m2 and 160m2 in floor area;
- (v) [insert] new dwellings over 160m2 in floor area;
- (vi) [insert] new lots;

- (vii) with a concession of [insert] existing dwellings and [insert] existing lots.

The Contribution Plan may be inspected or a copy purchased at the Customer Service Counter in Council's offices.

(c) **Transport and Access – Works and facilities**

Prior issuing the Construction Certificate, a total monetary contribution of \$[insert] must be paid to Council for the cost of providing the following transport and access works and facilities.

The contribution must be paid [CHOOSE from the following options: prior to issue of a Construction Certificate. prior to issue of a Subdivision Certificate. prior to the commencement of the development.] Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney (direct deposit, personal or company cheques will not be accepted). Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

- | | |
|-----------------------------------|------------|
| (i) Local Area Traffic Management | \$[insert] |
| (ii) Light Rail Access Works | \$[insert] |
| (iii) Bicycle Works | \$[insert] |

This contribution has been imposed pursuant to s.94 of the Environmental Planning and Assessment Act, 1979 and the Leichhardt Contributions Plan – Transport and Access, after identifying that the development will increase the demand for transport and access works and facilities within the area. It has been calculated on the basis of [insert] new dwellings, being [insert] small and [insert] medium sized dwellings, and the provision of [insert]sqm of commercial floor space.

The Contribution Plan may be inspected or a copy purchased at the Customer Service Counter in Council's offices.

SECTION 61 CONTRIBUTIONS

[Planner: Refer to the City of Sydney Contributions map to determine where section 61 contributions apply].

[Planner: Use on all DA's between \$150,000 and \$200,000]

(78) COST SUMMARY REPORT – CONCURRENT WITH ISSUE OF CONSTRUCTION CERTIFICATE

Concurrent with the issue of a Construction Certificate, the "City of Sydney - Cost Summary Report" must be completed in full and submitted to Council by the Principal Certifying Authority indicating the itemised cost of the development. A copy of the required report format may be obtained from the City of Sydney One Stop Shop and the City of Sydney's website (www.cityofsydney.nsw.gov.au).

- (a) Should the total cost of the development exceed \$200,000, a contribution comprising 1% of the total cost of the proposed development under Section 61 of the *City of Sydney Act 1988* and the *Central Sydney Contribution (Amendment) Plan 2002* must be paid prior to the release of the Construction Certificate. Such payment must be verified by the Principal Certifying Authority. Payment, if applicable, may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, *Building Code of Australia* compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (c) below.
- (c) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance & interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

[Planner: Use on all DAs between \$200,000 and \$2,000,000]

(79) SECTION 61 CONTRIBUTIONS PAYABLE - COST SUMMARY REPORT – SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the *City of Sydney Act 1988* and the *Central Sydney Contribution (Amendment) Plan 2002* in accordance with the following:

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.

- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney - Cost Summary Report" indicating the itemised cost of the development must be completed and submitted to Council by the Principal Certifying Authority (PCA) together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney - Cost Summary Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the PCA accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, *Building Code of Australia* compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

[Planner: Use on all DAs exceeding \$2,000,000]

(80) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the *City of Sydney Act 1988* and the *Central Sydney Contribution (Amendment) Plan 2002* in accordance with the following:

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Principal Certifying Authority (PCA), together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the PCA accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, *Building Code of Australia* compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

CAR PARKING, BICYCLES, LOADING, TRANSPORT AND ACCESS

[Planner: apply to all developments for new or refurbished dwellings, either single or multi-occupancy in area covered by Sydney LEP 2005 – Central Sydney approved after 1 May 2000; and all former South Sydney areas approved after 8 May 1996. This prohibition on participation in the resident parking permit scheme will be recorded on the Section 149 Certificate for the property so please send a memo to the s.149 officer when the condition has been imposed]

(81) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes. The owner of the dwelling must advise in writing all intending owners, tenants and occupiers of the dwelling, at the time of entering into a purchase / lease / occupancy agreement, of this prohibition.

[Planner: to be applied to all developments for new or refurbished dwellings, either single or multi-occupancy in Ultimo and Pyrmont approved after 2 November 1998. Send memo to the 149 officer advising that condition has been imposed]

(82) RESTRICTION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME–ULTIMO/PYRMONT

Residents will be entitled to one resident parking permit per dwelling. The current fee for the permit is \$110, subject to annual review. If a car space is attached to the dwelling, the resident must provide proof that another member of the household is occupying it, prior to consideration of issuing a Permit. The owner of the dwelling must advise in writing all intending owners, tenants and occupiers of the dwelling, at the time of entering into a purchase / lease / occupancy agreement, of this restriction.

[Planner: to be applied to any residential building where the non participation in resident parking permit condition is applied]

(83) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times.

(84) CAR PARKING SPACES AND DIMENSIONS

A maximum of **[insert]** off-street car parking spaces must be provided. 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 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

[Planner: delete any categories not applicable, and add any relevant categories not listed]

(85) ALLOCATION OF PARKING

The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate. If the development is to be strata subdivided, the car park layout must respect the required allocation:

- (a) **[insert number]** residential parking spaces.
- (b) **[insert number]** commercial/industrial parking spaces.
- (c) **[insert number]** visitor parking spaces.

(86) MOTORCYCLES

An area equivalent to a minimum of **[insert number]** car spaces must be provided for motorcycles.

(87) SERVICE VEHICLES

Courier spaces and loading docks must be located close to the service entrance and away from other parking areas, as detailed below:

- (a) A minimum of **[insert number]** courier space(s) with minimum dimensions 2.6m x 5.4m and a minimum head clearance of 2.5 metres.
- (b) A minimum of **[insert number]** loading dock(s) with minimum dimensions 3.5m x 7.5m with minimum head clearance 3.6m and 4.0m for residential developments.

Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities. Details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(88) CAR WASH BAYS

A minimum of *[insert number]* car wash bays, measuring a minimum of 3.5m x 5.5m must be provided for the development with water connection and drainage. All wash bay discharges are to be disposed of according to the requirements of to the sewer which requires a trade waste agreement with Sydney Water.

(89) ALLOCATION FOR CAR WASH BAYS

Car wash bay 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.

(90) SEALING OF CAR PARK

The surface of the car park must be sealed to allow safe and clear operation of the car park, appropriately line-marked for spaces and to aid traffic circulation, prior to an Occupation Certificate being issued.

(91) STRATA LOTS FOR RESIDENTIAL DEVELOPMENT

The provision of separate strata lots for car parking spaces under Strata Schemes (Freehold Development) 1973 is not favoured and can lead to inappropriate allocation and abuse. Any proposal for separate parking lots will only be considered by the City of Sydney in exceptional circumstances, as part lots properly allocated to units should result in the appropriate use and allocation of parking spaces.

(92) 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.

(93) STACKED PARKING EMPLOYEES OR TENANTS ONLY

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

(94) ALLOCATION FOR VISITOR PARKING

The 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.

(95) LOCATION OF VISITOR PARKING

All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance. All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate.

(96) INTERCOM FOR VISITORS

The visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 7m clear of the kerb line, wired to all units (prior to an Occupation Certificate being issued).

(97) SIGN FOR VISITOR PARKING

A sign, legible from the street, must be permanently displayed to indicate the availability of visitor parking.

(98) SHORT STAY PUBLIC CAR PARKS

(a) Pricing Structure

The following is the pricing structure for short stay car parking stations and is to apply between 9.30am and 6.00pm Mondays to Fridays, except on public holidays. Where N = the hourly rate determined by the car park operator:

<u>Duration</u>	<u>Charge per hour (\$)</u>
1 st hour	N
2 nd hour	N
3 rd hour	N
4 th hour	N
5 th hour	> =1.5N
6 th hour	> =1.5N
7 th hour	> =1.5N
each hour thereafter	> =1.5N

(b) Eligibility for Use

Only those working in the building, or parking in the building on a short term casual basis paying the permitted short stay tariff are permitted to park in the building.

(c) Areas of Use

Parking in areas other than dedicated car spaces is prohibited.

(d) **Hours of Operation**

Short stay car parking stations must not operate between 5.30am and 9.30am on weekdays. Operation is unrestricted on weekends and public holidays.

(99) ACCESSIBLE CAR PARKING SPACES

Of the required car parking spaces, at least [*insert number*] must be 3.2m x 5.5m minimum (with a minimum headroom of 2.5m) and must be clearly marked and appropriately located as accessible parking for people with mobility impairment. The design and layout of accessible car parking for people with mobility impairment is to be provided in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and the *City of Sydney Access Development Control Plan 2004*. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(100) 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 linked in any future strata subdivision of the building.

(101) LOCATION OF ACCESSIBLE CAR PARKING SPACES

Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located to be proximate to such lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover.

(102) BICYCLE PARKING

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

- (a) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers, and
- (b) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
- (c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

(103) BICYCLE FACILITIES

A bicycle facilities room must be provided close to staff / employee bicycle parking and include:

- (a) **[insert number]** showers with change area; and
- (b) **[insert number]** personal lockers

(104) VEHICLES ENTER/LEAVE IN FORWARD DIRECTION

All vehicles must always be driven onto and off the site in a forward direction.

(105) SIGNS AT EGRESS

Appropriate sign(s) must be provided and maintained within the site at the point(s) of vehicular egress, compelling drivers to stop before proceeding onto the public way.

(106) VEHICLES AWAITING REPAIR

At all times vehicles awaiting repair, undergoing repair or awaiting collection after repair must stand entirely within the property.

(107) SIGNAL SYSTEM

A system of traffic lights and/or mirrors must be installed at the ends of the single lane ramp(s), to indicate traffic movement on the ramp(s) and detailed on the application for a construction certificate. Any signal system must maintain a green signal to entering vehicles at the point of entry, and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

(108) HOLDING AREAS

Areas within the site must be clearly sign-posted and line marked as waiting bays for the purpose of allowing clear access to vehicles entering or exiting the site via a one-way access driveway. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(109) SECURITY GATES

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

(110) ACCESS DRIVEWAYS

Where a single continuous access driveway is used to access multiple properties, such a driveway must be limited in width to a maximum of **[insert number]**m.

(111) LOCATION OF DRIVEWAYS

The access driveway for the site must not be closer than:

- (a) 10 metres from the intersection of the nearest cross street/lane.

- (b) 20 metres from the intersection of the nearest signalised cross street/lane.
- (c) 1 metre from the property boundary of the adjacent site.
- (d) 2 metres from any other driveway of the site.
- (e) 10 metres from any existing driveway or road/lane intersection located on the opposite side of the access road.

The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(112) DELETE DRIVEWAY

The proposed access driveway off [insert location] must be deleted.

(113) VEHICLE FOOTWAY CROSSING

A separate application is to be made to Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are not longer required.

(114) EXISTING SERVICE VEHICLE DOCK

The existing service vehicle dock must be maintained for use in connection with the proposed development.

(115) LOADING WITHIN SITE

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

(116) LOADING VIA THE ENTRANCE

All loading and unloading operations must be carried out via the entrance in [*insert location*].

(117) LOADING/PARKING KEPT CLEAR

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.

(118) LOADING FOR SEMI-TRAILERS

The loading bay for service vehicles must have sufficient area and headroom to accommodate a semi-trailer and enable it to turn on site, in accordance with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off-street parking Part 2: Commercial vehicle facilities.

(119) ARTICULATED VEHICLES

At no time is the property to be serviced by articulated vehicles or vehicles bearing containers.

(120) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of **[insert number]**.

(121) PARKING METERS

Parking meter(s) are to be installed and the footways reinstated in accordance with the City's Roads and Footways Specification and the RTA Pay Parking Guidelines, at no cost to Council. The location for the meter(s) is to be approved by Council, prior to the issue of a Construction Certificate.

(122) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RTA Technical Directives and must be referred to the Sydney Traffic Committee for approval prior to any work commencing on site.

(123) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

(124) COST OF TRAFFIC MANAGEMENT

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

COFFEE CARTS

[Planner: delete any not applicable]

(125) COFFEE CARTS

- (a) The coffee cart must:
 - (i) be provided with a waste water holding tank with a minimum capacity of 25 litres;
 - (ii) be provided with a separate wash hand basin equipped with an adequate supply of potable water at a temperature of at least 40°C, mixed from a hot and cold water supply;

- (iii) be equipped with a single bowl sink, provided with a supply of potable water at a temperature of at least 45°C.
 - (iv) have all food and utensils are to be adequately protected and, where required, suitably approved sneeze guards and cup dispensers are to be provided.
 - (v) have all tea and coffee drinks are to be sold in single use disposal cups, preferably made of recyclable materials;
 - (vi) have adequate garbage facilities are to be provided for the collection of all garbage;
 - (vii) have refrigeration facilities provided in the cart;
 - (viii) have a rigid impervious floor material that is capable of being easily cleaned;
 - (ix) have garbage bins integrated into the unit or designed specifically to relate to the cart (standard commercial bins are not acceptable);
 - (x) have signage confined to and not exceeding 20% of the front panel of the cart;
- (b) The cart's electrical wiring must comply with AS 3000 - 1991 and the following:
- (i) The supply is to be via an earth leakage device (safety switch).
 - (ii) The supply cable must be sheathed to provide protection from mechanical damage.
 - (iii) The supply cable must be anchored such that the supply is protected should the cable be inadvertently pulled.
 - (iv) The supply cable must be installed in a position and in a manner that is safe to the operator and the public.
- (c) No food preparation, apart from that required for the dispensing of tea or coffee is to be carried out at the coffee cart.
- (d) No tables, chairs or additional advertising signage associated with the coffee cart are permitted (apart from a stool for the operator).
- (e) No amplified music promoting the cart is permitted.
- (f) No hawkers or spruikers or advertising material promoting the cart are permitted.

- (g) The owner of the cart must indemnify Council against all claims that may arise due to the presence of the cart or the conduct of the business and must take out and maintain a Public Risk Insurance policy in the joint names of the Council and the owner of the cart for the sum of not less than \$10,000,000 for any one occurrence with an insurance company approved by Council with provision for reappraisal of the amount of the cover, as required by Council from time to time.

