

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## **PART A – DEFERRED COMMENCEMENT CONDITIONS**

### **SCHEDULE 1**

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

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

#### **(1) VOLUNTARY PLANNING AGREEMENT**

- (a) A Voluntary Planning Agreement (VPA) between the Council of the City of Sydney and CPM Property Management Services Pty Ltd, JAM Ghosn Pty Ltd and F Mourad Pty Ltd shall be exhibited, executed and submitted to Council in accordance with the Public Benefit Offer dated 11 October 2025; and
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

#### **Reason**

To ensure execution and registration of the Voluntary Planning Agreement.

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

## PART B – CONDITIONS OF CONSENT

### SCHEDULE 1A

## GENERAL CONDITIONS

### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/488 dated 11 June 2025 and the following drawings prepared by Mackenzie Architects International Pty Ltd:

Drawing Number	Drawing Name	Date
A1001, Rev F	Basement Plan	04.11.2025
A1002, Rev F	Ground Floor Plan	04.11.2025
A1003, Rev F	First Floor Plan	04.11.2025
A1004, Rev F	Second Floor Plan	04.11.2025
A1005, Rev F	Third Floor Plan	04.11.2025
A1006, Rev F	Fourth Floor Plan	04.11.2025
A1007, Rev F	Fifth Floor Plan	04.11.2025
A1008, Rev C	Site and Roof Plan	01.09.2025
A2001, Rev F	North Elevation	04.11.2025
A2002, Rev F	East Elevation	04.11.2025
A2003, Rev F	West Elevation	04.11.2025
A2004, Rev C	South Elevation	01.09.2025
A2101, Rev F	Section A	04.11.2025
A202, Rev F	Section B	04.11.2025
A3005, Rev F	Sample Board	04.11.2025

and as amended by the conditions of this consent.

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

**Reason**

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

**(2) APPROVED DESIGN ROOF - TOP PLANT**

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

**Reason**

To ensure the constructed development complies with the approved height.

**(3) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT**

The terms of the planning agreement entered into in accordance with the Voluntary Planning Agreement condition contained in the deferred commencement conditions at Part A of this consent must be complied with.

**Reason**

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

**(4) DEDICATION FOR ROAD WIDENING**

The owner must dedicate for road purposes, the parcels of land adjoining:

- (a) the Botany Road frontage of the site; and
- (b) the site frontage to Botany Lane,

as detailed in the Voluntary Planning Agreement between the Council of the City of Sydney and CPM Property Management Services Pty Ltd, JAM Ghosn Pty Ltd and F Mourad Pty Ltd for the site. The widening is to be detailed in a plan of subdivision of the land. This plan is to be registered at NSW Land Registry Services prior to any Occupation Certificate being issued. The area to be dedicated must be shown as a separate lot or lots and numbered as such.

**Reason**

To ensure road widening is dedicated for road purposes.

**(5) GROUND FLOOR RETAIL TENANCIES – SEPARATE APPLICATION REQUIRED**

No consent is granted or implied for the fit out and specific use of each ground floor retail tenancy.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the specific fit out of each individual tenancy prior to that fit out or use commencing.

**Reason**

To require separate consent to be obtained for a use.

**(6) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 38.75 (AHD) to the top of the building and RL 39.4 (AHD) to the parapet / lift overrun of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

**Reason**

To ensure the constructed development complies with the approved height.

**(7) FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the commercial use must not exceed 3.73:1; calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is 1,895.01sqm.
- (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 Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

**Reason**

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

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

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

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$153,136.96
Community Facilities	\$23,807.85
Traffic and Transport	\$194,397.18
Stormwater Drainage	\$76,871.12
Total	\$448,213.11

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

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

Where:

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

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

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

$\text{CPI}_{\text{consent}}$  = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 141.8 for the June 2025 quarter.

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

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

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Payments may be made by EFTPOS (direct card only), cash (up to \$5,000 only), credit card (up to \$300,000 only) or bank cheque made payable to the City of Sydney council. Larger payments to be by direct bank transfer in consultation with the City. Direct debit, personal cheques and company cheques will not be accepted.

## **Reason**

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

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

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council in accordance with this condition.
- (b) The contribution is \$270,767.14 (indexed at 5 November 2025). This is calculated by establishing the sum of the equivalent monetary contribution \$11,646.80 multiplied by 1% of the total floor area for non-residential development (2,324.82sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2025 to 28 February 2026, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment =  $C \times \text{MDP2} / \text{MDP1}$ , where:
  - (i) C is the original total contribution amount payable to the City of Sydney as shown above;
  - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA applicable at the time of indexation of the equivalent monetary contribution rate, established by averaging the four most recently published NSW Government Rent and Sales Reports for the current period; and
  - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Reports used to establish the currently applicable equivalent monetary contribution rate, being 1 March 2025 to 28 February 2026.

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

## **Reason**

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

## (10) HOUSING AND PRODUCTIVITY CONTRIBUTION

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

<b>Housing and productivity contribution</b>	<b>Amount</b>
Housing and productivity contribution (base component)	\$51,121.05
Transport project component	
<b>Total housing and productivity contribution</b>	<b>\$51,121.05</b>

The HPC must be paid using the NSW planning portal.

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

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

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

### **Reason**

To require contributions towards the provision of regional infrastructure.

## (11) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 6.4m and maximum height of 2.2m.

### **Reason**

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

## (12) ASSOCIATED ROADWAY COSTS

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

**Reason**

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

**(13) VEHICLE ACCESS**

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

**Reason**

To increase pedestrian safety at the site access.

**(14) WASTE AND RECYCLING MANAGEMENT - GENERAL**

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

**Reason**

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

**(15) TREES THAT MUST BE RETAINED**

- (a) The tree(s) detailed in Table X below must be retained and protected in accordance with the conditions throughout development works.
- (b) Approval is NOT granted for the removal of the tree(s) detailed in the table below, which Council has determined to be prominent landscape elements

**Table X – Tree Retention:**

<b>Tree No</b>	<b>Species:</b>	<b>Location</b>
1	Lophostemon confertus (Brush Box)	Botany Road (street tree)
2	Platanus acerifolia (London Plane)	Buckland Street (street tree)
3	Banksia integrifolia (Costal Banksia)	
4	Yucca species (Yuccca)	

5	Melaleuca styphelioides (Prickly paperbark)	
6	Eucalyptus saligna (Sydney Blue Gum)	

**Reason**

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

**(16) NO OBSTRUCTIONS**

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

**Reason**

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

**(17) LAND DEDICATION – NO LONG TERM ENVIRONMENTAL MANAGEMENT PLAN**

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

**Reason**

To ensure land to be dedicated to the City is not encumbered by an environmental management plan.

**(18) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

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

**Reason**

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

## **(19) PAVING MATERIALS**

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

### **Reason**

To ensure appropriate and safe paving materials are used.

## **(20) FLOOD EMERGENCY RESPONSE PLAN**

- (a) A Flood Emergency Response Plan is to be prepared by a suitably qualified flood engineer. The Flood Emergency Response Plan is to be implemented and operated by the building owner and/or Owners Corporation at all times.
- (b) The Flood Emergency Response Plan must include all measures required to be implemented to ensure the ongoing management of flooding risk in relation to the building, including (but not limited to) the following:
  - (i) Describe the flood conditions in the vicinity of the site.
  - (ii) If appropriate, direct persons on the site to seek refuge above the Probable Maximum Flood level for all levels of the building that are flood affected. Shelters in place for flood affected parts of the building is not permissible.
  - (iii) Include a map directing residents and visitors to a refuge via a flood free pathway within the building.
  - (iv) Describe the audible and visual alarm system for the basement area, including the linkage of this system to the building management system, details of failsafe operations and alternate power arrangements.
  - (v) Provide details (as an appendix) of all proposed flood sensors, their purpose, operation and maintenance (including the frequency of maintenance).
  - (vi) Provide details of lift design and operation in the event of a flood and specify how the lift will be deactivated in the event of a flood.
  - (vii) Provide details of access to flood free areas for disabled persons.
  - (viii) Provide details of all flood protection design features of the building (flood doors and the like) and describe their operation, maintenance, repair and replacement arrangements. Repairs are to be completed to ensure that the flood doors/gates/barriers remain operational and effective at all times.