CHILD CARE CENTRES

(126) DEPARTMENT OF COMMUNITY SERVICES

- (a) A license to operate the child care centre must be obtained from the NSW Department of Community Services prior to commencement of operations at the child care centre.
- (b) Full compliance with any licensing requirements of the NSW Department of Community Services is required.

(127) EMERGENCY EVACULATION PLAN PRIOR TO OCCUPATION CERTIFICATE

Prior to issue of an Occupation Certificate the owner/operator must have in place an emergency evacuation plan that encompasses the requirements of the NSW Fire Brigade and outlines the procedures by which staff will be trained in emergency procedures.

[Planner note: All child care centres should be referred to the Risk Management Division of the NSW Fire Brigade at Greenacre].

(128) NSW FIRE BRIGADE REQUIREMENTS

[Planner to insert conditions]

[Planner note: The total and break down number of children must comply with 3.1.1 and 3.1.2 of the City of Sydney Child Care Centres DCP 2005]

(129) CAPACITY

The total number of children at the centre at any one time must not exceed [insert number], with the following limitations for each age group:

- (a) **[insert number]** in the 0-2 year old age group;
- (b) **[insert number]** in the 2-5 year old age group.

The total number and age break down is subject to approval by the NSW Department of Community Services (DOCS) and any change to the figures stated above will require the lodgement of a Section 96 application to modify this consent to reflect the final numbers approved by DOCS.

SHOP FRONTS/CONVENIENCE STORES/LATE NIGHT TAKEAWAYS

(130) SHOP FRONTS/CONVENIENCE STORES

- (a) No advertising flags or banners or the like are to be erected on or attached to the shopfront.
- (b) No advertising, corporate colours, logos or decal are to be applied or painted or placed within 1 metres of the glass shop front so as to be visible from outside without the prior written approval of Council.
- (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.

(131) VISIBILITY TO CONVENIENCE STORE INTERIOR

- (a) In order to maintain visibility to the shop interior, the shopfront windows must not be obscured by:
 - (i) blinds, curtains or the like;
 - (ii) advertising posters, painted signs, decals or displays that are fixed internally or externally to the shopfront;
 - (iii) shelving; or
 - (iv) shop fittings, refrigeration equipment and the like which exceed 1200mm above finished floor level or which projects above the sill of the shopfront.
- (b) 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.
- (c) 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.
- (d) 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.

(132) SECURITY

The following security measures must be implemented during fit out and use of the development:

- (a) High quality door and window locks must be fitted to all openings that are accessible by the public.

- (b) A security gate system must be fitted to the end/s of the main counter to assist in restricting unauthorised entry to the “staff only” area.
- (c) A digital CCTV system must be installed and be in constant operation covering all entry/exit points and the cash register and the cameras must be fitted so as to capture images of the face of potential offenders that may be wearing caps or hats.
- (d) Signs must be placed within the shop to alert patrons that CCTV is in operation and to indicate “staff only” areas.
- (e) Staff must be provided with a secure and safe place to leave their belongings (eg lockers) whilst at work.
- (f) The cash register must be regularly skimmed to keep the total cash held in the register under \$250 or as minimal as practicable and the skimmed cash must be directly placed into a time-delay safe.

FOOTWAY SEATING

[Planner: delete any not applicable]

(133) FOOTWAY SEATING

The following conditions apply to footway seating:

- (a) The use of the subject area for outdoor seating is only allowed in conjunction with the provision of a simultaneous food service from the associated approved **[insert approved use]** use.
- (b) The management/licensee/owner of the property must enter into a licence with Council for the use of the subject area of the footway with all legal costs associated with the preparation of the licence being borne by the management/licensee/owner. The licence must be executed prior to the use of the footway for seating.

Note: Should the operator of the premises change at any time, the licence is required to be renewed under the name of the new operator.

- (c) The use of the footway may be suspended to facilitate Council approved special events to be held in the street or for road and services works. No claim for compensation is entitled under such circumstances.
- (d) In addition to Council’s daily street sweeping and cleansing operations, the operator of the outdoor café must ensure that the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.
- (e) A maximum of **[insert number tables]** tables and **[insert number chairs]** chairs are approved to be located within the footway area.

- (f) All furniture must be kept strictly within the boundaries of the area defined on the approved drawing [*insert drawing number*].
- (g) All outdoor furniture and planting must be maintained at all times in a physically sound and aesthetically acceptable condition.
- (h) No furniture or other structure is to be fixed to the pavement, without the consent of Council.
- (i) The chairs should be able to be stacked or folded for storage when not in use with a furniture storage area being provided within the premises.
- (j) The use of disposable tableware at the footway cafe is not permitted at any time.
- (k) Portable signs or goods for sale or display must not be placed on the footway or other public areas.
- (l) All outdoor furniture and the pavement are to be kept clean and free of food scraps.
- (m) Ash trays used within the footway licensed area are to be covered to prevent ash and cigarette butts from polluting the street gutters and the stormwater system.
- (n) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

LIGHTING

(134) UNDER AWNING LIGHTING

Illumination from the under awning lighting, when measured from any place in the public domain, must comply with the following:

- (a) the horizontal illuminance level must not exceed 200 lux (including reflectivity from exterior finishes). The lux level may be increased to 220 lux in some areas in Central Sydney CBD;
- (b) the horizontal illuminance uniformity ratio (E_{avg}/E_{min}) must not exceed 4:1 to ensure safe movement of pedestrians;
- (c) the intensity, colour, period of intermittency and hours of illumination must be varied if, at any time in the opinion of the consent authority, adverse impact is being caused to the amenity of the area;
- (d) where nearby residents are located above the level of the under awning lighting, details are to be provided to show that light is not directed upwards toward such residences; and

- (e) batten type fluorescent lighting is not permitted to be used for under awning lighting.

(135) 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.

MISCELLANEOUS

(136) REFLECTIVITY

The Principal Certifying Authority must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

[Planner: applies where a new building proposes a blank side or rear wall that will be visible in the public domain or from adjacent residential properties]

(137) TREATMENT OF PROPOSED EXTERNAL WALLS

Details of the treatment of the **[insert]** walls on the **[insert]** boundary must be submitted for the approval of Council prior to the Construction Certificate being issued. Any work is required to be completed prior to the Occupation Certificate being issued.

(138) AWNING MAINTENANCE

The awning must be inspected and maintained to ensure the structural integrity, aesthetic and functional quality of the awning.

(139) PARTITION WALLS

Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

(140) NO RETAIL SALES

The premises are approved for wholesale trade sales only. Retail sales are not permitted.

[Planner: To be applied to properties affected by the Botany Aquifer. Check with the Environmental Health Unit.]

(141) DEWATERING

As dewatering of the site is required, approval will be required from the Department of Planning under the provisions of Part V of the Water Act, 1912 for a bore licence which may be subject to conditions.

NOTE: The Department's instructions to Council are that they will not endorse the extraction of groundwater in perpetuity ie. Permanent dewatering around a development site, because it considers such development to be unsustainable. For this reason any proposed basement or other area that requires dewatering on an on-going basis will be fully tanked.

SCHEDULE 1B

PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK HEALTH AND BUILDING

ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES	32
ACCESS FOR PERSONS WITH DISABILITIES – OFFICE FITOUTS.....	65
ACOUSTIC PRIVACY BETWEEN UNITS	30
ADAPTABLE HOUSING.....	32
AIR HANDLING.....	54
AIRCRAFT NOISE	32
ALIGNMENT LEVELS	41
ANNUAL FIRE SAFETY STATEMENT FORM	59
APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE.....	39
APPLICATION FOR RETENTION OF FAÇADE ON A PUBLIC PLACE.....	18
ARCHAEOLOGICAL INVESTIGATION	11
ARCHEOLOGICAL DISCOVERY DURING EXCAVATION.....	11
ASBESTOS REMOVAL	20
ASBESTOS REMOVAL SIGNAGE	21
ATTIC ROOMS.....	32
BALCONIES.....	8
BARRICADE PERMIT.....	39
BCA - NEW BUILDING WORKS CLASS 1 & 10 BUILDINGS	58
BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS.....	56
BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE OR PART OF BUILDING IS REQUIRED (CC REQUIRED)	55
BCA COMPLIANCE - CHANGE OF USE/CLASSIFICATION (NO BUILDING WORK PROPOSED)	60
CAR PARK VENTILATION.....	53
CERTIFICATION OF GEOTECHNICAL INSPECTION.....	55
CLASSIFICATION OF WASTE	20
CLINICAL WASTE	13
COLOUR SCHEME.....	8
COMMEMORATIVE PLAQUE.....	7
COMPLIANCE WITH ANNOTATIONS ON DRAWINGS	64
COMPLIANCE WITH ARBORIST’S REPORT	23
CONSERVATION OF PAVEMENT LIGHTS	8

CONSTRUCTION AND FITOUT – HAIR AND BEAUTY	46
CONSTRUCTION AND FITOUT OF FOOD PREMISES.....	43
CONSTRUCTION TRAFFIC MANAGEMENT PLAN	14
CONTAMINATED WASTE	13
CONTAMINATION	22
CONTINUED PERFORMANCE OF MECHANICAL VENTILATION	53
CONTROL OF LEGIONNAIRES DISEASE	54
DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT	14
DEMOLITION/SITE RECTIFICATION	37
DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION	18
DILAPIDATION REPORT – MINOR.....	17
DISPOSAL OF ASBESTOS	20
DOUCHING FACILITIES	51
ECOLOGICALLY SUSTAINABLE DEVELOPMENT.....	33
ELECTRICITY SUBSTATION.....	27
ELECTRONIC LOCKS - CERTIFICATION.....	65
ELECTRONIC LOCKS TO EGRESS DOORS	64
EMISSIONS.....	47
ENERGY EFFICIENCY OF BUILDINGS	33
EROSION AND SEDIMENT CONTROL – BETWEEN 250 AND 2,500SQM	16
EROSION AND SEDIMENT CONTROL – LESS THAN 250SQM.....	16
EROSION AND SEDIMENT CONTROL – MORE THAN 2,500SQM	17
EXIT DOORS OPEN OUTWARD	59
FIRE HOSE REELS NOT TO BE OBSTRUCTED	65
FIRE SAFETY CERTIFICATE TO BE SUBMITTED	59
FLAME AND SMOKE CONTROL REQUIREMENTS – BUILDING MATERIALS.....	64
FLASHINGS TO BOUNDARY WALLS	59
FLOOR TO CEILING HEIGHT.....	32
FOOD PREMISES DATA BASE.....	45
FOOTPATH DAMAGE BANK GUARANTEE.....	38
GENERAL HERITAGE.....	6
GEOTECHNICAL REPORT AND CERTIFICATION	55
GLAZING – COMPLIANCE WITH AUSTRALIAN STANDARD	64
HERITAGE INTERPRETATION STRATEGY.....	7
HISTORIC MARKER.....	7
ILLUMINATED BUILDING NAME SIGNS	35
INSTALLATION OF DUAL-FLUSH TOILETS.....	34

INSTALLATION OF WATER EFFICIENT TAPS.....	34
INTERNAL LIGHTING SYSTEM	35
LAND SUBDIVISION – SEPARATE DA REQUIRED	40
LAND SUBDIVISION – PART 4A APPROVAL REQUIRED.....	40
LANDSCAPING OF THE SITE	22
LETTERBOXES	23
LOT CONSOLIDATION	40
MAINTENANCE OF TREES ON SITE.....	27
MANAGEMENT AND OPERATION OF THE SEX SERVICE PREMISES	49
MANAGEMENT OF PREMISES.....	49
MATERIALS AND FINISHES TO MATCH EXISTING	8
MECHANICAL VENTILATION	53
MEDICAL/VETERINARY IMAGING	46
MICROBIAL CONTROL	53
MINIMISE IMPACT OF POOL ON NEIGHBOURING PROPERTIES.....	47
NO APPROVAL FOR A SEX SERVICE PREMISES	48
NO APPROVAL FOR USE AS RESTRICTED PREMISES	49
NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE	14
NOISE GENERATING USES E.G. PUBS, RESTAURANTS – ACOUSTIC IMPACT ASSESSMENT AND IMPACT	29
NOISE IMPACT ASSESSMENT - DEVELOPMENT NEAR ELEVATED ARTERIAL ROADWAYS, LIGHT AND HEAVY RAIL AND PORT FACILITIES.....	31
NOTIFICATION OF ASBESTOS REMOVAL	21
NOTIFY NSW FOOD AUTHORITY.....	45
NUMBER OF OCCUPANTS IN INDIVIDUAL AREAS	63
PANIC BOLTS ON EGRESS DOORS.....	64
PARTITION WALLS ADJOINING WINDOWS	64
PAVING MATERIALS.....	41
PHOTOGRAPHIC ARCHIVAL DOCUMENTATION – MAJOR WORKS	9
PHOTOGRAPHIC ARCHIVAL DOCUMENTATION – MINOR WORKS	9
PHYSICAL MODELS	35
PROHIBITION OF ASBESTOS RE-USE.....	20
PUBLIC ART	41
PUBLIC DOMAIN PLAN.....	41
REAR SKILLION ROOF	8
RECEPTACLES FOR CIGARETTE BUTTS	42
REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL AND SERVICED APARTMENTS).....	30

REGISTRATION - HAIR DRESSING AND BEAUTY DATABASE.....	46
REMEDIAION.....	21
REMEDIAION OF CONTAMINATED LAND (DEFERRED COMMENCMENT)	22
RESTRICTED PREMISES	49
ROAD OPENING PERMIT	19
SEPARATION OF ENTERTAINMENT AREA.....	64
SEX INDUSTRY PLAN OF MANAGEMENT	48
SEX INDUSTRY POLICY COMPLIANCE	49
SEX INDUSTRY STAFF FACILITIES.....	52
SEX INDUSTRY STD INFORMATION	52
SEX INDUSTRY/ SEX ON PREMISES – CLEANING.....	52
SEX INDUSTRY/SEX ON PREMISES – LIGHTING	51
SIGNAGE LOCATION AND DETAILS.....	21
SITE SUPERVISION AND REPORTING.....	26
SKIN PENETRATION	46
SKIPS AND BINS.....	21
SMOKE HAZARD MANAGEMENT	63
SPRAY PAINTING	47
SPRINKLER SYSTEM	59
STANDARDS FOR BEAUTY SALONS.....	45
STANDARDS FOR HAIRDRESSING SALONS.....	45
STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT.....	42
STORMWATER AND DRAINAGE - MINOR DEVELOPMENT.....	42
STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED.....	40
STRATA SUBDIVISION – SEPARATE DA REQUIRED.....	40
STREET TREE HOARDING PROTECTION	25
STREET TREE PLANTING & MAINTENANCE	25
STREET TREE REMOVAL.....	25
STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES).....	54
STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – MINOR (ADDITIONS).....	54
STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – STORAGE COMPACTUS.....	64
STRUCTURAL CERTIFICATION FOR PARTY WALLS	55
STRUCTURAL INTEGRITY OF RETAINED FACADE	8
SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE	36
SUB-TENANCY WALLS AND FIRE EGRESS	65
SWIMMING POOL – CONSULTATION WITH ENERGY AUSTRALIA	48
SWIMMING POOL WASTE AND OVERFLOW WATERS.....	48

SWIMMING POOL/SPA	47
SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)	28
TELECOMMUNICATIONS PROVISIONS	28
TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS	19
TIMBER FRONT DORMERS	6
TIME OF WASTE COLLECTION.....	13
TRANSPLANTING TREE/S ON SITE	26
TREE PROTECTION DURING CONSTRUCTION	24
TREE PROTECTION ZONE	23
TREE PRUNING.....	24
USE OF CONSERVATION ARCHITECT	7
UTILITY SERVICES.....	28
VERIFICATION OF SUPPORT FOR NEW LOADS	55
WASTE AND RECYCLING COLLECTION CONTRACT.....	13
WASTE AND RECYCLING COLLECTION CONTRACT (SERVICED APARTMENTS).....	13
WASTE AND RECYCLING MANAGEMENT - COMMERCIAL	12
WASTE AND RECYCLING MANAGEMENT - MINOR	13
WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL	12

HERITAGE AND ARCHAEOLOGY

[Planner: Delete any that are not applicable.]

(1) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (c) Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (d) The new windows and doors must use timber joinery.
- (e) The face brickwork/sandstone must not be rendered, painted or coated.
- (f) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

(2) TIMBER FRONT DORMERS

The approved front dormer must use timber joinery and double-hung windows and must be a rectangular, timber framed, vertically proportioned, double hung sash window with a ratio of 1.5:1 measured from base to top of the window frame. Materials and details must match the existing dwelling. The total width of the dormer including frames must not exceed 1200mm and the eave and gable overhang must not exceed 100mm. Glazing must not be used in the gable or sides of the dormer. Roof materials must match the existing roof materials except if existing roofing is intrusive. Details are to be submitted for the approval of Council prior to a Construction Certificate being issued.

(3) USE OF CONSERVATION ARCHITECT

An experienced conservation architect is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence of the above commission on the above terms is to be provided to Council prior to commencement of work on site. The conservation architect must sign off the completed project prior to the issue of an Occupation Certificate.

(4) HERITAGE INTERPRETATION STRATEGY

- (a) An interpretation strategy for the site must be submitted to and approved by Council, prior to a Construction Certificate being issued.
- (b) The interpretation strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) Prior to [**CHOOSE from the following options:** the registration of Heritage Floor Space|an Occupation Certificate being issued] the approved interpretation strategy must be implemented to the satisfaction of Council.

(5) HISTORIC MARKER

A brass plaque relating to the history of the site must be installed on the facade of the building prior to occupation. The design, location and wording must be submitted for the approval of Council prior to an Occupation Certificate being issued.

[Planner: Applies to all major developments and new buildings.]

(6) COMMEMORATIVE PLAQUE

A commemorative plaque, recording the names of the developer, architect, consent authority and year of completion of construction must be installed on the building prior to occupation. The design, location and wording must be submitted to and approved by Council prior to an Occupation Certificate being issued.

[Planner: Applies to minor developments and/or developments that do not require a public domain plan.]

(7) CONSERVATION OF PAVEMENT LIGHTS

A conservation plan, prepared by a suitably qualified practitioner detailing the conservation, upgrade and ongoing maintenance of the footpath lights, and vaults below, is to be submitted to and approved by Council prior to a Construction Certificate being issued. The Principal Certifying Authority must ensure compliance with the approved plan and conservation upgrade works during the period of construction.

(8) STRUCTURAL INTEGRITY OF RETAINED FACADE

Prior to a commencement of any works on the site, a structural engineers report, prepared by a suitably qualified engineer experienced in dealing with heritage buildings must be submitted for the approval of Council. The report must explain how the façade is to be retained, supported and not undermined by the proposed development and give details of any intervention such works will have on the facade fabric. Details of all temporary supports and hoardings must also to be provided.

(9) MATERIALS AND FINISHES TO MATCH EXISTING

All new internal and external materials, finishes and works for making good must match the existing original work.

(10) COLOUR SCHEME

The external colour scheme is to comprise predominantly earthy tones in keeping with the overall *Victorian / Federation / Inter-war* character of the building and/or character of the conservation area. A schedule of colours is to be submitted to Council's satisfaction prior to the release of the Construction Certificate.

Note: It is recommended that reference be made to the book "Colour Schemes for Old Australian Houses" by Ian Evans, Clive Lucas and Ian Stapleton.

(11) REAR SKILLION ROOF

The rear skillion roof addition must be set in a minimum of 500mm from each side wall, 200mm below the ridge line and a minimum of 200mm from the rear wall of the main part of the building.

(12) BALCONIES

The first floor front balcony must be reinstated to its original form and style and decorated with appropriate balustrade panels reflecting the traditional patterns, colour and details.

(13) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION – MINOR WORKS

Prior to a Construction Certificate being issued, an archival photographic record of the existing building [*insert building name and address*] is to be prepared to Council's satisfaction, in accordance with the NSW Heritage Office guidelines. The photographic record is to include black and white archival quality 35mm photographs, coloured photographs, proof sheets, negatives and photographic location reference sheets. The record is to be in an A4 format and is to be placed in an appropriate archival folder and include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record. Written confirmation that the Council reserves the right to use the photographs for its own purposes and genuine research purposes is also to be included. One copy of the record is to be lodged with Council

[Planner: This condition applies to all MAJOR buildings and structures where demolition or partial demolition is proposed. It does not only apply to heritage buildings. The documentation requirements are generally consistent with the 'Guidelines for Photographic Recording of Heritage Sites, Buildings and Structures', published by the Heritage Council of NSW, June 1994.]

(14) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION – MAJOR WORKS

Procedure

For buildings or structures with heritage significance, the archival documentation, and the number and type of selected enlarged photographs required in (a(ii)) will be determined by the significance and quality of the building or structure. Refer to Council's Heritage Specialist to determine the particular architectural/design features of the building/site that may need to be recorded. This information will then provide the scope of work for the applicant's photographer.

For buildings or structures with no heritage significance the archival documentation requirements are less comprehensive, and may just be limited to contextual and exterior photographs only. However, this will depend upon the type, complexity and significance of the building, and should be confirmed with the Area Planning Manager, and if necessary Council's Heritage Architect.

It should be noted that for both categories of building, a two stage process applies. Stage 1 is the briefing and photographic documentation onto B&W contact sheets and slides. Stage 2 is the selection of and production of B&W enlargements]

- (a) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.

- (b) The archival record of significant building fabric or furnishings at the site must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Construction Certificate being issued.
- (c) The archival record of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to an Occupation Certificate being issued.
- (d) 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', comprising:
 - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
 - (iii) selective black and white enlargements **to be advised by Council**, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (e) A summary report of the photographic documentation, detailing:
 - (i) the project description, method of documentation, and any limitations of the photographic record;
 - (ii) written confirmation that development and printing is of archival quality; and
 - (iii) photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
- (f) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

[Planner: If an archaeological assessment is unable to provide sufficient information about the archaeological resource of a site, but it is thought there are archaeological remains present, further evaluation should be conducted prior to approval of the DA. Further investigation will involve test excavations. Monitoring should only be used as a condition if it is thought that the archaeological resource is of low significance but still warrants recording as its removed, or in a situation where it is not

feasible to conduct test excavation such as linear development (service roll out).]

(15) ARCHAEOLOGICAL INVESTIGATION

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the *Heritage Act 1977*.
- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (c) The applicant must comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then 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*.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

(16) ARCHEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

WASTE AND RECYCLING

[Planner: use for new residential and mixed use buildings with a residential component. Requires Council's approval because Council collects waste from residential buildings.]

(17) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) A Waste Management Plan is to be submitted for the approval of Council prior to a Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (b) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Draft Policy for Waste Minimisation in New Developments 2005*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to an Occupation Certificate being issued, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

[Planner: use for commercial, retail, industrial development]

(18) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) A Waste Management Plan is to be approved by the Principal Certifying Authority prior to a Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

- (b) Prior to an Occupation Certificate being issued, the Principal Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's *Policy for Waste Minimisation in New Developments 2005*.

[Planner: Use for minor development.]

(19) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

(20) WASTE AND RECYCLING COLLECTION CONTRACT (SERVICED APARTMENTS)

Prior to an Occupation Certificate being issued and/or commencement of the use, 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.

Note: Serviced apartments are not subject to a domestic garbage rates levy and therefore a domestic garbage service will not be provided by Council.

[Planner: Use for any development other than residential.]

(21) WASTE AND RECYCLING COLLECTION CONTRACT

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

(22) CONTAMINATED WASTE

The generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the NSW Department of Environment and Conservation's (DEC) waste tracking requirements. For further information contact the Department of Environment and Conservation (DEC) on 133 372.

(23) CLINICAL WASTE

Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated or related waste prior to final disposal of the material at a facility approved by the Department of Environment and Conservation.

(24) TIME OF WASTE COLLECTION

All waste collection by private contractors must be between 6.30am and 10.30pm, 7 days per week.

CONSTRUCTION MANAGEMENT

(25) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.

(26) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to Council for approval prior to a Construction Certificate being issued.

[Planner: Ultimately this condition will read: Demolition and excavation must comply with the Council's Demolition and Excavation Policy. Until that policy has been written the condition is as below.]

(27) 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 Certifying Authority:
 - (i) Plans and elevations showing distances of the subject building from the site boundaries, 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.
- (b) Such statements must, where applicable, be in compliance with *AS2601-1991 Demolition of Structures*, the *Construction Safety Act 1912* and *Demolitions Regulations*; the *Occupational Health and Safety Act 2000 and Regulation*; *Council's Policy for Waste Minimisation in New Developments 2005*, the *Waste Minimisation and Management Act 1995*, 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 Minimisation and Management Act 1995*.
 - (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) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (xiii) Induction training for on-site personnel.
- (xiv) 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 Work Cover Authority.
- (xv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
- (xvi) Disconnection of utilities.
- (xvii) 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).
- (xviii) 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).
- (xix) Waterproofing of any exposed surfaces of adjoining buildings.

- (xx) 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*).
 - (xxi) Working hours, in accordance with this development consent.
 - (xxii) Any Work Cover Authority 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.

[Planner: Use where less than 250 square meters of land is disturbed.]

(28) EROSION AND SEDIMENT CONTROL – LESS THAN 250SQM

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

[Planner: Use where between 250 and 2,500 square meters of land is disturbed. NOTE: Use discretion where there is either a high risk of polluting receiving waters (and a SWMP is required) or a very low risk of polluting receiving waters exists, i.e. waive the need for an ESCP.]

(29) 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 Certifying Authority. 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.

[Planner: Use where more than 2,500 square meters of land is disturbed.]

(30) EROSION AND SEDIMENT CONTROL – MORE THAN 2,500SQM

Prior to **the** commencement of demolition/excavation/construction work, a **Soil and Water Management Plan** (SWMP) must be submitted to and be approved by the Principal Certifying Authority.

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
 - (i) existing site contours
 - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater
 - (iii) location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

(31) DILAPIDATION REPORT – MINOR

Dilapidation **report/s** of adjoining buildings are to be prepared by an appropriately qualified structural engineer and submitted for the approval of the Principal Certifying Authority:

- (a) prior to the commencement of demolition/excavation works; and
- (b) on completion of construction demolition/excavation works.

(32) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of [insert affected properties] 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 Principal Certifying Authority 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 shall 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 Certifying Authority and the Council prior to the issue of an Occupation Certificate.
- (c) 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 shall 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 shall be submitted to Council.

(33) APPLICATION FOR RETENTION OF FAÇADE ON A PUBLIC PLACE

A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to retain the façade on the public place, and such application is to include:

- (a) Architectural, construction and structural details of the design to comply with the WorkCover Authority Code of Practice for Façade Retention, the relevant Australian Standards and the *Guidelines for Temporary Protective Structures* (April 2001).
- (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
- (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition works on site.

(34) ROAD OPENING PERMIT

A separate **Road Opening Permit** under Section 138 of the Roads Act 1993 shall 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).

(35) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS

For temporary shoring, a separate application under Section 68 of the Local Government Act 1993 must be lodged to Council.

For temporary ground anchors projecting under the road reserve, a separate application under Section 138 of the Roads Act 1993 must be lodged with Council.