- (ix) A pumping option needs to be shown, along with the location of pumps (in case mechanical failures of flood barriers occur). The pumps must be designed to pump out the full range of flood volumes within 6 hours after floodwaters have receded.
  - (x) Details of the operations and maintenance of the pumps are to be included. Any pumping equipment used to disperse flood waters should have the same maintenance schedule as the flood doors; and
  - (xi) Make provision for three monthly testing by the building owner and/or Owners Corporation.
- (c) The building owner and/or Owners' Corporation must enter into a service arrangement by which all identified faults or defects to all flood designed features of the building must be repaired within 24 hours.
  - (d) No toxic or other hazardous materials are to be stored below the Flood Planning Level or in the basement levels.
  - (e) Prior to the issue of any Stage 1 Construction Certificate for the basement, the Flood Emergency Response Plan (FERP) is to be submitted to and approved by Principal Certifying Authority (PCA).

**Reason**

To ensure flood risk management measures are complied with.

**(21) SIGNS - SEPARATE DA REQUIRED**

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

**Reason**

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

**(22) 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.

**Reason**

To require separate consent to be obtained for a signage strategy.

**(23) EXTERNAL LIGHTING**

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

**Reason**

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

**(24) AIR CONDITIONERS GENERALLY**

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

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

**Reason**

To ensure the visual impact of air conditioners is minimised.

**(25) LAND SUBDIVISION**

Any proposal for land subdivision, including any stratum subdivision of the building to separate the commercial uses of the building, will require a separate application to Council to obtain development Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

**Reason**

To ensure separate development consent is sought for land subdivision.

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

#### (26) RELEASE OF RESTRICTICION

- (a) The restriction AQ993990 registered on title, must be released prior to the issue of any construction certificate.
- (b) A document prepared under s88E can be submitted to Council, releasing the restriction, at the cost of the applicant, in accordance with the City's Fees and Charges. A copy of the new certificate of title search, confirming restriction release, must be supplied to the Council prior to the issue of any construction certificate.

#### Reason

To ensure the restriction on title is appropriately released to facilitate new development.

#### (27) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION CERTIFICATE

Prior to the issue of a relevant construction certificate, the Certifier must ensure the following:

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Acoustic Logic, dated 10.07.2025, ref 20250691.1/1007A/R1/SJ, titled Noise Impact Assessment, Council Ref TRIM: 2025/413831 must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant\* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant\* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.  
*Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).*
- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

## Reason

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

### (28) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

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

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

adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

**Reason**

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

**(29) MATERIALS AND SAMPLES BOARD**

A physical material sample board which specifies all proposed materials, finishes and colours, (including glazing, visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area Coordinator Planning Assessments/ Area Planning Manager prior to a Construction Certificate being issued.

The materials and finishes of the development must be consistent with the materials and finishes drawings prepared by Mackenzie Architects, A3005. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

**Reason**

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

**(30) EXTERNAL WALLS AND CLADDING FLAMMABILITY**

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

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

**Reason**

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

**(31) USE OF CURVED GLASS**

The glazed panels at the north-western, north-eastern corners of the building located above ground shall be constructed of curved glass and curved framing and must not be constructed with faceted glass panels or framing.

**Reason**

To maintain the architectural design features of the development.

**(32) LOUVRES AND SHROUD – ADDITIONAL DETAILS TO BE SUBMITTED**

Detailed plans, elevations, sections at a scale of 1:10 of the window shrouds and fixed vertical louvres, are to be submitted to and approved by Council's Area Coordinator / Area Planning Manager Planning Assessments prior to the issue of any Construction Certificate for above ground works. The drawings must include the following:

- (a) Details on the size, depth, spacing, fixing, orientation and façade integration. The louvres on the western elevation are to be orientated to provide passive shading and maintain adequate visual privacy to neighbouring residential properties.
- (b) Cleaning and maintenance access strategy for louvers and glazing behind to be noted on drawings.
- (c) Connecting to Country design details, as outlined in the First Nations Co-Design Values Report prepared by JMP Aboriginal Consultancy (Council Reference 2025/334566).

**Reason**

To ensure a high-quality interface with the public domain and incorporation of Connecting to Country design elements.

### **(33) SOUTHERN BOUNDARY WALL – ADDITIONAL DETAILS TO BE SUBMITTED**

The following plans, elevation and section details of the Precast concrete panels (textured finish) Southern Side Boundary Wall, at a minimum scale of 1:20, are to be submitted to and approved by Council's Area Coordinator / Area Planning Manager Planning Assessments prior to the issue of any Construction Certificate:

- (a) Details of the high-quality design, detailing and materiality of the concrete side boundary walls are to be provided including details of the three-dimensional form, texture, concrete finish and class and provision of construction joints (noting no expressed slab edges are to be provided).
- (b) Native flora and fauna inspired design details, as outlined in the First Nations Co-Design Values Report prepared by JMP Aboriginal Consultancy (Council Reference 2025/334566)
- (c) A physical sample of the textured Precast Concrete material.

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

#### **Reason**

To ensure blank side walls have a visually interesting treatment of high-quality design and materiality and are low maintenance.

### **(34) CONNECTING TO COUNTRY**

The Connecting to Country design opportunities identified in the First Nations Co-Design Values Report prepared by JMP Aboriginal Consultancy (Council Reference 2025/334566) are to be further developed and incorporated into the development.

A detailed report with final details of the proposed design elements and locations must be submitted to, and approved by, Council's Area Coordinator / Area Planning Manager Planning Assessments prior to the issue of any Construction Certificate for above ground works.

#### **Reason**

To ensure the development maintains and contributes to the Precinct having a place of belonging and pride for Aboriginal and Torres Strait Islander peoples.

**(35) AWNING – ADDITIONAL DETAILS TO BE SUBMITTED**

Detailed plans, elevations, sections at a scale of 1:50 of the awnings, are to be submitted to and approved by Council's Area Coordinator / Area Planning Manager Planning Assessments prior to the issue of any Construction Certificate for above ground works. The drawings must include the following details which demonstrate high-quality design, detailing, materiality, finishes and façade integration:

- (a) Interface with retail, services and level 1 Buckland Street and Botany Road façade
- (b) Details on the removal section of the awnings should road widening occur on the SP2 zoned land.
- (c) Structure, Waterproofing, drainage and integrated downpipes.
- (d) Materials and finishes – including any design details from the First Nations design team, as outlined in the 'First Nations Co-Design Values Report prepared by JMP Aboriginal Consultancy' (Council Reference 2025/334566)

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

**Reason**

To ensure high quality awnings and interface with the public domain and incorporation of Connecting to Country design elements.

**(36) REFLECTIVITY**

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

**Reason**

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

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

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

**Reason**

To ensure structural certification is undertaken.

### **(38) PARKING DESIGN**

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

#### **Reason**

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

### **(39) ALLOCATION OF PARKING**

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

Car Parking Type	Number
Office and business parking	4
Accessible office and business parking	1
Small rigid vehicle loading area*	1

\*Note: The basement plan is to be updated to show the small rigid vehicle loading area. All servicing and waste collection at the site must be undertaken outside of business hours (and not between 10.00pm and 6.00am) and must ensure that no vehicles are parked in the truck turning area.

#### **Reason**

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

#### **(40) BICYCLE PARKING AND END OF TRIP FACILITIES**

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

Bicycle Parking Type	Number	Requirements
Non-residential	13	Spaces must be Class 2 bicycle facilities
Non-residential visitor	8	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	13	

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

#### Notes:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

#### **Reason**

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

#### **(41) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

**Reason**

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

**(42) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 138-142 Botany Road Alexandria (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of a Construction Certificate.