For new permanent basement wall/s or other ground retaining elements (not being anchors projecting under the road reserve):-

- (a) Prior to a Construction Certificate being issued, the following documents must be submitted to the Principal Certifying Authority (PCA) and a copy to Council (if Council is not the PCA):
 - (i) Dilapidation Report of adjoining buildings/structures.
 - (ii) Evidence that public utility services have been investigated.
- (b) If adjoining a Public Way:
 - (i) Evidence of a \$10 million dollar public liability insurance policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document must be submitted to Council.
 - (ii) Bank guarantee in accordance with the Council's fees and charges. The original document must be submitted to Council.
- (c) Prior to commencement of work:
 - (i) The location of utility services must be fully surveyed and the requirements of the relevant public utility authority complied with; and
 - (ii) The following documents must be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):
 - a. Structural drawings and certification as prescribed elsewhere in this consent.
 - b. Geotechnical report and certification as prescribed elsewhere in this consent.

- (d) Prior to issue of Occupation Certificate, the Principle Certifying Authority must receive written and photographic confirmation that the restoration of the public way has been complete in accordance with the following:
- (i) All ground anchors must be de-stressed and isolated from the building prior to completion of the project.
 - (ii) The temporary structure, including foundation blocks, anchors and piers must be removed above and below the public way, prior to completion of project, down to a depth of 2m.
 - (iii) All timber must be removed.
 - (iv) All voids must be backfilled with stabilised sand (14 parts sand to 1 part cement).
 - (v) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land approved for works under this consent.

ASBESTOS

(36) ASBESTOS REMOVAL

All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos" and the City of Sydney Asbestos Policy.

(37) PROHIBITION OF ASBESTOS RE-USE

No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).]

(38) CLASSIFICATION OF WASTE

Prior to the exportation of all waste from the site, the materials must be classified 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.

(39) DISPOSAL OF ASBESTOS

Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.

(40) ASBESTOS REMOVAL SIGNAGE

Standard commercially manufactured signs containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.

(41) SIGNAGE LOCATION AND DETAILS

- (a) A site notice board must be located at the 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.
- (b) 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.

(42) SKIPS AND BINS

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

(43) NOTIFICATION OF ASBESTOS REMOVAL

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 is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email address.

CONTAMINATION/REMEDIATION

(44) REMEDIATION

- (a) The site is to be remediated in accordance with the Remediation Action Plan (RAP) prepared by *[insert]* and dated *[insert]*. Any variations to the RAP must be approved in writing by the Accredited Site Auditor and Council prior to the commencement of any work.
- (b) Prior to the commencement of construction work, other than demolitions or excavation in association with remediation of the site, a Site Audit Statement is to be submitted to Council clearly stating that the site is suitable for the proposed use.

(45) CONTAMINATION

- (a) The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Department of Environment and Conservation's (DEC) *Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes*
- (b) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

[Planner: Only use this with the approval of the Health Inspectors and only on a Stage 1 DA or a deferred commencement consent.]

(46) REMEDIATION OF CONTAMINATED LAND (DEFERRED COMMENCEMENT)

- (a) A *Stage 2 Detailed Investigation* must be completed in accordance with Clause 3.4.1 of the SEPP 55 Guidelines and the Department of Environment and Conservation's (DEC) *Guidelines for Consultants Reporting on Contaminated Sites (1997)* by an Accredited Site Auditor to define the nature, extent and degree of contamination; to assess potential risks posed by contaminants to health and the environment; and to obtain sufficient information to develop a remedial action plan (RAP), if required, to be submitted to Council with a site audit report.
- (b) A *Stage 3 Remedial Action Plan*, if required by the accredited site auditor, any site audit report or by Council, must be submitted to Council.
- (c) The site must be remediated in accordance with the *Stage 3 Remedial Action Plan*.
- (d) A *Stage 4 Validation and Monitoring Report* must be submitted to Council together with notice of completion of remediation pursuant to clause 18 of SEPP 55.

LANDSCAPING

[Planner: Applies to courtyards, recreation areas, rooftop terraces, but not balconies.]

(47) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a landscape architect or approved landscape consultant, must be submitted to and approved by Council prior to a Construction Certificate being issued. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);

- (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
- (iii) Location, numbers and type of plant species;
- (iv) Details of planting procedure and maintenance;
- (v) Details of drainage and watering systems.

All landscaping in the approved plan is to be completed prior to and Occupation Certificate being issued.

- (b) Prior to a Construction Certificate being issued, a maintenance plan is to be submitted for approval of the Principal Certifying Authority and complied with during occupation of the property.

(48) LETTERBOXES

All letterboxes are to be designed and constructed to be accessible. Details of the location and design of all letterboxes are to be submitted for the approval of Council prior to the Construction Certificate being issued.

TREES

[Planner: An arborist’s report is required with lodgement of DAs for all applications which affects trees on site, on neighbouring properties and in the public domain. DAs will be referred to the Tree Management Team who will then recommend which conditions should be included in the consent.]

(49) COMPLIANCE WITH ARBORIST’S REPORT

All recommendations contained in the Arborist’s Report prepared by *[insert]*, dated *[insert]*, must be implemented during construction and use of the development, including the following:

- (a) **[Tree Management Team - insert relevant particulars from Arborist’s Report recommendations. Separate out construction recommendation s(under paragraph (a)) and use recommendations (under paragraph (b)) and put time frames on any physical works required - eg. Prior to CC or OC].**

(50) TREE PROTECTION ZONE

- (a) Before the commencement of works, a Tree Protection Zone (TPZ) must be established around any tree to be retained not less than the distance shown in the schedule below.

Schedule

Tree No	Species Name	Radius from Trunk for TPZ
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- (b) The TPZ must be:
 - (i) enclosed with 1.8m high fully supported chainmesh protective fencing;
 - (ii) a designated a “No-Go Zone”;
 - (iii) kept free of weed and grass for the duration of works; and
 - (iv) mulched with 100mm of leaf mulch to minimise disturbance to existing ground conditions for the duration of the works.
- (c) A sign identifying the name and contact details of the site Arborist must be attached to the protective fencing of each TPZ.
- (d) All work in or above the TPZ (including excavation, soil fill, trenching or tunneling) must be:
 - (i) supervised by a qualified Arborist (Minimum AQF level 3);
 - (ii) carried out in accordance with any directions given by the Arborist; and
 - (iii) carried out in accordance with a work methodology statement prepared by the Arborist and approved by Council’s Tree Management Officer before its implementation (including, without limitation, handling and pedestrian/ machinery access).
- (e) Any root/s over 50mm in length in a TPZ must be pruned by the Arborist. Optional (and detail all root pruning undertaken in report form to Council within 1 month of the excavation being undertaken.)

(51) TREE PROTECTION DURING CONSTRUCTION

- (a) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5m of the trunk of any tree to be retained.
- (b) Excavation must not occur within **[Tree Management Team to insert]** metres of the trunk of **[Tree Management Team to insert]** tree. If excavation is proposed within this zone, the Council’s Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council’s direction.

(52) TREE PRUNING

All pruning must be carried out by a certified and qualified Tree Surgeon/Arborist (AQF Level 3) in accordance with AS4373-1996 Australian Standard ‘Pruning of Amenity Trees’.

(53) STREET TREE HOARDING PROTECTION

Street trees must be protected during the erection of hoarding and construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken before or during the installation of the hoarding. The protection must:
 - (i) be installed by a qualified arborist (AQF Level 3); and
 - (ii) include the wrapping of the tree's trunk with hessian or similar material to limit damage to the trunk and major branches, within 0.5m of the hoarding.
- (b) 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.
- (c) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding ***[Tree Management Team to insert location of hoarding and affected trees]*** to protect branches during the construction works.

(54) STREET TREE REMOVAL

The removal of any street tree must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until replanting occurs. These works must be completed within one working day.

(55) STREET TREE PLANTING & MAINTENANCE

The planting of street trees is required in association with the development in accordance with the following measures:

- (a) A Landscape Plan indicating the location of the street trees to be planted in association with the development must be submitted to Council for approval prior to the issuing of the Construction Certificate. Street trees must be located and planted in accordance with the 'Trees in Footways – Guidelines for Replacement' detailed in the City's Street Tree Master Plan, and the following:

[Council's Tree Management Team to insert the following – Street, Species, Common Name, Min. No, Size, Height, Calliper, Spacing, Tree Guard]
- (b) The street tree(s) must be planted:
 - (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
 - (ii) before the Occupation Certificate is issued.

- (c) The tree pits must be inspected by Council's Contract Coordinator – Street Trees, before and after planting.
- (d) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, without limitation, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (e) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (f) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

(56) TRANSPLANTING TREE/S ON SITE

The existing **[Tree Management Team to insert]** is/are to be retained and transplanted at a suitable location within the site. An arborist's report including a plan of management for the transplantation and confirming the health of the species must be submitted for the approval of Council before a Construction Certificate is issued. If the Arborist's report indicates that the tree is in a state of decline, a replacement mature tree of the same species must be planted in a suitable location on the site prior to issue of an Occupation Certificate.

(57) SITE SUPERVISION AND REPORTING

A qualified Arborist ((AQF Level 5) must be retained before and throughout all demolition/construction work to ensure the protection of tree/s. The Arborist must:

- (a) submit to Council a monthly/bimonthly/3 monthly report on the health and condition of tree **[Tree Management Team to insert]** including:
 - (i) details of maintenance of the tree; and
 - (ii) documentary evidence of compliance with tree protection and management measures (including photographs and site notes),
- (b) before the commencement of works, certify the installation the tree protection works to Council and the Principal Certifying Authority;
- (c) within seven (7) days of the commencement of any excavation works within the zone specified in the TPZ condition above, and every **[week/month/quarter - Tree Management Team to insert]** thereafter until issue of an Occupation Certificate:

- (i) inspect and assess the health of the retained trees;
- (ii) monitor and record the status of tree protection measures;
and
- (iii) certify that the soil moisture is appropriate [Optional – Tree Management Team to insert] and the irrigation system is functioning in accordance with the Arborist’s specifications.

(58) MAINTENANCE OF TREES ON SITE

(General sites)

All newly planted trees on site must be appropriately maintained on an on-going basis. Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning, fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.

(Large sites)

[Note: this condition should only be used where there is extensive landscaping proposed on strata title or community title. The period of time specified the contract should be sufficient for only the establishment of the landscaping rather than being long-term or open-ended.]

[Tree Management Team to insert - The Body Corporate or community association] is to enter into a maintenance contract for the landscaping and maintenance of trees on site. A copy of the contract must be provided to Council prior to the issue of the Occupation Certificate. The contract for the maintenance must be for a period of no less than ***[Tree Management Officer to insert – yearly, two yearly, 3 years etc]*** following the issuing of the Occupation Certificate.

UTILITIES

[Planner: If a substation is required, it should be approved as part of the DA and this condition used as a last resort.]

(59) ELECTRICITY SUBSTATION

If required, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued.

[Planner: Applies to new developments and conversions; all development on previously publicly owned land (eg. railways or land previously a road closure); rainwater tanks over 10,000 litres; all industrial and commercial redevelopment where a change of use of existing buildings and facilities may result in an increased demand for water and/or the discharge of trade waste from the property.]

(60) SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

- (a) The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.
- (b) The consent authority or a Principal Certifying Authority must either:
 - (i) ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
 - (ii) if there is a combined Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.

(61) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) 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 negotiate with 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.

[Planner: Applies to all new buildings.]

(62) TELECOMMUNICATIONS PROVISIONS

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Principal Certifying Authority prior to a Construction Certificate being issued.

- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

NOISE

[Planner: Acoustic reports should almost always be considered during the assessment of the DA. In some situations, on the advice of the health inspectors, it may be appropriate to include this condition.]

(63) NOISE GENERATING USES E.G. PUBS, RESTAURANTS – ACOUSTIC IMPACT ASSESSMENT AND IMPACT

Prior to a Construction Certificate being issued or commencement of the use, whichever is sooner, an acoustic investigation of the proposed development is to be undertaken by a suitably qualified acoustic consultant describing and assessing the impact of noise emissions from the use. The investigation must include, but not be necessarily limited to the following:

- (a) The identification of sensitive noise receivers potentially impacted by the proposal;
- (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and in accordance with relevant Australian Standards and Department of Environment and Conservation (DEC) requirements);
- (c) The formulation of a suitable assessment criteria having regard to the guidelines contained in the DEC *Industrial Noise Policy*;
- (d) The identification of operational noise producing facets of the development and the subsequent prediction of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the prediction procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;
- (e) A statement indicating that the development will comply with the relevant criteria together with details of acoustic control measures that will be incorporated into the development, confirming the use will not create adverse noise impacts to surrounding development.

RESIDENTIAL AMENITY

[Planner: Applies to all residential buildings and serviced apartments in the LGA.]

(64) REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL AND SERVICED APARTMENTS)

- (a) Prior to a Construction Certificate being issued, an acoustic assessment report must be submitted to and approved by the Principal Certifying Authority demonstrating compliance with the requirements of the *Central Sydney DCP 1996* in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.
- (b) In the preparation of the report:
 - (i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum $L_{Aeq(1\text{ hour})}$ for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The $L_{Aeq(1\text{ hour})}$ noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.
- (c) Prior to an Occupation Certificate being issued, a Compliance Certificate from a qualified, practicing acoustic engineer must be submitted to the satisfaction of the Principal Certifying Authority, certifying compliance with the condition.

[Planner: Apply to all residential and serviced apartment developments.]

(65) ACOUSTIC PRIVACY BETWEEN UNITS

Prior to a Construction Certificate being issued, an acoustic assessment report must be submitted to and approved by the Principal Certifying Authority demonstrating compliance with the requirements of the *Central Sydney DCP 1996*. The approved drawings and specifications for construction are to be in accordance with the following:

- (a) In order to assist acoustic control of airborne noise between units:
 - (i) A wall must have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like;

- (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit must have an FSTC of not less than 55;
 - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
- (b) In order to assist acoustic control of impact noise between units:
- (i) A floor must have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like;
 - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit must have an IIC of not less than 55;
 - (iii) Walls between sole-occupancy units must comply with impact sound resistance standards specified in the BCA.
- (c) The Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to an Occupation Certificate being issued.
- (d) Prior to an Occupation Certificate being issued, a Compliance Certificate, from a qualified, practising acoustic engineer must be submitted to the satisfaction of the Principal Certifying Authority, certifying compliance with this condition.