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

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

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

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

**Reason**

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

**(43) SITE AUDIT STATEMENT**

- (a) Before a construction certificate related to the built form of the development is issued, a Section A Site Audit Statement (SAS) must be obtained from a NSW Environment Protection Authority accredited site auditor. This statement must be submitted to the Council via email [hbapplications@cityofsydney.nsw.gov.au](mailto:hbapplications@cityofsydney.nsw.gov.au).
- (b) The SAS and accompanying site audit report must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and must clearly state that the site is suitable for the proposed use.

- (c) If the SAS includes conditions requiring ongoing review by the Site Auditor or Council, these conditions must be reviewed and approved in writing by Council.
- (d) Any conditions attached to the SAS will form part of this consent. If there is any inconsistency between the SAS conditions and this consent, the development must not proceed until the inconsistency is resolved to Council's satisfaction (e.g. Section 4.55 modification under the Environmental Planning and Assessment Act 1979).
- (e) The accredited Site Auditor must provide Council with a copy of the Site Audit Report and the SAS confirming it is suitable for the proposed land use.
- (f) A construction certificate must not be issued by the Certifier unless the SAS has been submitted to and approved by Council in accordance with this condition.

**Reason**

To ensure that the site is appropriately remediated.

**(44) LAND REMEDIATION (Where Site Auditor engaged) – Letter of Interim Advice or Section B Site Audit Statement required**

- (a) Before any above-ground work begins and before the issue of a Construction Certificate, the site must be remediated and validated in accordance with the Remediation Action Plan, prepared by "Alliance Geotechnical", Ref: 19456-ER-1-3\_Final1, dated 25 September 2025, and the Letter of Interim Advice or Section B Site Audit Statement issued by a NSW EPA accredited Site Auditor Louise Walkden, dated 26 September 2025, reference 318002383, Audit Number: LW-086. All remediation must comply with the current guidelines under the Contaminated Land Management Act 1997.
- (b) Any changes to the approved Remediation Action Plan, including any long-term Environmental Management Plan, must be approved in writing by both the Site Auditor and Council before the work begins.

**Reason**

To ensure that the site is appropriately remediated.

**(45) LAND REMEDIATION – INTERIM AUDIT ADVICE**

- (a) Before the issue of a construction certificate associated with (the above ground works in accordance with this consent), a letter of interim audit advice must be obtained from a NSW Environment Protection Authority accredited site auditor and submitted to Council via email [hbapplications@cityofsydney.nsw.gov.au](mailto:hbapplications@cityofsydney.nsw.gov.au).
- (b) The letter of interim audit advice must confirm that the works in the Remediation Action Plan have been completed up to that stage and that the site is suitable to commence above-ground works.

### **Reason**

To ensure that each stage of the site is appropriately remediated.

#### **(46) SITE VALIDATION REPORT (Site Auditor engaged)**

- (a) Before the issue of the construction certificate associated with the built form of the development (excluding building work directly related to remediation), the proponent must submit a detailed validation report to the Council and the Certifier.
- (b) The validation report must be prepared in accordance with:
  - (i) Council's Contaminated Land Policy.
  - (ii) NSW Contaminated Land Planning Guidelines (1998) as amended.
  - (iii) Relevant EPA Guidelines, noting in particular the NSW EPA (2020) Consultants Reporting on Contaminated Land – Contaminated Land Guidelines.
  - (iv) National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).
  - (v) The validation report must be prepared or reviewed and approved by an appropriately qualified and certified environmental consultant.
- (c) The validation report must be included within a Site Audit Report, verifying that the land is suitable for the proposed use(s) and that the remediation and validation of the site have been undertaken in accordance with the Remediation Action Plan, prepared by "Alliance Geotechnical", Ref: 19456-ER-1-3\_Final1, dated 25 September 2025.

### **Reason**

To ensure that the site is appropriately remediated.

#### **(47) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

- (a) Before the issue of a construction certificate, a construction environmental management plan (CEMP) must be prepared for the site by a suitably qualified environmental consultant and submitted to the Certifier and Council.
- (b) The CEMP must consider all potential environmental impacts from the approved works including but not limited to sediment and erosion control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.
- (c) All works must be undertaken onsite in accordance with the approved CEMP.

**Reason**

To ensure that construction is appropriately managed to prevent pollution impacts.

**(48) ARCHAEOLOGICAL ASSESSMENT**

An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted to and approved by Council's Area Coordinator Planning Assessments/ Area Planning Manager prior to the issue of a Construction Certificate. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.

Recommendations by the archaeological assessment are to be implemented during the process of demolition and excavation work.

Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.

**Reason**

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

**(49) LANDSCAPE OF THE SITE**

- (a) A landscape design package and technical specification suitable for construction by a registered landscape architect must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
- (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
  - (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving, walls, services, furniture, shade structures, lighting and other features.
  - (iii) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
  - (iv) Planting details, and location, numbers, type and supply size of plant species. A high diversity of plant species diversity that are drought resistant should be provided.

- (v) *Banksia integrifolia* is listed as 'Not Reliable' on the City of Sydney Tree Species List and should be replaced with alternate species from the list.
  - (vi) Project specific details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer;
  - (vii) Long term green roof maintenance plan. This plan is to be complied with during occupation of the property, and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any safety anchor points, gates and transport of materials and green waste.
- (b) Relevant drawings cross referenced in the landscape package, such as architectural details, stormwater and hydraulic plans etc, should also be submitted to demonstrate a fully coordinated design.
  - (c) Prior to the issue of any Occupation Certificate:
    - (i) All landscaping in the approved plan is to be completed.
    - (ii) Structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
  - (d) The landscape maintenance plan is to be complied with during occupation of the property.

**Reason**

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

**(50) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE (NO PLAN PRIOR TO CC)**

- (a) One new tree must be planted in Botany Road in association with the development and be included on the Public Domain Plans required to be submitted under condition tilted 'Public Domain Plan'. The Plan must include:
  - (i) Tree species consistent with the City of Sydney Street Tree Master Plan (refer to relevant streets) or other relevant guidance document. Species substitutes will not be accepted.
  - (ii) Tree pits located and constructed in accordance with the City of Sydney Street Tree Master Plan (Technical Guidelines) or other relevant guidance document.
  - (iii) The Applicants nominated tree planting delivery method, being a choice of one of two options:
    - a. Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management Officer.

OR

- b. Pay a fee for the City to supply, plant, and maintain each required tree on the applicant's behalf. The fee is consistent with the City's Schedule of Fees and Charges.
- (b) If the Applicant is nominating to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:
- (i) Tree(s) must be planted prior to issuing of the Occupation Certificate;
  - (ii) Tree(s) supplied in minimum container size of 400 litres at the time of planting;
  - (iii) Tree(s) grown in accordance with the Australian Standard 2303 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting;
  - (iv) Prior to the tree(s) being planted, certification from the tree supplier submitted to the City of Sydney Tree Team and Public Domain Officer that the tree(s) have been grown and comply with the requirements of AS2303. Any new tree(s) which do not conform will be rejected by the City of Sydney;
  - (v) Tree(s) planted by a qualified Horticulturist or Arborist (minimum AQF Level 3);
  - (vi) Tree(s) inspected and approved by the City of Sydney Tree Team (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period;
  - (vii) Tree(s) maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of 12 months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree;
  - (viii) At the end of the 12 month maintenance period, written acceptance of the tree(s) obtained from the City of Sydney before release of the Public Domain Bond;
  - (ix) If the tree(s) fail to thrive and successfully establish during the maintenance period, then the City of Sydney will request payment for a replacement tree(s) and establishment period according to the City of Sydney Schedule of Fees and Charges.