[Planner: Apply this condition to all residential and serviced apartment developments in Ultimo-Pyrmont.]

(66) NOISE IMPACT ASSESSMENT - DEVELOPMENT NEAR ELEVATED ARTERIAL ROADWAYS, LIGHT AND HEAVY RAIL AND PORT FACILITIES

- (a) Prior to a Construction Certificate being issued, an acoustic assessment report must be submitted to and approved by the Principal Certifying Authority demonstrating compliance with the requirements of the *Urban Development Plan for Ultimo-Pyrmont 1999 Update*. The report must address the noise impacts from traffic and the light rail. The approved drawings and specifications for construction are to be in accordance with the *Urban Development Plan for Ultimo-Pyrmont 1999 Update*. The assessment must be between the hours of 6.00pm and 8.00pm
- (b) The requirements of the UDP apply to all habitable rooms and should be met when rooms are naturally ventilated. If this requirement cannot be met then a special acoustic design and an energy efficient mechanical system may be considered.

- (c) Prior to an Occupation Certificate being issued, a Compliance Certificate, from a qualified, practising acoustic engineer must be submitted to the satisfaction of the Principal Certifying Authority certifying compliance with this condition.

[Planner: Applies to development in the 20, 25 and 30 ANEF which generally includes Sydney Park area, St Peters and southern part of King Street Newtown.]

(67) AIRCRAFT NOISE

The building must meet the requirements of AS2021 in relation to interior noise levels.

[Planner: Apply to all residential and serviced apartment developments in all areas of the City of Sydney.]

(68) FLOOR TO CEILING HEIGHT

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

(69) ATTIC ROOMS

The attic room must not be used as a habitable room unless it has minimum headroom of 2.2 metres from floor to ceiling, for a minimum of 6sqm of floor area.

ACCESS

[Planner: Access must be ensured as part of the DA assessment to ensure this condition is able to be complied with. The condition has implications on the design which may not be acceptable and therefore need to be considered before the DA is determined.]

(70) 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* and the *City of Sydney Access DCP 2004*.

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

(71) ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant;

- (a) confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia* and *City of Sydney Access DCP 2004*; and
- (b) demonstrating (in a checklist) compliance with Australian Standard AS4299, is to be submitted to the Principal Certifying Authority.

SUSTAINABILITY

[Planner: A 4.5 star AGBR is to be imposed on:

- new commercial (office) developments; or
- alterations, additions and refurbishments to commercial (office) developments where the air conditioning system is to be replaced, in part or in whole; or
- the above two forms of development, where the value of the proposed development is estimated at \$5 million or more.

Heritage Items are possible exceptions to this condition.

Do not use on residential buildings]

[Planner: Use this only for Stage 1 DA's]

(72) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with the Stage 2 development application to confirm that the building has been designed to minimise the embodied energy on a whole of building approach and to incorporate opportunities for improved energy efficiency being designed to achieve at least a 4½ star rating under the Department of Energy, Utilities and Sustainability's Australian Building Greenhouse Rating (ABGR) scheme for the base building.

(73) ENERGY EFFICIENCY OF BUILDINGS

The design of the building and its services must achieve a rating of 4.5 stars under the Department of Energy, Utilities and Sustainability's (DEUS) Australian Building Greenhouse Rating (ABGR) scheme. This can be demonstrated by:

- (a) Entering into a Commitment Agreement⁽ⁱ⁾ with DEUS, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting) or for the whole building^(v) 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 DEUS and submitted with the Construction Certificate application, that follows the current guidelines in DEUS's Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review and the Energy Efficiency Design Review. This report should be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to in clause 1(a) above:

- (i) *Commitment Agreement* means an agreement that is set out in accordance with DEUS's Australian Building Greenhouse Rating Commitment Agreement, which is made/signed between DEUS 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 DEUS for measuring the energy efficiency of a building, and known as the *Australian Building Greenhouse Rating Scheme*.
- (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.

[Planner: The next 3 conditions ONLY apply for new non-residential buildings or substantial alterations – BASIX gets the rest.]

(74) INSTALLATION OF DUAL-FLUSH TOILETS

All toilets installed within the development must be of water efficient dual-flush capacity with a minimum "AAA" rating. The details must be submitted for the approval of the Principal Certifying Authority, prior to a Construction Certificate being issued.

(75) INSTALLATION OF WATER EFFICIENT TAPS

All taps and shower heads installed must be water efficient with a minimum "AAA" rating. The details are to be submitted for the approval of the Principal Certifying Authority, prior to a Construction Certificate being issued.

[Planner: This condition is not relevant if the AGBR condition is applied, i.e. new construction or alterations and additions over \$5,000,000.]

(76) INTERNAL LIGHTING SYSTEM

The proposed internal lighting system for the commercial office spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted for the approval of the Principal Certifying Authority prior to a Construction Certificate being issued.

(77) ILLUMINATED BUILDING NAME SIGNS

- (a) The proposed illuminated Building Name Sign must be powered by a renewable energy source, either through:
 - (i) the provision of infrastructure to generate renewable energy (subject to development consent); or
 - (ii) the purchase of a renewable energy product offered by an electricity supplier equivalent to the estimated amount of electricity used for the period of consent of three years.
- (b) Prior to a Construction Certificate being issued, proof of the purchase of a renewable energy supplier in the form of a contract or payment receipt is to be supplied to the Principal Certifying Authority and included in the Construction Certificate documentation referred to the Council. The applicant is to retain proof of the continuation of the renewable energy contract for the duration of the period during which the sign is in place.

CITY MODEL

[Planner: Apply to new buildings and major alterations and additions and also adapt to require a new model/s for major section 96 applications but only in the pre 2003 City of Sydney area.]

(78) PHYSICAL MODELS

- (a) Prior to a Construction Certificate being issued, an accurate 1:500 scale model of the approved development must be **submitted to Council** for the City Model in Town Hall House; and
- (b) Prior to an Occupation Certificate being issued, an accurate 1:500 scale mode of the development as constructed must also be **submitted to Council** for placement in the City Model at the City Exhibition Space.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available from the One Stop Shop. Council's model maker should be consulted prior to construction of the model for Town Hall House. The Manager Architecture and Urban Design should be consulted prior to the construction of the model for City Exhibition Space.
- (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 96 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

[Planner: Apply to new buildings and major refurbishments only.]

(79) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to a Construction Certificate being issued, an accurate 1:1 electronic model of the detailed construction stage drawings must be submitted to Council for the electronic 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) property boundaries and the kerb lines adjacent to the site.
- (c) The data is to be submitted as a DGN, DWG or DXF file on physical media (floppy disc or CD). All plans are to be referenced to the Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA).
- (d) Within the DGN, DWG or DXF file each identified structure, feature, utility or service must be distinguished by a combination of layering and/or symbology schema. The submitted plans must be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.
- (e) The electronic model must be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available at the One Stop Shop. Council's Design/Technical Support staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

- (f) Prior to an Occupation Certificate being issued, a second and updated “as built” 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic City Model.

Note: The submitted model/data must be amended to reflect any modifications to the approval (under section 96 of the *Environmental Planning and Assessment Act*) that affect the location of any of the underground services or structures and/or external configuration of building above ground.

SITE RECTIFICATION / HOARDING APPROVAL/ THE PUBLIC WAY

[Planner: Applies to all parts of LGA and to significant development that involves demolition of existing buildings greater than 3 storeys and/or development of existing vacant sites but not including single dwellings. Bank guarantee amount of \$250/sqm of site are is to be inserted.]

(80) DEMOLITION/SITE RECTIFICATION

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) a bank guarantee to be provided in the sum of **[insert amount]** dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed **[insert amount]** dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;

- b. the existing building has been demolished; or
- c. the site has been excavated; or
- d. the structure has commenced to be erected;

that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:

- e. make the building safe and attractive at ground level;
- f. allow the ground level to be landscaped and made attractive from any public vantage point; or
- g. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
- h. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e - h to take place on the site; and
 - (ii) in the event of default, must have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

[Planner: Apply this to all developments with works in close proximity to the public way even if a hoarding will be required.]

(81) FOOTPATH DAMAGE BANK GUARANTEE

Prior to a Construction Certificate being issued the owner of the site must provide a bank guarantee for the sum to be determined based on the City of Sydney's Schedule of Fees and Charges as security for rectification of any damage to the public way.

Note: The bank guarantee required by this condition does not need to be provided if a separate bank guarantee is lodged as part of an approval for a hoarding over the public way.

(82) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (a) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (i) Architectural, construction and structural details of the design in accordance with the *Policy for the Design and Construction of Hoarding* (September 1997) and the *Guidelines for Temporary Protective Structures* (April 2001).
 - (ii) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (iii) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
 - (iv) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant will be responsible for meeting Council's lost revenue as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (eg Telstra) for the removal of any public telephone.
- (b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (c) The hoarding must comply with the Councils policies for hoardings and temporary structure on the public way and graffiti must be removed from the hoarding within one working day.

(83) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

SUBDIVISION

[Planner: Use for all major developments and conversions but not in the former south Sydney council area.]

(84) STRATA SUBDIVISION – SEPARATE DA REQUIRED

Strata subdivision requires development consent and therefore the lodgment of a separate development application and subsequent approval from Council, or an accredited certifier, of the strata plan, under section 37 of the *Strata Schemes (Freehold Development) Act 1973*.

[Planner: Use on DA's that include approval for strata subdivision.]

(85) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan under section 37 of the *Strata Schemes (Freehold Development) Act 1973*.

[Planner: Use for all major development and conversions.]

(86) LAND SUBDIVISION – SEPARATE DA REQUIRED

Land subdivision requires separate development consent and therefore the lodgment of a separate development application and subsequent approval from the Council of the plan of subdivision under Part 4A of the *Environmental Planning and Assessment Act 1979*.

[Planner: Use on DA's that include approval for land subdivision.]

(87) LAND SUBDIVISION – PART 4A APPROVAL REQUIRED

A separate application must be made to Council to obtain the approval of the plan of subdivision under Part 4A of the *Environmental Planning and Assessment Act 1979*.

(88) LOT CONSOLIDATION

All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

PUBLIC DOMAIN

[Planner: Use this condition only for major new developments over \$50 Million.]

(89) PUBLIC ART

High quality art work must be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the *Central Sydney DCP 1996* and the *Public Art Policy*. Details of the art work must be submitted for the approval of Council prior to a Construction Certificate being issued.

[Planner: Use this condition on the advice of the Public Domain Unit.]

(90) PUBLIC DOMAIN PLAN

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be approved by Council (to be lodged with the Public Domain Section) prior to a Construction Certificate being issued. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual.

(91) ALIGNMENT LEVELS

- (a) Prior to a Construction Certificate being issued, footpath alignment levels for the building must be submitted to Council for approval. This submission must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels of 10m cross sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.
- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate.

(92) 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".

(93) RECEPTACLES FOR CIGARETTE BUTTS

An adequate number of receptacles for the disposal of cigarette butts are to be provided on the site, adjacent to the entrance/s to the building. Prior to a Construction Certificate being issued, the location and design of the receptacle/s must be approved by Council. The receptacle/s must:

- (a) be located entirely on private property and must not be located on or over Council's footpath;
- (b) not obstruct any required means of egress or path of travel from the building required by the *Building Code of Australia*;
- (c) be appropriately secured to the building;

The emptying and maintenance of the receptacle/s must be done on a daily basis and is the responsibility of the building owner/manager and will not be undertaken by Council.

(94) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

On-site detention, treatment and re-use is encouraged.

- (a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

(95) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements for systems that discharge into the public stormwater system.

HEALTH CONDITIONS

FOOD PREMISES

(96) CONSTRUCTION AND FITOUT OF FOOD PREMISES

- (a) Details of the kitchen, bar and food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises to the satisfaction of the Certifying Authority prior to a Construction Certificate being issued.
- (b) The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003*. Guidance may be obtained from AS 4674 - Design, Construction and Fitout of Food Premises.
- (b) Adequate provision must be made for the installation of mechanical exhaust for any future premises where food is to be prepared.
- (c) The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the *Building Code of Australia*.
- (d) Cooking must not commence until an air handling system, in accordance with the BCA is installed and operational.
- (e) The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste.
- (f) The floor must be coved at the intersection with the walls.
- (g) The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.
- (h) Hand wash basin/s, with hot and cold running water, hand wash soap and hand drying facilities must be provided in all food preparation and bar areas.
- (i) A double bowl sink or two compartment tub and a dish washing machine must be provided in the food preparation area.
- (j) The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60°C or colder than 5°C and be provided with a thermometer, accurate to 1°C and which can be easily read from outside the appliance.

- (k) All food is to be transported, stored and displayed in a manner that protects the food from likely contamination in accordance with the provisions of Standard 3.2.2 of the *Food Standards Code* under the *Food Act 2003*.
- (l) All unpackaged ready to eat food for self service must be provided and maintained with protective barriers and have separate serving utensils, in accordance with Standard 3.2.2 of the *Food Standards Code* under the *Food Act 2003*.
- (m) The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the *Building Code of Australia*, Part F 3.1,4.8 &4.9.
- (n) Clothing lockers or change rooms for male and female staff must be provided in the premises in a separate location to the food handling and storage areas.
- (o) Cool room(s), refrigerated chambers and strong-rooms are to be constructed in accordance with G 1.2 of the *Building Code of Australia*.
- (p) All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls, floors or plinths.
- (q) All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
- (r) Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.
- (s) The following requirements apply to clearances and supports of equipment:
 - (i) All stoves, refrigerators, cupboards and similar fittings must have metal legs made of non corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high.
 - (ii) All shelving must be fixed 25mm clear of the walls on solid metal brackets.
- (t) The following requirements apply to food conveyors:
 - (i) The area (well) at the bottom of the food lift must be designed to allow access for cleaning.
 - (ii) The outside wall surface of the lift shaft must be finished to match the surrounding wall surface and coved to a minimum radius of 25 mm at the intersection with the floor.

- (iii) The internal surfaces of the food lift must be a smooth cement finish and coved at all angles.
- (u) A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. The grease trap room must have a piped connection to the boundary so that it can be emptied. Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.

(97) FOOD PREMISES DATA BASE

Prior to an Occupation Certificate being issued, Council's Environmental Health Unit must be notified that the premises is being used for the preparation, manufacture or storage of food for sale so that the premises can be registered on Council's food premises database.

(98) NOTIFY NSW FOOD AUTHORITY

Prior to the commencement of food handling operations, the food business must notify the NSW Food Authority of the following information including:

- (a) Contact details for the food business, including the name and address of the business and the proprietor of the business.
- (b) The nature of the food business.
- (c) The location of any other food premises associated with the food business, within the jurisdiction of NSW Health.

You may notify the NSW Food Authority via the Internet on www.foodnotify.nsw.gov.au or by contacting the Council for a notification form. Failure to notify the NSW Food Authority may result in a penalty not exceeding \$2,750.

HAIR AND BEAUTY

(99) STANDARDS FOR HAIRDRESSING SALONS

The use and operation of the premises must comply with the requirements of Schedule 2 (Standards Enforceable by Orders) of the *Local Government (General) Regulation, 2005* under the *Local Government Act 1993*. Guidance may also be obtained from the NSW Health Department's "*Skin Penetration Guidelines*".

(100) STANDARDS FOR BEAUTY SALONS

The use and operation of the premises must comply with the requirements of Schedule 3 (Standards Enforceable by Orders) of the *Local Government (General) Regulation, 2005* under the *Local Government Act 1993*. Guidance for the operation of the approved use may also be sought from publications of the NSW Health Department.

(101) SKIN PENETRATION

The use and operation of the premises must comply with the requirements of the *Public Health Act 1991*, and *Public Health (Skin Penetration) Regulation 2000*. Guidance for the operation of the approved use may also be sought from publications of the NSW Health Department.

(102) CONSTRUCTION AND FITOUT – HAIR AND BEAUTY

The construction and fit out of the hair and beauty salon must comply with the requirements of the *Local Government (Orders) Regulation 1999* and provide for the following:

- (a) The floor of the premises is to be finished with an impervious material capable of being easily cleaned.
- (b) A free standing hand wash basin with soap and hot and cold running water must be provided in each of the treatment rooms/salon.
- (c) A designated cleaning sink (as distinct from the wash hand basin), with hot running water of at least 40°C must be provided to wash equipment and utensils.
- (d) The wall at the rear and sides of the basins must be finished with glazed tiles.
- (e) The wall at the rear of the wash hand basin and sink must be finished with glazed tiles or other smooth and impervious material, and be evenly laid from floor level to a height of 450 millimetres above the top of the wash basin and from the centre of the wash basin to a distance of 150 millimetres beyond each side of the wash basin.

(103) REGISTRATION - HAIR DRESSING AND BEAUTY DATABASE

Prior to an Occupation Certificate being issued, Council's Health and Building Compliance Unit (Development and Environmental Assessments) are to be notified that the premises is being used as a Hair Dressing and Beauty Salon, involving skin penetration (if applicable) and the premises will be registered on Council's Database.

MEDICAL

(104) MEDICAL/VETERINARY IMAGING

- (a) The ionising radiation apparatus is to be registered with the Department of Environment and Conservation (DEC) prior to its use. Note: Guidance may be obtained from the DEC guidelines "*Radiation Guideline 6 - Registration* requirements and industry best practice for ionising radiation apparatus used in diagnostic imaging.

- (b) Any X-ray device must incorporate all necessary safety features to prevent exposure to radiation in excess of that permitted by the *Radiation Control Act 1990* and Regulations, Australian Standard 2772-1990 and any other relevant code or standard.

AIR EMISSIONS

(105) SPRAY PAINTING

All spray painting should be carried out in a spray booth constructed and ventilated in accordance with AS/NZS 4114.1:1995.

(106) EMISSIONS

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

SWIMMING POOLS

(107) SWIMMING POOL/SPA

Swimming and/or spa pool/s and pool surrounds must be maintained in accordance with the *Public Health (Swimming Pools and Spa Pools) Regulation 2000*. Note: Guidance may also be obtained from the NSW Health Department's *Public Swimming Pool and Spa Pool Guidelines*.

(108) MINIMISE IMPACT OF POOL ON NEIGHBOURING PROPERTIES

Details complying with conditions (a) and (b) below must be submitted to the certifying authority (Council or accredited private certifier) prior to the issue of a Construction Certificate:

- (a) To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area, the design and construction of the swimming pool/spa and associated equipment and fencing must comply with the following requirements:
 - (i) The Swimming Pools Act 1992 and Regulations.
 - (ii) The swimming pool must have safety fencing installed in accordance with the requirements of AS 1926.1 1993 - Fencing for Swimming Pools, AS 1926.2 1995 Location of Fencing for Private Pools and the Swimming Pools Act 1992 and Regulation.
 - (iii) Australian Standards 1926.3 – Water Recirculation and Filtration
 - (iv) Protection of the Environment Operations Act 1997

- (v) The swimming pool/spa pump and associated equipment must be setback a minimum 1.5 metres from surrounding boundaries and sound insulated and/or isolated so that the noise emitted does not exceed 5 dB above the background level in any octave band from 63.0 Hz centre frequencies inclusive at the boundary of the site. Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1 – 1989.
- (vi) Noise from swimming pool/spa pump and associated equipment is not to be audible inside a neighbours residence between 8pm and 7am on weekdays and Saturdays, 8pm and 8am on Sundays and Public Holidays in accordance with Clause 50 of the Protection of the Environment Operations (Noise Control) Regulation 2000.

Evidence from an appropriately qualified person that these design requirements have been met must accompany the application for the Construction Certificate.

(109) SWIMMING POOL WASTE AND OVERFLOW WATERS

Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for a Construction Certificate to the satisfaction of Council or the accredited certifier.

(110) SWIMMING POOL – CONSULTATION WITH ENERGY AUSTRALIA

Energy Australia must be consulted in respect of the location of the proposed swimming pool relative to any overhead electrical wiring within a distance of 9 metres around the pool. Details of consultation with Energy Australia are to be submitted to the Principal Certifying Authority prior to a Construction Certificate being issued.

SEX INDUSTRY

(111) NO APPROVAL FOR A SEX SERVICE PREMISES

The premises are not to be used as a 'brothel' as defined in the **[insert]**

(112) SEX INDUSTRY PLAN OF MANAGEMENT

The operation of the premises must be conducted in accordance with the Council approved plan of management. Should there be any additional or altered activities/procedures to those specified in the approved plan of management that remain within the scope of the development consent, the plan of management must be appropriately reviewed and submitted to Council for approval.

(113) NO APPROVAL FOR USE AS RESTRICTED PREMISES

The premises must not be used as a 'restricted premises' as defined in the relevant Local Environmental Plan or Development Control Plan.

(114) MANAGEMENT OF PREMISES

A maximum of [*insert no*] sex workers are allowed to be employed on the site on any one time.

(115) RESTRICTED PREMISES

The following conditions apply to the restricted premises:

- (a) No part of the restricted premises (other than an access corridor to it) is to be located:
 - (i) at ground floor level.
 - (ii) in arcades, or
 - (iii) in other thoroughfares open to the public or used by the public.
- (b) No part of the restricted premises or building in which it is located is permitted to be used as a dwelling.
- (c) Advertisements, signs or merchandising material, other than any approved identification sign relating to the restricted premises or business, must not be erected, displayed or exhibited for public view in the window, entrance or frontage of the premises.

(116) SEX INDUSTRY POLICY COMPLIANCE

The premises must comply with the health provisions contained in Council's relevant sex services premises DCP.

(117) MANAGEMENT AND OPERATION OF THE SEX SERVICE PREMISES

- (a) The premises must be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times.
- (b) Clean linen and towels must be provided for the use of each client.
- (c) Adequate receptacles with fitting lids must be provided for the separate storage of used and clean linen.
- (d) All linen, towelling and other bed coverings which come into contact with clients must be changed immediately after each use. While the premises are operating, coverings used on beds, furnishings or the like must be regularly changed.
- (e) Used and clean linen must be stored separately and if laundering is carried out on site, adequate, sealable receptacles are to be used.

- (f) All mattresses used for sex must be fitted with washable mattress covers. It is recommended that covers are made from a water proof material. Mattresses with minimal linen cover must be water proof. While the premises is operating all coverings used on beds, furnishing or the like that are visibly stained with body fluids must be immediately changed.
- (g) Evidence of a commercial contract to launder linen must be provided or a commercial washing machine capable of washing at a temperature of not less than 70 degrees Celsius must be installed.
- (h) An adequate supply of condoms, dental dams and water based lubricant must be supplied free of charge for sex workers and their clients.
- (i) All hazardous waste including sharps waste must be stored in an appropriate container and disposed of in accordance with the Department of Environment and Conservation's requirements.
- (j) The premises must be provided with artificial lighting to provide a level of illumination appropriate to the function or use of the building/spaces to enable safe use and movement of occupants in accordance with Part F4 of the BCA.
- (k) Adequate sanitary facilities must be provided for the use of both sex workers and clients. Each working room should contain its own sanitary facilities including a toilet, shower and hand basin. Alternatively in existing terrace semi detached or similar buildings, one bathroom with full facilities every three workrooms or part there of must be provided. Each work room is to have direct access to these sanitary facilities.
- (l) All required wash hand basins must be provided in close proximity to areas where sexual activity occurs, with an adequate supply of potable warm water under mains pressure, mixed through a common outlet together with bactericidal pump action soap and single use towels or electric hand dryers.
- (m) Single use paper towelling or the like is to be provided in each booth. The towelling is to be located in a fixed position so as clean towel does not come into contact with the floor.
- (n) The lighting system must be appropriately zoned to facilitate cleaning of rooms, cubicles, booths or the like during times when the premises is commercially open.
- (o) The premises being registered with Council for skin penetration procedures prior to the commencement of operations.
- (p) Adequate facilities with disposable plastic liners must be provided for the disposal of used condoms, soiled paper and other waste products of sexual activity in all rooms, cubicles, booths or the like where sexual activity occurs.

Note 1 – Adequate facilities are defined as water-proof waste bins fitted with removable plastic liners.

Note 2 – Waste bins must be attached in a permanent and convenient position above the floor of the booth or cubicle.

- (q) All chains, attachments and the like associated with slings and other sexual activity apparatus/equipment must be capable of being easily cleaned.

(118) DOUCHING FACILITIES

- (a) Activities such as douching must not be conducted on the premises without prior approval of council.
- (b) Douching facilities must be installed in accordance with Sydney Water requirements for back-flow prevention. A copy of documentation of installation in accordance with appropriate Australian Standard(s) is to be issued by a specifically accredited plumber and kept on the premises. The use and operation of the douching facilities must comply with the *Public Health Act 1991*.
- (c) The douching facilities are to have, as a minimum, annual inspection and maintenance by an appropriately accredited plumber. The accredited plumber is to provide certification that the system operates in accordance with relevant Australian Standards. Maintenance/ inspection records are to be kept at the premises.
- (d) Only single-use disposable plastic douche tubes, one per client, are to be available for use on the premises. The tube is to be smooth and without imperfections that may cause bleeding.
- (e) The douche facility is to be isolated from the rest of the premises and cleaned after each use.
- (f) A waste receptacle is to be provided within the douche facility for the immediate disposal of douche tubes. The receptacle is to be constructed in such a manner that disposed of contents cannot be retrieved by clients.

(119) SEX INDUSTRY/SEX ON PREMISES – LIGHTING

- (a) The lighting in all rooms, cubicles, booths or the like must be fitted with user adjustable dimmer switches or the like to assist safe sexual practices.
- (b) All workrooms must be provided with an adequate level of lighting to allow sex workers to conduct health checks of their clients for any visible signs of sexually transmitted diseases.

- (c) All cubicles, booths and sexual activity areas be fitted with a local lighting system that achieves an adequate level of luminance for the purpose of allowing patrons to conduct examination of each other for visible evidence of sexual transmitted disease and to assist safe sexual practices. User adjustable dimmer switches may be installed to achieve this.
- (d) All cubicles, booths and sexual activity areas to be fitted with lighting that achieves a minimum luminance of 80lx for the purpose of spot cleaning. This can be achieved either through the provision of a separate zoned lighting system or incorporated into the design of the local lighting system for sexual transmitted disease examination by patrons.

(120) SEX INDUSTRY STD INFORMATION

- (a) Current written information such as pamphlets, brochures and notice board displays, in a variety of languages, on sexually transmitted infectious diseases and occupational health and safety material must be made available to all sex workers. Sex workers must be given access to health service providers for information and educational activities on disease transmission issues.
- (b) All sex workers must receive appropriate induction, be adequately trained and continually be provided with updated information about how to examine clients for any visible evidence of sexually transmitted diseases. Examination of clients must be conducted before any sexual contact.

(121) SEX INDUSTRY STAFF FACILITIES

A safe and accessible staff room, in a non-working area separate from the client lounge/viewing area, must be provided with appropriate facilities including fully equipped bathroom (shower, toilet & hand basin), food and drink preparation areas and lockers.

(122) SEX INDUSTRY/ SEX ON PREMISES – CLEANING

- (a) The premises including any booths must be constructed of durable, impervious materials that are able to be cleaned easily.
- (b) A cleaning register is to be kept on the premises at all times and must be available for inspection by authorised officers on demand. The register must include but not be restricted to: date/time of all cleaning activities; printed name and signature of the employee(s) conducting the cleaning; and notation of specific areas requiring spot cleaning attention.
- (c) Spot cleaning must be conducted on as a minimum hourly basis or more frequently if needed and during peak periods.
- (d) All performance areas and booths must be cleaned on a daily basis and should also be assessed for cleanliness after every performance with spot cleaning occurring as necessary and as frequently as possible.

- (e) The viewing screen installation is to be fitted so as body fluid does not accumulate and easy cleaning can occur.