### **Reason**

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

## **(51) SPECIAL CONDITION – TREE BOND**

- (a) An \$30,000 unconditional bond for Trees 2 and 6 located in the public domain must be submitted and approved by the City of Sydney to ensure the retention and protection of the tree(s) prior to the issuing of any Construction Certificate(s).
- (b) The following formula will be used for the retention of all or part of the bond(s):
  - (i) An initial breach of any tree protection condition – 20% of the bond for each tree.
  - (ii) A second of continuing breach of any tree protection condition – 40% of the bond for each tree.
  - (iii) If after 40% of the bond is retained, further breaches of the tree protection conditions occur, the City of Sydney may instigate legal proceedings for the cessation of all works on the site.
  - (iv) Death of tree(s) due to non-compliance with the tree protection conditions – Total 100% of the bond and possible legal action by the City of Sydney.
- (c) The unconditional bond will be retained by the City of Sydney for a minimum period of 12 months from the date of the issue of the Occupation Certificate. An Arboricultural Report prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to the City of Sydney at the expiry of each bond period and prior to the bond being refunded. If the report indicates that the tree(s) require remedial works, the bond may be held until the satisfactory completion of the remedial work by the City of Sydney Tree Team has been undertaken and the trees return to good health.

### **Reason**

To ensure the protection and ongoing health of the existing street tree(s).

## **(52) DESIGN FOR ENVIRONMENTAL PERFORMANCE**

- (a) Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Rishabh Babbar dated Tuesday, May 20, 2025 (Council Ref: 2025/334608) are incorporated into the relevant construction plans and accompanying documentation:
  - (i) Section 4 – Energy Efficiency and Greenhouse Gas Emissions Abatement
  - (ii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
  - (iii) Section 6 – On site Renewable Energy Generation and Storage

- (iv) Section 7 – Design for Resilience to Climate Change
  - (v) Section 8 – Designing for mains potable water savings and water efficiency
  - (vi) Section 9 – Storm water quality
  - (vii) Section 10 – City Greening
  - (viii) Section 11 – Promoting Active Transport and Reducing Transport Emissions
  - (ix) Section 12 – Materials, Embodied Carbon and Circularity
  - (x) Section 13 – Waste Management and Resource Recovery
  - (xi) Section 14 – Third Party Certification and Design, Construction or Technology Innovations
- (b) Changes to any commitments as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager/Coordinator prior to the issue of any relevant Construction Certificate.

**Reason**

To ensure the environmental performance of the development.

**(53) ENERGY PERFORMANCE – NABERS**

The design of the building and its services must achieve a National Australian Built Environment Rating System (NABERS) Energy rating of **5.5 Star + 25%** in operation for the base building. This is to be demonstrated by:

- (a) Entering into a Commitment Agreement with the NABERS National Administrator, to deliver this star rating for the base building. A copy of the signed Commitment Agreement contract is required; and
- (b) Providing a copy of the Estimator's report and Independent Design Review report to the NABERS National Administration and submitting the same reporting with the Construction Certificate application. The reporting must demonstrate the developments capacity to meet the NABERS star rating and the overperformance requirement mandated by the City.

The required documents specified above are to be submitted to and approved by Council's Area Coordinator Planning Assessments/ Area Planning Manager prior to the issue of a Construction Certificate.

Note: Definitions referred to above are as follows:

- (i) Commitment Agreement means an agreement that is set out in accordance with the NABERS National Administrator. The NABERS Commitment Agreement, which is signed between a NABERS authorised signatory and the applicant/building owner/building manager, is a commitment to design, build and commission the premises to achieve an agreed star rating.
- (ii) Star rating refers to the benchmarking system applied by the NABERS National Administrator for measuring the energy efficiency of a building.
- (iii) Base building means central services and common areas of a building, as defined under NABERS.
- (iv) Whole building refers to the base building and tenant occupied spaces, as defined under NABERS.
- (v) Estimate report refers to the report created by the Estimator which sets out a realistic estimate of the operational performance of the project determined.
  - a. In accordance with the NABERS Handbook; and
  - b. Without reference, calculation or consideration to GreenPower or other offsite renewable energy.
- (vi) Independent Design Review report is a report prepared in respect to the Independent Design Review by the Reviewer.

### **Reason**

To ensure the building achieves the stated energy use performance rating and to reduce greenhouse gas emissions.

### **(54) NABERS WATER RATING**

The design of the building and its services must achieve a National Australian Built Environment Rating System (NABERS) Water rating of 3 Stars in operation. This is to be demonstrated by:

- (a) Submitting a signed NABERS Agreement to Rate for the required star rating; and
- (b) Providing a Water Use Assessment Report prepared by a suitably qualified person, demonstrating the building is capable of achieving a NABERS water rating of 3 Stars. The Water Use Assessment Report should include calculations in line with the Green Building Council of Australia's (GBCA) Water Use calculator, or other equivalent methodology.

The report and NABERS Agreement to Rate are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate.

**Reason**

To ensure that the building complies with the 3 Star NABERS water rating required under the State Environmental Planning Policy (Sustainable Buildings) 2022.

**(55) EMBODIED EMISSIONS REPORTING**

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

**Reason**

To ensure quantification of embodied emissions from the development.

**(56) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY**

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

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

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

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

**Reason**

To ensure the preservation of existing survey infrastructure.

## **(57) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR**

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

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

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

### **Reason**

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

## **(58) STORMWATER DRAINAGE DESIGN**

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

- (i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (iv) Council's Stormwater Drainage Manual; and
- (v) All relevant Australian Standards.

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

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

### **Reason**

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

## **(59) STORMWATER ON-SITE DETENTION**

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

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

### **Reason**

To ensure the requirements of Sydney Water are complied with.

## **(60) FLOOD PLANNING LEVELS**

The development must be constructed to comply with the recommended flood planning levels indicated in Table 5 of the report titled Flood Impact and Risk Assessment prepared by SGC Engineers dated 5 November 2025 (Council Reference: 2025/667168).

Noting that the PMF level of 16.43m AHD is the flood planning level for access points to the basement from the ground floor and Botany Road.

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

### **Reason**

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

## **(61) PUBLIC DOMAIN LIGHTING UPGRADE**

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

The lighting upgrade plan must cover all adjacent street frontages, being Botany Road, Buckland Street and Buckland Lane and shall be designed to meet the minimum lighting requirements of Council.

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

### **Reason**

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

## **(62) DILAPIDATION REPORT - PUBLIC DOMAIN**

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

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

### **Reason**

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

## **(63) TEMPORARY DEWATERING DURING CONSTRUCTION**

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

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

### **Reason**

To ensure dewatering is managed appropriately.

## **(64) STORMWATER DRAINAGE DESIGN FOR STATE ROADS/OTHER AUTHORITIES**

A detailed stormwater management plan prepared by suitably qualified and experienced professional and complying with Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design must be submitted to and approved by TfNSW prior to issue of any Construction Certificate other than demolition. Evidence of this approval must be submitted to Council.

### **Reason**

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

**(65) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL**

The Operational Waste Management Plan prepared by Loka Consulting Engineers dated 25 August 2025 (Council Reference 2025/531939) accompanying the Development Application has been approved by this consent responsive to architectural plans (Council Reference 2025/531937). Should the architectural plans be updated, an updated Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of a *Construction Certificate*.

**Reason**

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

**(66) WASTE INFRASTRUCTURE – COMMERCIAL**

- (a) Prior to the issue of a *Construction Certificate*, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager. The waste management facilities to be provided are to be responsive to Council's controls, policies, and guidelines, including but not limited to:
  - (i) Waste and recycling stream(s) storage area(s) to be designed and constructed in accordance with Reference D of *Council's Guidelines for Waste Management in New Developments*. Floors to be waterproofed across all intersections that extend a minimum of 1200mm high on the walls.