MECHANICAL VENTILATION / AIR CONDITIONING

(123) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and Council's *Ventilation Code*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with Council's *Ventilation Code*, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (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 Certifying Authority.

(124) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

The required operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the partitioning layout.

(125) 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 & 2. Ventilation must be controlled by CO2 sensors to ensure compliance with health requirements while reducing energy demand.

(126) MICROBIAL CONTROL

- (a) All cooling towers and cooling and warm water systems must be operated and maintained in accordance with AS 3666.2:1995, (or AS 3666.3:2000 subject to prior notification to Council) the *Public Health Act 1991*, and *Public Health (Microbial Control) Regulation 2000*.
- (b) A true copy of the annual certificate as stipulated in clause 9(2) of the *Public Health (Microbial) Regulation 2000* which certifies the effectiveness of the process of disinfection used for the water cooling system, must be submitted to Council prior to the period ending 30 June each year.

- (c) Prior to commencement of the use the owner or occupier of the premises must apply to Council for the registration of water cooling systems warm water systems installed on the premises in accordance with the *Public Health (Microbial Control) Regulation 2000*.

(127) AIR HANDLING

In the event of any process in any room being of such a nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given-off, an air handling system must be installed providing positive capture and removal of the effluents. The effluent must be discharged to atmosphere at a point that will not create a nuisance.

(128) CONTROL OF LEGIONNAIRES DISEASE

- (a) The *Public Health Act 1991*, *Public Health (Microbial Control) Regulation 2000* and *NSW Health Code of Practice for the Control of Legionnaires Disease* include microbial control requirements for the installation, operation and maintenance of air handling, heated water systems and water cooling systems and must be complied with.
- (b) The owner or occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the *Public Health Act, 1991* and Regulation. Registration forms are available from Council.

BUILDING CONDITIONS

BUILDING AND STRUCTURAL CONDITIONS

(129) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Cause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of the Certifying Authority (Council or a private accredited certifier). A copy of the certificate must be submitted to Council if Council is not the CA.

(130) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – MINOR (ADDITIONS)

A practising certified structural engineer is required to provide original structural certification to the Principal Certifying Authority certifying that the existing structure can adequately support the proposed new loads to comply with Structural Provisions Part B1 including performance provisions BP1.1 and BP1.2 of the *Building Code of Australia* and Australian Standards prior to the Construction Certificate being issued.

(131) VERIFICATION OF SUPPORT FOR NEW LOADS

For alterations and additions to an existing building, a certificate from a qualified practicing structural engineer (NPER) must be submitted to the PCA prior to a Construction Certificate being issued. The certificate must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the *Building Code of Australia*.

(132) STRUCTURAL CERTIFICATION FOR PARTY WALLS

Prior to a Construction Certificate being issued, a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia must be submitted to the satisfaction of the Principal Certifying Authority. The Certificate must verify the structural integrity of the existing 'Party Wall(s)' a consequence of the additional loads imposed thereon by the proposal and should include a Dilapidation Report if required by the Certifying Authority. A copy of the Certificate must be submitted to Council if Council is not the Certifying Authority.

(133) CERTIFICATION OF GEOTECHNICAL INSPECTION

Prior to the issue of a Construction Certificate, a **Geotechnical Inspection Certificate** in accordance with Clause A2.2(a)(iii) of the Building Code of Australia prepared by an appropriately qualified person must be submitted to the satisfaction of the Certifying Authority and a copy submitted to Council.

(134) GEOTECHNICAL REPORT AND CERTIFICATION

Prior to commencement of any foundation or bulk excavation, a Geotechnical Report must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority).

[Planner: on advice of the building surveyor the list below will be reduced to include only relevant provisions.]

(135) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE OR PART OF BUILDING IS REQUIRED (CC REQUIRED)

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the **(whole building / part [specify])** must comply with the deemed-to-satisfy provisions of the Building Code of Australia (BCA) and the following:
 - (i) Structural provisions - Part B1;
 - (ii) Fire resistance and stability - Part C1;
 - (iii) Compartmentation and separation - Part C2;
 - (iv) Protection of openings - Part C3;
 - (v) Provision for escape (access and egress) - Part D1;

- (vi) Construction of exits - Part D2;
- (vii) Access for people with disabilities - Part D3;
- (viii) Fire fighting equipment - Part E1;
- (ix) Smoke hazard management - Part E2;
- (x) Lift installation - Part E3;
- (xi) Emergency lighting, exit signs and warning systems - Part E4;
- (xii) Damp and weatherproofing - Part F1;
- (xiii) Sanitary and other facilities - Part F2;

Note: For restaurants, cafes, bars and the like, sanitary facilities (including accessible facilities for persons with disabilities complying with AS 1428.1) must be provided for customers where more than 20 seats are provided, including seating for any future footway dining facilities.

- (xiv) Room sizes - Part F3;
 - (xv) Light and ventilation - Part F4;
 - (xvi) Sound transmission and insulation - Part F5;
 - (xvii) Heating appliances, fireplaces, chimneys and flues - Part G2;
 - (xviii) Atrium construction - Part G3;
 - (xix) Places of public entertainment - NSW Part H101;
 - (xx) Energy Efficiency - NSW variation - Section J;
 - (xxi) Other (details to be specified).
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the conditions listed above cannot be achieved, an alternate solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued the Certifying Authority must ensure that the building complies with the Building Code of Australia.

[Planner: On advice of the building surveyor the list below will be reduced to include only the identified areas of non-compliance.]

(136) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) including:

- (i) Structural provisions - Part B1;
- (ii) Fire resistance and stability - Part C1;
- (iii) Compartmentation and separation - Part C2;
- (iv) Protection of openings - Part C3;
- (v) Provision for escape (access and egress) - Part D1;
- (vi) Construction of exits - Part D2;
- (vii) Access for people with disabilities - Part D3;
- (viii) Fire fighting equipment - Part E1;
- (ix) Smoke hazard management - Part E2;
- (x) Lift installation - Part E3;
- (xi) Emergency lighting, exit signs and warning systems - Part E4;
- (xii) Damp and weatherproofing - Part F1;
- (xiii) Sanitary and other facilities - Part F2;

Note: For restaurants, cafes, bars and the like, sanitary facilities (including accessible facilities for persons with disabilities complying with AS 1248.1) must be provided for customers where more than 20 seats are provided, including seating for any future footway dining facilities.

- (xiv) Room sizes - Part F3;
- (xv) Light and ventilation - Part F4;
- (xvi) Sound transmission and insulation - Part F5;
- (xvii) Heating appliances, fireplaces, chimneys and flues - Part G2;
- (xviii) Atrium construction - Part G3;
- (xix) Places of public entertainment - NSW Part H101;
- (xx) Energy Efficient - NSW variation - Section J.
- (xxi) Other (details to be specified).

- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (1) above cannot be achieved, an alternate solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in this condition are not an exhaustive list of non-compliances with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend the development approved in this consent.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

(137) BCA - NEW BUILDING WORKS CLASS 1 & 10 BUILDINGS

- (a) Pursuant to Clause 98 of the Environment Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) including:
 - (i) Site Preparation - Part 3.1;
 - (ii) Footings and Slabs - Part 3.2
 - (iii) Masonry - Part 3.3
 - (iv) Framing - Part 3.4;
 - (v) Roof and Wall Cladding - Part 3.5
 - (vi) Glazing - Part 3.6
 - (vii) Fire Safety - Part 3.7;
 - (viii) Health & Amenity - Part 3.8
 - (ix) Safe Movement & Access (Access and Egress) - Part 3.9;
 - (x) Additional Construction Requirements - Part 3.10;
 - (xi) Energy Efficiency - Part 3.12 (NSW variations only);
 - (xii) Other (details to be specified).

- (b) If compliance with the deemed-to-satisfy provisions of the BCA Vol 2 Housing Provisions and the matters listed in condition (1) above cannot be achieved, an alternate solution in accordance with Part 1.0 of the BCA Vol 2 - Housing Provisions, must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complied with the Building Code of Australia.
- (c) The BCA matters identified in this condition are not an exhaustive list of non-compliances with the BCA Vol2 - Housing Provisions. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend the development approved in this consent.

Note: The provisions of Clause 94 of the Environment Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

(138) ANNUAL FIRE SAFETY STATEMENT FORM

An **annual Fire Safety Statement** must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued.

(139) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued.

(140) SPRINKLER SYSTEM

The efficient coverage and operation of any sprinkler system must not be impaired by the partitioning layout and/or the efficient coverage and operation of any fire and smoke detection system must not be impaired by the partitioning layout. Any alterations to the existing sprinkler installation must comply with the *Building Code of Australia*.

(141) EXIT DOORS OPEN OUTWARD

Exit doors must be altered so they open in the direction of travel and must be recessed so they do not open over the footway. They must at all time be easily opened without the use of keys.

(142) FLASHINGS TO BOUNDARY WALLS

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties. The consent of the adjoining property owner/s must first be obtained for connecting the flashing/s to the building/s.

[Building Inspector: Change as required and delete parts from the schedule that are not relevant to suit the existing building and services installed. Note numbering in table.]

(143) BCA COMPLIANCE - CHANGE OF USE/CLASSIFICATION (NO BUILDING WORK PROPOSED)

- (a) Pursuant to Clause 93 of the Environmental Planning and Assessment Regulation 2000, the building must comply with any conditions of this consent relating to fire protection (Category 1 fire safety provisions) and structural adequacy. Prior to an Occupation Certificate being issued for the new use, the Principal Certifying Authority must ensure that the building complies with the following:
- (i) Structural provisions in accordance with Part B1;
 - (ii) Fire fighting equipment in accordance with Part E1;
 - (iii) Smoke hazard management in accordance with Part E2;
 - (iv) Emergency lift installation in accordance with Part E3;
- (b) The measures listed in the following Fire Safety Schedule must be provided in the building in accordance with Clauses 93 and 168 of the Environmental Planning and Assessment Regulation 2000.

Fire Safety Schedule				
Item No	Fire Safety Measures	Current	Proposed	Standard of Performance
1.	Access panels, doors and hoppers to fire resisting shafts			BCA Clause C3.13, AS 1905.1 – 2005, AS 1905.2 - 2005, AS 1530.4 – 2005
2.	Automatic Fail Safe Devices			BCA Clause C3.8, D2.19, D2.21, D2.22 - Scheduled devices release upon trip of smoke detection, fire detection and sprinkler activation
3.	Automatic Fire Detection and Alarm System			BCA Clause C2.3, C3.5, C3.6, C3.7, C3.8, C3.11, E2.2, Specification C3.4, Specification E2.2a, G3.8, Specification G3.8, G4.8, NSW H101.17.1, AS 1670.1 – 2004, AS 1670.3 – 2004, AS 1670. 4 – 2004, AS 3786 – 1993 & AS 4428.1 – 1998

Fire Safety Schedule				
Item No	Fire Safety Measures	Current	Proposed	Standard of Performance
4.	Automatic fire suppression systems (Sprinklers, gas systems etc)			BCA Clause E1.5, NSW Spec. E1.5, G3.8, Specification G3.8, NSW H101.4, NSW 101.5.3, NSW H101.17.1, H101.18.1, AS 2118.1-1999, AS 2118.4 – 1995 or AS 2118.6 – 1995 (as applicable)
5.	Emergency Lighting			BCA Clause E4.2, E4.4 and AS/NZS 2293.1 – 2005
6.	Emergency Lifts			BCA Clause E3.4, Appendix A of AS 1735.1 – 2003 or AS 1735.2 – 2001 & AS 1735.11 – 1986
7.	Emergency Warning and Intercommunication System			BCA Clause E4.9 and AS 1670.4 – 2004, AS 4428.4 – 2004
8.	Exit Signs			BCA Clause E4.5, NSW E4.6, E4.7, E4.8 and AS/NZS 2293.1 – 2005
9.	Fire control centres and rooms			BCA Clause E1.8, Specification E1.8
10.	Fire Dampers			BCA Clause C3.12, C3.15, AS/NZS 1668.1 – 1998
11.	Fire Doors			BCA Clause C2.5, NSW C2.5(b), C2.12, C2.13, C3.4, C3.5, C3.6, C3.7, C3.8, C3.10, C3.11, Specification C3.4, D1.8, D2.8, AS/NZS 1905.1 – 2005, AS 1905.2 – 2005 & AS 1735.11 – 1986
12.	Fire Hydrants Systems			BCA Clause E1.3 and AS 2419.1 – 2005

Fire Safety Schedule				
Item No	Fire Safety Measures	Current	Proposed	Standard of Performance
13.	Fire seals protecting opening in fire resisting components of the building			BCA Clause C3.15, Specification C3.15, AS 1530.4 - 2005 or AS 4072.1 - 2005 and installed in accordance with the tested prototype
14.	Fire Shutters			BCA Clause C3.4, Specification C3.4 and AS 1905.2 – 2005
15.	Fire Windows			BCA Clause C3.4, Specification C3.4
16.	Hose Reel System			BCA Clause E1.4 and AS 2441 – 2005
17.	Lightweight Construction			BCA Clause A2.5, C1.8, C3.17, Specification C1.8, Specification C2.5, C2.9, A2.3 and AS 1530.4 – 2005
18.	Mechanical Air Handling System			BCA Clause E2.2, Table E2.2a, NSW Table E2.2b, Specification E2.2b, G3.8, Specification G3.8, AS/NZS 1668.1-1998
19.	Perimeter Vehicle Access for emergency vehicles			BCA Clause C2.4
20.	Portable Fire Extinguishers			BCA Clause E1.6 and AS 2444 – 2001
21.	Safety curtains in proscenium openings			BCA Clause NSW H101.10 and NSW H101.10.1
22.	Smoke and Heat Vents			BCA Clause E2.2, Table E2.2a, NSW E2.2b, Specification E2.2b, Specification E2.2c, G3.8 and Specification G3.8, NSW H101.22 and AS 2665 – 2001

Fire Safety Schedule				
Item No	Fire Safety Measures	Current	Proposed	Standard of Performance
23.	Smoke Dampers			AS/NZS 1668.1-1998
24.	Smoke detectors and heat detectors			BCA Specification E2.2a, AS 1670.1 - 2004 and AS 3786 – 1993
25.	Smoke Doors			BCA Clause C2.5 and Specification C3.4
26.	Solid Core Doors			BCA Clause C3.11, NSW C3.11
27.	Stand-by Power Systems			BCA Clause C2.13, E1.3, E3.4, Specification G3.8
28.	Wall Wetting Sprinkler and drencher systems			BCA Clause C3.2, C3.4, G3.8, Specification G3.8 and AS 2118.1 – 1999
29.	Warning and Operational signs			BCA Clause C3.6, D2.23 and E3.3

Note:

The obligation under the above condition to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in this consent. A construction certificate must therefore be obtained prior to work commencing for any building work required to be undertaken.