**Reason**

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

**(67) ELECTRICITY SUBSTATION AND TURRETS**

If required by the applicable energy supplier, 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 or in any area visible from the public domain, to enable an electricity substation and/or turrets to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid, prior to a *Construction Certificate* being issued or the commencement of the use, whichever is earlier. Electricity turrets must be located wholly within the boundary of the site.

**Reason**

To ensure that the provision of a substation and turrets to service the development is appropriately incorporated into the design of the building in a manner that minimises streetscape impacts.

## **(68) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

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

### **Reason**

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

## **(69) 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](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

### **Reason**

To ensure the requirements of Sydney Water are met.

## BEFORE BUILDING WORK COMMENCES

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

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
  - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
  - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
  - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
  - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
  - (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

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

**Reason**

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

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

- (a) Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality, add visual interest and public art in the streetscape.
- (b) The installation must be printed, installed and maintained in accordance with the City's *Code of Practice: Construction-related Temporary Structures On and Above Roads*. Details of the proposed installation must be submitted to and approved by Council prior to the issue of a construction certificate or work commencing.

Note: Refer to Table 1 and Clause 6.1.8 in Part 06 of the City's Code of Practice for further information and requirements.

**Reason**

To minimise adverse visual impacts on the locality.

**(72) OTHER REQUIRED APPROVALS**

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

- (a) installation of construction-related temporary structures including hoardings/scaffolding;
- (b) installation and/or alterations to advertising/business signs;
- (c) installation and/or alterations to street awnings;
- (d) crane operation and other hoisting activities;
- (e) temporary works (e.g. barricading, road openings, mobile hoisting devices);
- (f) works zones (for loading and unloading from the roadway); and

- (g) temporary ground anchoring and shoring to support a roadway when excavating; and
- (h) any other structure or encroachment including facade elements/architectural features.

**Reason**

To ensure use of a public place is managed appropriately.

**(73) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

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

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

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
  - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.

- (ii) The name and address of the company/contractor undertaking demolition/excavation works.
- (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
- (iv) The name and address of the transport contractor.
- (v) The type and quantity of material to be removed from site.
- (vi) Location and method of waste disposal and recycling.
- (vii) Proposed truck routes, in accordance with this development consent.
- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
- (ix) Measures to control noise emissions from the site.
- (x) Measures to suppress odours.
- (xi) Enclosing and making the site safe.
- (xii) Induction training for on-site personnel.
- (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
- (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
- (xv) Disconnection of utilities.
- (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
- (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).

- (xx) Working hours, in accordance with this development consent.
- (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.
- (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

**Reason**

To ensure that impacts arising from demolition, excavation and construction are appropriately managed.

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

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

- (a) Conform to the specifications and standards contained in *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004); the *Guidelines for Erosion and Sediment Control on Building Sites* (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.
- (b) Include a drawing(s) that clearly shows:
  - (i) location of site boundaries and adjoining roads
  - (ii) approximate grades and indications of direction(s) of fall
  - (iii) approximate location of trees and other vegetation, showing items for removal or retention
  - (iv) location of site access, proposed roads and other impervious areas
  - (v) existing and proposed drainage patterns with stormwater discharge points
  - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
  - (i) timing of works
  - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
  - (iii) access protection measures

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

**Reason**

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

**(75) USE OF A STRUCTURAL ENGINEER**

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

**Reason**

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

**(76) EXCAVATION AND CONSTRUCTION METHODOLOGY**

- (a) A Detailed Excavation and Construction Methodology is to be prepared by the builder engaged for the project. The methodology must be endorsed by the structural consultant engaged as per the 'Use of a Structural Engineer' Condition above and submitted to the Principal Certifier prior to commencement of excavation or construction works, whichever is the earlier.
- (b) Excavation is to be carried out in accordance with the methodology required by (a) above.

**Reason**

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

**(77) RODENT TREATMENT PROGRAMME – PRE DEMOLITION AND/OR EXCAVATION**

- (a) Prior to the commencement of any demolition and/or excavation works, a programme of baiting and monitoring of rodent activity is to be put in place at the site.
- (b) A licensed Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved/endorsed by Council's Area Coordinator Planning Assessments/Area Planning Manager.

**Reason**

To ensure that the potential impact of rodents during the demolition, excavation and construction phase is appropriately managed.

**(78) HAZARDOUS MATERIALS SURVEY REQUIRED**

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

**Reason**

To ensure that hazardous materials on the site are identified and appropriately managed.

**(79) STREET TREE PRUNING AND REMOVAL**

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

**Reason**

To ensure that approval is obtained for any pruning works to, or removal of, street trees and that such works are carried out in an appropriate manner.

**(80) TREE PROTECTION ZONES (FOR STREET TREES)**

Tree No.	Species	Tree Location	TPZ radius(m) from Trunk	SRZ radius (m) from trunk
1	<i>Lophostemon confertus</i> (Brush Box)	Botany Road (street tree)	4	2
2	<i>Platanus acerifolia</i> (London Plane)	Buckland Street (street tree)	5.5	2.4
3	<i>Banksia integrifolia</i> (Costal Banksia)		2	1.5
4	<i>Yucca species</i> (Yuccca)		2	1.5
5	<i>Melaleuca styphelioides</i> (Prickly paperbark)		2	1.5
6	<i>Eucalyptus saligna</i> (Sydney Blue Gum)		5	2.3

- (a) The street trees outlined in the above table located on Botany Road and Buckland Street must be retained and protected in accordance with Australian Standard 4970 'Protection of trees on development sites' and as follows:
- (b) Tree trunk and major branch protection must be installed prior to the issuing of any Construction Certificate, and must include:
- (i) Tree trunk(s) and/or major branches to a height of two metres protected by wrapped thick underlay carpet or similar padding material to limit damage.
  - (ii) Timber planks (50mm x 100mm) placed around tree trunk(s). The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The thick carpet underlay or padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
  - (iii) Young street trees protected by the installation of three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
  - (iv) Tree trunk and major branch protection must remain in place for the duration of the development works and be removed at the completion of the development works.
- (c) 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 or any street trees.

- (d) Temporary signs or any other items must not be fixed or attached to any street tree.
- (e) Where installed, hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on exposed tree roots.
- (f) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the City of Sydney Tree Team.
- (g) Any damage sustained to street tree(s) as a result of any construction activities (including demolition), must be immediately reported to the City of Sydney Tree Team on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.
- (h) Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

**Reason**

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

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

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

**Reason**

To ensure relevant approvals for public domain work are obtained.

**(82) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION**

Wastewater 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.

**Reason**

To ensure wastewater is managed appropriately.

## **DURING BUILDING WORK**

### **(83) SURVEY SETOUT**

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

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

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

#### **Reason**

To ensure the development does not encroach onto neighbouring properties.

### **(84) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

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

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

#### **Reason**

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

### **(85) ASBESTOS REMOVAL WORKS**

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

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

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

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and

- (iii) site activities and time frames.

**Reason**

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

**(86) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

- (a) Council and the Certifier (and/or Accredited Site Auditor if required) must be notified immediately of any new information which arising during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.
- (b) Once identified, remediation, demolition or construction work must immediately cease.
- (c) A certified environmental consultant must be appointed to undertake an assessment of the potential contaminants and works required to make the site safe from potential human health and environmental harm.
- (d) If the duty to report contamination to the NSW EPA under Section 60 of the Contaminated Land Management Act 1997 is triggered, the NSW EPA and Council must be notified immediately.

**Reason**

To ensure that any new contamination evidence or unexpected finds is reported and the site is appropriately remediated.

**(87) IMPORTED FILL MATERIALS**

- (a) All fill material imported to the site must be certified and validated by a certified environmental consultant. It should be accompanied by documentation from the consultant that confirms its classification and suitability for the intended use. The fill must also be compatible with the existing soil characteristics to support site drainage.
- (b) Imported fill must be limited to the following:
  - (i) Virgin excavated natural material (VENM), classified in accordance with the Protection of the Environment Operations Act 1997.
  - (ii) Excavated natural material (ENM), certified in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.
  - (iii) Waste-derived materials subject to a Resource Recovery Exemption under Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW EPA as “fit for purpose” for the proposed development.