PLACES OF PUBLIC ENTERTAINMENT

(144) SMOKE HAZARD MANAGEMENT

A system of Smoke Hazard Management must be provided in the premises to comply with the requirements of Part E2.2 of BCA. In this regard, either a sprinkler system complying with Specification E1.5 with fast response sprinkler heads or an automatic smoke exhaust system complying with Specification E2.2b shall be installed throughout the premises.

(145) NUMBER OF OCCUPANTS IN INDIVIDUAL AREAS

The population of individual areas (including entertainers and staff) must not exceed **[insert number]**.

(146) PANIC BOLTS ON EGRESS DOORS

Egress doorways greater than 1 metre in width must be hung in two folds and be fitted with 'panic' bolts where required.

(147) SEPARATION OF ENTERTAINMENT AREA

The entertainment area must be separated from the rest of the building by construction having a fire-resistance level of not less than 60/60/60.

JOINT DA / CC APPLICATIONS

(148) COMPLIANCE WITH ANNOTATIONS ON DRAWINGS

Compliance must be given to any requirements highlighted in red on the approved plans.

(149) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – STORAGE COMPACTUS

Prior to the commencement of works the structural adequacy of the existing building to support the imposed loads of the proposed storage compactus must be assessed and a certificate of structural adequacy prepared by a qualified practising structural engineer to the satisfaction of the Principal Certifying Authority (PCA) must be submitted to the PCA (Council or a private accredited certifier). Where Council is the PCA, the structural certificate must be in the form of Council's standard structural certificate 'S1'.

(150) PARTITION WALLS ADJOINING WINDOWS

Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

(151) GLAZING – COMPLIANCE WITH AUSTRALIAN STANDARD

All glazing materials must be selected and installed in accordance with the relevant provisions of Australian Standard, AS1288 'Glass in buildings – Selection and installation'.

(152) FLAME AND SMOKE CONTROL REQUIREMENTS – BUILDING MATERIALS

All materials used in the building must comply with Specification C1.10 and C1.10a of the Building Code of Australia.

(153) ELECTRONIC LOCKS TO EGRESS DOORS

Any proposed electronic locks must be fitted with a fail safe device in accordance with D2.21 of the Building Code of Australia and suitable directional exit signs provided to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

(154) FIRE HOSE REELS NOT TO BE OBSTRUCTED

The efficient coverage and operation of the fire hose and access to the fire hydrant service must not be impaired by the proposed partitioning layout.

(155) SUB-TENANCY WALLS AND FIRE EGRESS

Consideration must be given to the design of future office layouts and applications for the fit-out of the sub-tenancies formed by the proposed inter-tenancy partitioning work to ensure compliance with Building Code of Australia, particularly Clauses D1.4, D1.5 and D1.6 relating to maximum exit travel distances and dimensions of paths of travel to exits.

(156) ELECTRONIC LOCKS - CERTIFICATION

Upon completion of the work and prior to the commissioning of the electronic security locking device/s and occupation of the subject tenancy, a certificate from an appropriately qualified person must be furnished to the PCA (Council or a private accredited certifier) certifying the operation of the devices. A copy of the Certificate must be submitted to Council if it was not the PCA.

(157) ACCESS FOR PERSONS WITH DISABILITIES – OFFICE FITOUTS

- (a) In accordance with Council's Access Development Control Plan 2004, the proposed office layout and design must comply with Australian Standard 1428.1: General requirements for access - New building works, including:
 - (i) corridor/door widths and circulation spaces at doorways (clause 7);
 - (ii) fully glazed doors and walls including sidelights (clause 7.5); and
 - (iii) door handle and light switch positions/design (clause 11).
- (b) Prior to the issue of an Occupation Certificate, certification from an appropriately qualified person must be submitted to the principal certifying authority confirming compliance with this condition.

SCHEDULE 1C

DURING CONSTRUCTION / PRIOR TO OCCUPATION / COMPLETION

ACCESS DRIVEWAYS TO BE CONSTRUCTED	8
BASIX	2
COMPLETION OF SPECIFIED WORKS	2
CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION	6
COVERING OF LOADS	7
DEDICATION LIMITED IN HEIGHT OR DEPTH	9
DEDICATION OF LAND AFFECTED BY REALIGNMENT	9
DEDICATION OF ROAD WIDENING	9
DEDICATION OF ROAD WIDENING AND SPLAY	9
DEDICATION OF SPLAY	9
DEED OF AGREEMENT	5
ENCROACHMENTS – NEIGHBOURING PROPERTIES	8
ENCROACHMENTS – PUBLIC WAY	8
EROSION AND SEDIMENT CONTROL	6
HAZARDOUS AND INDUSTRIAL WASTE	6
HOURS OF WORK AND NOISE – CBD	2
HOURS OF WORK AND NOISE – OUTSIDE CBD	3
LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS	4
LOADING AND UNLOADING DURING CONSTRUCTION	7
NO OBSTRUCTION OF PUBLIC WAY	8
NOTIFICATION OF EXCAVATION WORKS	4
OCCUPATION CERTIFICATE TO BE SUBMITTED	2
PERFORMANCE BOND	4
PROTECTION OF STREET TREES DURING CONSTRUCTION	6
ROCK CUTTING INTO BLOCKS	4
SHOP NUMBERING	10
SITE NOTICE OF PROJECTS DETAILS AND APPROVALS	3
STREET NAME PLATE	10
STREET NUMBERING – MAJOR DEVELOPMENT	10
STREET NUMBERING – SINGLE DWELLINGS/MINOR DEVELOPMENT	10
SURVEY	9
SURVEY CERTIFICATE AT COMPLETION	9
SYDNEY WATER CERTIFICATE	5
USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE	4
USE OF MOBILE CRANES	8
VEHICLE CLEANSING	7

OCCUPATION CERTIFICATE

(1) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority 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.

BASIX

(2) BASIX

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

[Planner: Use this condition to ensure that certain works are completed to the approved standard, prior to the completion of the project, particularly if these works were some incentive for another aspect of the development such as additional floor space.]

(3) COMPLETION OF SPECIFIED WORKS

Prior to an Occupation Certificate being issued, the Principal Certifying Authority must ensure that the following works are completed, in full compliance with the approved Construction Certificate plans and all relevant conditions of development consent:

- (a) **[insert list of works]**

CONSTRUCTION HOURS, NOISE AND ACTIVITIES

[Planner: Use this condition for all DA's in the CBD, as defined on the map in the Code of Practice for Construction Hours/Noise 1992.]

(4) HOURS OF WORK AND NOISE – CBD

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

- (a) All work, including demolition, excavation and building 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 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, 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 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note: 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 96 of the *Environmental Planning and Assessment Act 1979*.

[Planner: Use this condition for all DA's outside the CBD, as defined on the map in the Code of Practice for Construction Hours/Noise 1992.]

(5) 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 Building Sites Noise Code* and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

[Planner: Only use this on major DA's]

(6) 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 Certifying Authority 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, 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.

(7) USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or 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 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites". A separate application for approval to use any of these appliances must be made to Council.

(8) ROCK CUTTING INTO BLOCKS

Removal of rock by cutting into blocks is not permitted, unless a separate development application is submitted to, and approved by Council for these works.

(9) 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. 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.

(10) NOTIFICATION OF EXCAVATION WORKS

The Principal Certifying Authority and Council must be given a minimum of 48 hours notice that excavation, shoring or underpinning works are about to commence.

[Planner: This applies to consents or S96 Modifications, which permit extended working hours in accordance with Council's Construction Hours/Noise Code - planner to amend hours and days as required. Applies only to DA's in the CBD, as defined in the Code of Practice for Construction Hours/Noise 1992.]

(11) PERFORMANCE BOND

A performance bond must be lodged with Council in accordance with Part 11 of the *Code of Practice for Construction Hours/Noise within the Central Business District 1992*, for the construction hours of [**insert start time**] to [**insert finish time**], Mondays-Fridays and [**insert start time**] to [**insert finish time**], Saturdays. No work on Sundays or public holidays.

The bond required to be lodged is a minimum of \$[amount] up to a maximum of \$[amount] being calculated at [percent]% of the value of the works to be undertaken. The bond must be lodged prior to the commencement of extended working hours.

[Planner: Applies to all consents or S96 Modifications for which noise performance bonds are required to be lodged. Applies only to DAs in the CBD as defined in the Code of Practice for Construction Hours/Noise 1992.]

(12) DEED OF AGREEMENT

The applicant is to enter into a deed with Council which requires the applicant to apply to rescind the consent for Category 2, 3 and 4 hours, if so requested by Council. The deed must be prepared by Council's Solicitor upon receipt of a written request from the applicant. Such deed must be prepared at full cost to the applicant and is required to be executed prior to the commencement of extended working hours at the site.

UTILITIES

[Planner: Apply to all development involving building works, development of vacant land for industrial and commercial uses, changes of use that may result in increased demand on water, Torrens title subdivisions including stratum and community title subdivision, strata subdivision, subdivisions for lease purposes and road closure.]

(13) SYDNEY WATER CERTIFICATE

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

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

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

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

ENVIRONMENT

(14) 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 Certifying Authority 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.

(15) PROTECTION OF STREET TREES DURING CONSTRUCTION

All street trees adjacent to the site not approved for removal must be protected at all times during demolition and construction, in accordance with Council's Tree Preservation Order. Details of the methods of protection must be submitted to and be approved by Council prior to the issue of the Construction Certificate and such approval should be forwarded to the Principal Certifying Authority. All approved protection measures must be maintained for the duration of construction and any tree on the footpath which is damaged or removed during construction must be replaced.

(16) 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.

(17) HAZARDOUS AND INDUSTRIAL WASTE

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

- (a) *Protection of the Environment Operations Act 1997.*
- (b) *Protection of the Environment Operations (Waste) Regulation 1996.*

- (c) *Waste Avoidance and Recovery Act 2001.*
- (d) *New South Wales Occupational Health & Safety Act 2000.*
- (e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983).*
- (f) *The Occupational Health & Safety Regulation 2001.*
- (g) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*

(18) 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.

(19) 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.

VEHICLE ACCESS

[Planner: Delete irrelevant parts.]

(20) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council 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.
- (c) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (d) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

- (e) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

(21) 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.

(22) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved concrete 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.

(23) USE OF MOBILE CRANES

The following requirements apply:

- (a) 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.
- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

DEDICATIONS/SUBDIVISIONS/ ENCROACHMENTS

(24) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(25) ENCROACHMENTS – PUBLIC WAY

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

(26) SURVEY

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 Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

(27) SURVEY CERTIFICATE AT COMPLETION

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

(28) DEDICATION OF SPLAY

The owner must dedicate for road purposes, free of cost to Council, a **[insert]**m by **[insert]**m splay at the intersection of **[insert]** and **[insert]**, to be detailed in a plan of subdivision/consolidation of the land. This plan must be registered at the Land and Property Information Office prior to an Occupation Certificate being issued.

(29) DEDICATION OF ROAD WIDENING

The owner must dedicate, for road purposes, free of cost to Council, a **[insert]**metre widening along the site frontage to **[insert]**, to be detailed in a plan of subdivision/consolidation of the land. This plan is to be registered at the Land and Property Information office prior to an Occupation Certificate being issued.

(30) DEDICATION OF ROAD WIDENING AND SPLAY

The owner must dedicate for road purposes, free of cost to Council, a **[insert]**m widening **along** the site frontage to **[insert]** together with a **[insert]**m by **[insert]**m splay at the intersection of **[insert]** and **[insert]** as widened, to be detailed in a plan of subdivision/consolidation of the land. This plan is to be registered at the Land and Property Information office prior to an Occupation Certificate being issued.

(31) DEDICATION LIMITED IN HEIGHT OR DEPTH

The owner must dedicate for road purposes, free of cost to Council, a **[insert]**m by **[insert]**m splay at the intersection of **[insert]** and **[insert]**, limited in height and/or depth to 5m above and/or 2m below the adjacent footway level, to be detailed in a plan of subdivision/consolidation of the land. This plan is to be registered at the Land and Property Information Office prior to an Occupation Certificate being issued.

(32) DEDICATION OF LAND AFFECTED BY REALIGNMENT

The owner must dedicate for road purposes, free of cost to Council, that part of the land affected by the road widening order (realignment) of **[insert]**, to be detailed in a plan of subdivision/consolidation of the land. This plan is to be registered at the Land and Property Information office prior to an Occupation Certificate being issued.

MISCELLANEOUS

(33) STREET NUMBERING – MAJOR DEVELOPMENT

Prior to an 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.

(34) STREET NUMBERING – SINGLE DWELLINGS/MINOR DEVELOPMENT

Prior to an Occupation Certificate being issued, a street number must be clearly displayed at 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.

(35) SHOP NUMBERING

Prior to an Occupation Certificate being issued, shop numbers must be clearly displayed in accordance with the *Policy on Numbering of Premises within the City of Sydney*.

[Planner: May apply to corner developments.]

(36) STREET NAME PLATE

Prior to an Occupation Certificate being issued Council's standard street name plates must be affixed to all street frontages of the building, visible to both pedestrian and vehicular traffic. The signs must be obtained and installed at no cost to Council.