- (c) Any waste-derived material received under a resource recovery exemption must be accompanied by documentation from the NSW EPA confirming compliance with the exemption conditions. This documentation must be provided to the Certifier and Council:
  - (i) Upon request.
  - (ii) Before the commencement of works under the Protection of the Environment Operations Act.
  - (iii) Before the issue of a construction certificate or occupation certificate or
  - (iv) As part of the validation report for the remediation, as applicable.
- (d) All imported fill must be accompanied by certification from the supplier confirming the material is not contaminated, based on analysis of the source site's history and/or sampling and analysis must be conducted in accordance with the NSW EPA (2022) Sampling Design Guidelines.
- (e) Any existing soils proposed for reuse onsite must be analysed and classified by a suitably qualified and experienced environmental consultant. This assessment must follow the relevant NSW EPA guidelines and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013), to confirm suitability for the proposed land use. The results must be included in the validation report for the remediation

**Reason**

To ensure that imported fill is not contaminated.

**(88) CLASSIFICATION OF WASTE**

- (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise lawfully managed.
- (b) The classification, and the volume of material removed, and the receival facility's details must be reported to the Certifier or Council (where a Certifier is not required).

**Reason**

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

**(89) STOCKPILES**

- (a) Soil or other materials must not be stockpiled on footpaths or nature strips without prior written approval from Council.
- (b) All stockpiles must be managed to prevent contamination of the underlying soil.

- (c) Potentially contaminated soil must be stockpiled on a hardstand surface or over polyethylene sheeting.
- (d) Stockpiles must:
  - (i) Be bunded to prevent runoff of potentially contaminated materials.
  - (ii) Be stabilised through compaction and contouring to minimise wind exposure and allow access for water trucks.
  - (iii) Not exceed the height of perimeter fencing to assist in controlling dust and odour emissions.
  - (iv) Be clearly labelled with a unique identification number and include records of the soil's volume and origin to enable tracking from excavation to final disposal or reuse.
- (e) Contaminated soil stockpiles must be stored in a secure area and covered if they remain onsite for more than 24 hours.

**Reason**

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

**(90) TREE SENSITIVE EXCAVATION**

- (a) Excavation within the Tree Protection Zone(s) (TPZs) as detailed in the table below must be undertaken using tree sensitive methods (i.e. hand/ air space/hydrovac) and supervised by a qualified Arborist (minimum AQF level 5). To prevent root damage, low pressures must be used for hydrovac excavation with the bark remaining intact.

**Tree X – Tree (Root) Protection Zone Schedule:**

Tree No	Species	Tree Location	TPZ Radius (m) from Trunk	SRZ (m) from Trunk
2	Platanus acerifolia (London Plane)	Buckland Street (street tree)	5.5	2.5

- (b) Excavation must not occur within the SRZ (except for approved excavation works for the basement level) 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.

- (c) Roots greater than 40mm must not be severed or damaged within the TPZ without written approval from the City of Sydney Tree Team. As required, tree sensitive construction/installation methods (i.e. directional boring, redirection of services, pier and beam footings) must be used to ensure the retention and protection of roots greater than 40mm diameter.
- (d) Trenching must be backfilled as soon as possible, and exposed roots must be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.
- (e) Any approved root pruning must be carried out by a qualified Arborist (minimum AQF Level 5) in accordance with Australian Standard 4373 'Pruning of Amenity Trees'.
- (f) Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

**Reason**

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

**(91) SITE SUPERVISION AND REPORTING**

- (a) A qualified Arborist (minimum AQF Level 5) must oversee various stages of work within the Tree Protection Zone(s) (TPZs) of any tree listed for retention.
- (b) The Arborist must undertake monthly inspections through the development works.
- (c) The Arborist must certify compliance with each key milestone detailed below:
  - (i) Installation of tree protection measures (i.e. tree protection fencing, trunk and branch protection, ground protection, tree protection signage) prior to the commencement of the development works;
  - (ii) Demolition of ground surface materials (pavers, concrete, grass etc.) or inground structures within the TPZs of any tree to be retained;
  - (iii) Excavation and trenching within the TPZs;
  - (iv) Landscape works within the TPZs;
  - (v) Other times as specified in the Arboricultural Impact Assessment Report, Tree Protection Plan or these conditions.

- (d) A Tree Protection Compliance Report, which includes photographic evidence and provides details on the health and structure of tree(s), must be submitted within one week following each scheduled inspection and key milestone listed above. The report is to be submitted to, and acknowledged, by the City of Sydney Area Planning Coordinator or Area Planning Manager. The Tree Protection Compliance Report must include:
  - (i) Confirmation that the tree protection measures have been installed in accordance with these conditions;
  - (ii) Details of any additional tree protection recommendations and subsequent implementation to ensure the tree(s) remain in a healthy condition;
  - (iii) Details of works undertaken on any tree to be retained or any works within the TPZs.
- (e) A final Tree Protection Compliance Certificate demonstrating that all Tree Protection Compliance Reports have been submitted at each scheduled inspection and key milestone listed above must be submitted and approved by the City of Sydney Area Planning Manager prior to the issue of any Occupational Certificate.

**Reason**

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

**(92) STREET TREE PROTECTION**

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

- (a) Tree trunk and major branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.
  - (ii) Tree trunk/s and/or major branches to a height of two metres two must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.

- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within any area known to or suspected of having tree roots greater than 40mm diameter must be undertaken by hand.
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within five metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 40mm diameter are encountered during installation of any services.
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

**Reason**

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

**(93) TREE PRUNING – FURTHER APPROVAL REQUIRED**

- (a) Consent from Council's Tree Management Officer must be obtained prior to undertaking the pruning of any tree to be retained, including tree roots greater than 40mm diameter.
- (b) Construction access and the location of the works zone must be planned to avoid adversely impacting any tree to be retained. Alternative work zone locations must be provided and suitable size cranes/machinery/equipment utilised to minimise tree pruning requirements. Only minor pruning works will be approved.

- (c) Any approved pruning must be carried out by a qualified Arborist (minimum AQF Level 3) in accordance with Australian Standard 4373 'Pruning of Amenity Trees' and the SafeWork's Code of Practice - Amenity Tree Industry.

**Reason**

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

**(94) SLAB DEMOLITION WITHIN TPZ**

- (a) The demolition and construction of the slab within the Tree Protection Zone(s) (TPZs) must be supervised by a qualified Arborist (minimum AQF Level 5).
- (b) Demolition works within the TPZs are to be undertaken using hand-operated tools (i.e pneumatic/electric breaker). Where this is not possible, the lightest machine practically possible to complete the task must be used.
- (c) Machinery must operate from the existing slabs, pavements or areas of ground protection in accordance with AS4970.
- (d) Machinery must work in conjunction with a spotter to ensure adequate clearance to the tree is maintained at all times.
- (e) Excavation work must be undertaken using hand tools only.
- (f) Wherever possible, footings/structures below grade must be retained in-situ to minimise disturbance to roots.
- (g) Roots greater than 40mm in diameter must be retained and protected.
- (h) Final slab levels must accommodate roots greater than 40mm in diameter if encountered during excavations.

**Reason:**

To minimise damage to tree roots, trunks, and canopies during demolition and construction within the Tree Protection Zone (TPZ), ensuring the long-term health, stability, and structural integrity of retained trees.

**(95) PUBLIC DOMAIN WORKS SECURITY BOND**

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

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

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

**Reason**

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

**(96) DRAINAGE AND SERVICE PIT LIDS**

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

**Reason**

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

**(97) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION**

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights: Public Domain Design Code* and *Sydney Streets Technical Specification*. The documentation must be *checked, accurate, and comply with specified requirements*. Plans must be based on an accurate survey prepared, signed and dated by a registered surveyor, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be for Construction issue and will be approved under Section 138 of the Roads Act.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

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

**Reason**

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

**(98) HOLD POINTS**

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

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

**Reason**

To ensure hold points are adhered to during construction works.

**(99) STORMWATER DRAINAGE CONNECTION**

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

**Reason**

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

**(100) FLASHINGS TO BOUNDARY WALLS**

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

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

**Reason**

To prevent water entering between the walls of adjoining properties.

## **(101) HOURS OF WORK AND NOISE – OUTSIDE CBD**

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

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

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

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

### **Reason**

To protect the amenity of the surrounding area.

## **(102) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

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

### **Reason**

To protect the amenity of the surrounding area.

### **(103) HAZARDOUS AND INDUSTRIAL WASTE**

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

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

#### **Reason**

To ensure hazardous/ industrial waste is managed appropriately.

### **(104) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

#### **Reason**

To protect the amenity of the public domain.

### **(105) NO OBSTRUCTION OF PUBLIC WAY**

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

**Reason**

To protect the amenity of the public domain.

**(106) SURVEY CERTIFICATE AT COMPLETION**

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

**Reason**

To ensure the development does not encroach onto neighbouring properties.

## **BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

### **(107) VERIFICATION OF ACOUSTIC REPORT PRIOR TO OCCUPATION CERTIFICATE**

Prior to the issue of any occupation certificate, the Certifier must ensure the following:

- (a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney - Environmental Noise Technical Requirements, dated October 2025.
- (b) The consultant must inspect and review the completed development and ensure that:
  - (i) The final building work is assessed for compliance with the relevant acoustic Construction Certificate(s), the approved acoustic report, and all applicable noise-related conditions and documentation of this consent.
  - (ii) Any non-compliances identified under (i) above are documented in writing, with specific reference to the relevant acoustic criteria, and must include a scope of work necessary to rectify the issues and achieve compliance.
  - (iii) All requirements under this clause are completed to the written satisfaction of the Certifier.
- (c) Following completion of item (b), the consultant must notify the Certifier in writing of any identified non-compliances.

#### **Reason**

To ensure the development complies with construction and fit out plans and the relevant standards in the approved acoustic report.

### **(108) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

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

#### **Reason**

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

### **(109) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL**

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

#### **Reason**

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

### **(110) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT**

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

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

#### **Reason**

To ensure that hazardous materials on the site are appropriately managed.

### **(111) PUBLIC DOMAIN WORKS COMPLETION**

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

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

#### **Reason**

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

## **(112) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION**

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

### **Reason**

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

## **(113) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate:

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

### **Reason**

To protect underground drainage system.

## **(114) CONSTRUCTED FLOOR LEVELS**

A certification report prepared by a suitably qualified practitioner engineer (NER/RPEng) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the 'Flood Impact Risk Assessment 134-136 Botany Road' prepared by SGC Engineers dated 05/11/25

Noting that the PMF level of 16.43m AHD is the flood planning level for access points to the basement from the ground floor and Botany Road.

### **Reason**

To ensure the development achieves the required floor levels.

### **(115) FLOOD RISK MANAGEMENT**

Prior to the issue of any Occupation Certificate, a certification report prepared by a suitably qualified practitioner engineer (NPER), for flood risk management measures including flood planning level/s demonstrating compliance with the approved construction plans must be submitted to and be approved by the Principal Certifier. A copy of the report must be provided to Council for record keeping purposes.

#### **Reason**

To ensure flood risk management measures are complied with.

### **(116) DEDICATION OF ROAD WIDENING AND SPLAY – BOTANY ROAD**

The owner must dedicate for road purposes, free of cost to Transport for New South Wales (TfNSW), a widening of approximately 5.541m along the site frontage to Botany Road together with a triangular splay of approximately 1.9m at the intersection of Botany Road and Buckland Street (area of 78.4sqm) as shown in the Dedication Plan Drawing A3006. The widening and splays are to be detailed in a plan of subdivision/consolidation of the land. An application must be made through the NSW Planning Portal to Council for a subdivision certificate. This plan is to be registered at the office of NSW Land and Property Information prior to any type of Occupation Certificate being issued.

#### **Reason**

To ensure widenings and splays are dedicated for road purposes.

### **(117) DEDICATION OF ROAD WIDENING – BOTANY LANE**

The owner must dedicate, for road purposes, free of cost to Council, a 1.507metre widening along the site frontage to Botany Lane, on the understanding that the affected area can be used in the calculation of floor space for the building. The widening is 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 any Occupation Certificate being issued.

#### **Reason**

To ensure road widening is dedicated for road purposes.

### **(118) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

Prior to the issue of any type of Occupation Certificate for the building, a Final Identification Survey prepared and signed by a Surveyor registered under the Surveying & Spatial Information Act 2002 must be submitted at the completion of the building work certifying the location of the building and showing offsets in relation to the boundaries of the allotment.

Any encroachments of the building including gutters and downpipes over the side boundaries or rear lane that are not approved in the DA must be removed, or where approved, appropriate easements under Section 88B of the Conveyancing Act 1919, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to the issue of any type of Occupation Certificate. Encroachments upon public roads must, if supported, be approved by Council's Area Planning Manager prior to the issue of any type of Occupation Certificate.

**Reason**

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

**(119) RESTRICTION ON USE OF END OF JOURNEY**

- (a) An area of 7.84sqm of the building has been approved as End of Journey floor space.
- (b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of Land, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The Restriction is to be created to the benefit of Council, at no cost to and to the satisfaction of Council.

**Reason**

To ensure bonus floor space approved as part of the consent is continuously used for the approved purpose.

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

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service car spaces, are not to be used other than by an occupant or tenant of the subject building.
- (b) Prior to any type of Occupation Certificate being issued or the use commencing, whichever is earlier, a Restriction on the Use of Land is to be registered on the Title of the development site pursuant to section 88E of the Conveyancing Act 1919, to the effect of (a) above. The restriction must be created benefiting Council, at no cost to, and with terms to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a Restriction on the Use of Land pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking in the Strata Scheme.
- (d) All car spaces and storage spaces must form part of a commercial strata lot. Car spaces and storage spaces must not have their own separate strata title.

### **Reason**

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

### **(121) PHYSICAL MODELS**

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

#### Note:

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

### **Reason**

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

### **(122) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

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

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

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

**Reason**

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

**(123) PROJECTIONS OVER FOOTWAYS**

The architectural embellishments attached to the building, shown as overhanging the alignment of Botany Road (as widened) and Buckland Street, must comply with either the provisions of Schedule 4 ("Projections over or into public roads") or Section 3.2.4 ("Footpath Awnings") of the Sydney Development Control Plan 2012.

The awning overhanging the alignment of Botany Road must be removed, if required by Transport for New South Wales for a future road widening project.

**Reason**

To ensure any projections over the public way are appropriately managed.

**(124) ENCROACHMENTS – PUBLIC WAY**

Apart from projections referred to in the condition above, no portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

**Reason**

To protect the public way.

**(125) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**Reason**

To protect neighbouring properties.

## OCCUPATION AND ONGOING USE

### (126) COMMERCIAL AND INDUSTRIAL DEVELOPMENT NOISE

During ongoing use of the premises, the cumulative emission of noise from commercial and industrial activities must comply with Requirement 4 – *NOISE FROM COMMERCIAL AND INDUSTRIAL ACTIVITIES*, as specified in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

#### Reason

To protect the acoustic amenity of surrounding properties.

### (127) ON SITE LOADING AREAS AND OPERATION

All servicing and waste collection at the site must be undertaken outside of business hours and must ensure that no vehicles are parked in the truck turning area.

No servicing, loading, deliveries or waste collection is to occur between the hours of 10.00pm and 6.00am daily to protect the surrounding residents from noise disturbance.

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

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

#### Reason

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

### (128) SCHEDULED COLLECTIONS – COMMERCIAL

(a) Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for *Managing Waste in Public Places*.

(b) No waste collections are to occur between the hours of 10.00pm and 6.00am daily to minimise impacts to the surrounding residents.

#### Reason

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

### **(129) MAINTENANCE OF TREES ON SITE**

- (a) Tree maintenance must be implemented and complied with immediately following the tree planting, and until the tree reaches the required minimum height limit of six metres in height and five metres canopy width.
- (b) The newly planted tree on site must be appropriately maintained on an on-going basis.
- (c) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.
- (d) If the newly planted tree fails to establish or does not reach a height of six metres and canopy width of five metres it must be replaced with a tree of comparable qualities and container size of 200 litres.
- (e) The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

#### **Reason**

To ensure the ongoing maintenance of trees planted on the site.

### **(130) AWNING MAINTENANCE**

The awning must be inspected, and regular maintenance be carried out to ensure the awning's structural integrity, aesthetic and functional qualities are maintained.

#### **Reason**

To ensure that awnings are appropriately maintained.

### **(131) UNDER AWNING LIGHTING**

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

- (a) the maximum horizontal luminance level must not exceed 200 lux including light spill from shop windows;
- (b) the horizontal illuminance uniformity ratio ( $E_{avg}/E_{min}$ ) must not exceed 4:1 to ensure safe movement of pedestrians;
- (c) the intensity, colour, period of intermittency and hours of illumination must be varied if adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting* is being caused to the amenity of the area;

- (d) where nearby residents are located above the level of the under awning lighting, details are to be provided to show that light is not directed upwards toward such residences.

**Reason**

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

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

**Reason**

To ensure an appropriate presentation to the public domain.

**(133) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a 6-month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

**Reason**

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

### SCHEDULE 3

#### TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by Water NSW (Ref no. IDAS1162120) are as follows:

#### WATER NSW GENERAL TERMS OF APPROVAL

##### Dewatering

- |              |  |
|--------------|--|
| GT0115-00001 | Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.   |
| GT0119-00001 | All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.   |
| GT0120-00001 | The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.   |
| GT0122-00001 | Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required |

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

accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

- GT0174-00001 Construction phase monitoring bore requirements GTA: a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval. d) The monitoring bores should be used to develop a water table map for the site and its near environs. e) The monitoring bores must be protected from construction damage. Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.
- GT0278-00001 A water access licence, for the relevant water source, must be obtained prior to extracting groundwater, unless an exemption applies. Advisory Note: See Schedule 4 of the Water Management (General) Regulation 2018.
- GT0279-00001 A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

**Note:**

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

*A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent.*

Application forms are available from the WaterNSW website.

**Information to the proponent:**

- *An extraction limit will be determined by the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) following a further hydrogeological assessment and included on the conditions applied to the approval authorisation for the dewatering activity.*
- *Detailed information required to permit the hydrogeological assessment to be carried out is to be provided by the applicant otherwise the issue of the authorisation will be subject to delay. The [Minimum requirements for building site groundwater investigations and reporting](#) (DPE Oct 2022) identify what data needs to be collected and supplied.*
- *The authorisation will be issued for the purpose of temporary construction dewatering only and it does not constitute any form of approval for ongoing pumping of groundwater from basement levels after the building is issued an occupation certificate.*

## **SCHEDULE 4 – EXTERNAL AGENCIES - CONCURRENCE CONDITIONS**

### **TRANSPORT FOR NEW SOUTH WALES**

The TfNSW concurrence conditions pursuant to Section 26 and Section 138 of the Roads Act 1993 (Ref no. SYD25-00706/03) are as follows:

1. All buildings and structures (other than pedestrian footpath awnings and minor/removable soft landscaping), together with any improvements integral to the future use of the site are to be wholly within the freehold property, unlimited in height or depth and clear of the area affected by the Road Widening Order. Any proposed awning structures shall be designed such that it can be easily removed in the event that the land is required by a road project.
2. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

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

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

3. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
4. A Road Occupancy Licence (ROL) shall be obtained from the Transport Management Centre for any works that may impact on traffic flows on Botany Road during construction activities. An ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

## **SCHEDULE 5 – CONDITIONS OF CONSENT – EXTERNAL AGENCIES**

The following conditions have been recommended by NSW State Agencies:

### **AUSGRID**

#### **Ausgrid Underground Cables are in the vicinity of the development.**

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

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

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

SafeWork Australia – Excavation Code of Practice.

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

The following points should also be taken into consideration.

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

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

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

#### **Ausgrid Overhead Powerlines are in the vicinity of the development**

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained.

These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at [www.ausgrid.com.au](http://www.ausgrid.com.au).

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

### **New Driveways - Proximity to Existing Poles**

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

### **New or modified connection**

To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected> Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website:

[www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)

Should you require further information please contact Ausgrid via email to [Development@ausgrid.com.au](mailto:Development@ausgrid.com.au)

### **SYDNEY AIRPORT CORPORATION**

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

### **Application pursuant to airport (protection of airspace) regulations reg 7:**

- a) Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.
- b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- c) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.

- d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- f) The Secretary and the Airport, as applicable, may request further information before determining an application.
- g) The "Important Notes" must be read and accepted.
- h) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.

*IMPORTANT NOTES TO APPLICATION FOR APPROVAL OF CRANE OPERATION  
WHICH IS A CONTROLLED ACTIVITY*

*[Airports Act 1996]*

*[Airports (Protection of Airspace) Regulations 1996]*

1. Section 182: defines "controlled activities" – includes intrusions by cranes into prescribed airspace.
2. Section 187: if a controlled activity is carried out without approval, or is carried out otherwise than in accordance with an approval, the Federal Court may order a person to carry out remedial work on a building, structure or thing; to mark it or light it or both; to reduce its height.
3. Section 183: a person who carries out a controlled activity without the approval of the Secretary or Airport commits an offence against section 183 of the Act.
  - a) Penalty: 250 penalty units for each such offence.
4. Regulation 8: a building authority that receives a proposal for a building activity that, if undertaken, would constitute a controlled activity in relation to an airport must give notice of the proposal to the airport
  - a) Penalty: 50 penalty units for each such offence.
5. If the activity is a short term activity (less than 3 months), the Airport will determine the application pursuant to delegated authority from the Secretary.
6. If the activity is a long term activity (greater than 3 months), the Secretary will determine the application.
7. If the activity is a long term intrusion into PANS-OPS, the application will not be approved. [Reg 9].
8. The Airport will give notice of the application to, and invite submissions from, the Civil Aviation Safety Authority of Australia (CASA) and Airservices Australia. [Reg 10].

9. Upon receipt of submissions from CASA and Airservices, the Airport will refer the application and any submissions from CASA and Airservices, as well as the Airport, to the Secretary, or will determine the application itself if it is a short term activity. The Secretary or the Airport will notify you in writing of their decision.
10. Neither the Secretary or the Airport will approve any activity if CASA advises that carrying out the activity would have an unacceptable effect on the safety of existing or future air transport operations into or out of the Airport. [Reg14(6)].

## **SYDNEY WATER**

### Attachment 1 – Recommended Development Conditions

Prior to the issue of an Occupation/Subdivision Certificate:

#### **Section 73 Compliance Certificate**

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

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

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

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

#### **Building Plan Approval (including Tree Planting Guidelines)**

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

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

#### **Tree Planting**

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

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

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

## Attachment 2 – Sydney Water Requirements for Commercial and Industrial Developments (for proponent’s information)

### **Trade Wastewater Requirements**

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water’s sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water’s Business Customer Services at [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au)

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

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

### **Backflow Prevention Requirements**

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

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

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

Before you install a backflow prevention device:

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

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

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

## Water Efficiency Recommendations

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

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

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

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

## Contingency Plan Recommendations

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

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

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

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

For further information please visit the Sydney Water website at:

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