Attachment A

Recommended Conditions of Consent

SCHEDULE 1A

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

(1) STAGED CONSTRUCTION CERTIFICATES

(a) The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate for each stage as follows:

Stage	**Works**
Basement (B) 1 – Structure, Services & Fitout	B3 to Lower Ground (Pitt Street)
2 – Structure, Services & Fitout	B3 to Lower Ground (George Street)
Tower (T) 1 – Structure	Upper ground to top of architectural roof feature
2 – Facade	Lower ground to top of architectural roof feature (excluding shopfronts)
3 – Services, Fitout and Finishes	Lower ground to top of architectural roof feature
Commercial building (Jacksons on George) **(C)** 1 – Demolition, excavation, structure	Demolition, excavation, structure
2 – Facade, services, base fitout	Facade, services, base fitout
Public Benefit (PB) 1 – Structure	Lower ground Public Cycle Facility, upper ground structure (George Street plaza, ground slab for future community building)
2 – Services and Finishes	Lower ground laneways and lane level public plaza
3 – Services	George Street Public Plaza
4 – Entry, Services and Fitout	Public cycle facilities
5 – Services, Fitout and Finishes	Business innovation space

Stage	Works
Retail (R) 1 – Shopfronts	Lower ground retail
2 – Base fitout and services	Lower ground retail

(2) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2017/1620 dated 21 November 2017 and the following drawings:

Drawing Number	Architect	Date
DA-CQO-AD0001 Rev 2	Fosters + Partners	28.06.18
DA-CQP-LD20001 Rev 2	Fosters + Partners	28.06.18
DA-CQP-LD20101 Rev 2	Fosters + Partners	28.06.18
DA-CQB-AD10101 Rev 2	Fosters + Partners	28.06.18
DA-CQB-AD10201 Rev 2	Fosters + Partners	28.06.18
DA-CQB-AD10301 Rev 3	Fosters + Partners	28.06.18
DA-CQB-AD10401 Rev 3	Fosters + Partners	28.06.18
DA-CQP-AD20001 Rev 3	Fosters + Partners	28.06.18
DA-CQP-AD20101 Rev 3	Fosters + Partners	28.06.18
DA-CQT-AD30101 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD30201 Rev 3	Fosters + Partners	28.06.18
DA-CQT-AD30301 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD30401 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD30501 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD30502 Rev 1	Fosters + Partners	28.06.18
DA-CQT-AD3061 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD3071 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD3081 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD3091 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD31001 Rev 2	Fosters + Partners	28.06.18

Drawing Number	Architect	Date
DA-CQT-AD31101 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD31201 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD31301 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD31401 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD31501 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD31601 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD31701 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD31801 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD31901 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD32001 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD32101 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD32201 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD32301 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD32401 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD32501 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD32601 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD32701 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD32801 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD32901 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD33001 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD33101 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD33201 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD33301 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD33401 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD33501 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD33601 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD33701 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD33801 Rev 2	Fosters + Partners	28.06.18

Drawing Number	Architect	Date
DA-CQT-AD33901 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD34001 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD34101 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD34201 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD34301 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD34401 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD34501 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD34601 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD34701 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD34801 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD34901 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD35001 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD35101 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD35201 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD35301 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD35401 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD35501 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD38101 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD39001 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD41001 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD42001 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD43001 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD43002 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD44001 Rev 2	Fosters + Partners	28.06.18
DA-CQP-AD50001 Rev 3	Fosters + Partners	28.06.18
DA-CQT-AD50001 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD50005 Rev 2	Fosters + Partners	28.06.18
DA-CQT-AD88001 Rev 2	Fosters + Partners	28.06.18

and the following drawings:

Drawing Number	Architect	Date
DA-CQJ-AD10000 Rev 1	Stewart Hollenstein	26.06.18
DA-CQJ-AD20000 Rev 2	Stewart Hollenstein	26.06.18
DA-CQJ-AD20001 Rev 1	Stewart Hollenstein	26.06.18
DA-CQJ-AD200010 Rev 2	Stewart Hollenstein	26.06.18
DA-CQJ-AD20110 Rev 2	Stewart Hollenstein	26.06.18
DA-CQJ-AD30110 Rev 2	Stewart Hollenstein	26.06.18
DA-CQJ-AD30210 Rev 2	Stewart Hollenstein	26.06.18
DA-CQJ-AD30310 Rev 1	Stewart Hollenstein	26.06.18
DA-CQJ-AD30410 Rev 2	Stewart Hollenstein	26.06.18
DA-CQJ-AD41001 Rev 2	Stewart Hollenstein	26.06.18
DA-CQJ-AD42001 Rev 2	Stewart Hollenstein	26.06.18
DA-CQJ-AD43001 Rev 2	Stewart Hollenstein	26.06.18
DA-CQJ-AD44001 Rev 2	Stewart Hollenstein	26.06.18
DA-CQJ-AD50001 Rev 2	Stewart Hollenstein	26.06.18
DA-CQJ-AD50002 Rev 2	Stewart Hollenstein	26.06.18
DA-CQJ-AD50003 Rev 1	Stewart Hollenstein	26.06.18

and as amended by the conditions of this consent and any amended plans submitted in order to comply with Condition 4 – Design Modifications.

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

(3) ITEMS NOT APPROVED

The following items are not approved as part of this application. Separate development application shall be submitted for Council consideration:

(a) Design of the link bridge over Crane Lane and associated ramp from the public plaza;

(b) link bridge balustrade signage;

(c) awnings to Laneway network;

(d) With the exception of the Top of Tower Signage (refer Condition 6), the balance of the signage strategy for building identification signage for the commercial tower or commercial building (Jacksons on George);

(e) Outdoor dining is not approved. A separate development application shall be submitted for Council's consideration.

(4) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

Tower and Laneway Level Community Building

(a) The tower lane level shopfront elevations to the tower component shall be amended such that a greater solid to glazing ratio is achieved incorporating natural yellow block or Piles Creek sandstone. The amended design is to allow the clear and distinct expression of the superstructure columns to the ground along Rugby Place (refer to 4 (e)).

(b) The tower staircase from Rugby Place to the upper ground level terrace shall be widened and tapered towards the top to assist with their regular use by laneway visitors and building occupants.

(c) The tower entry (revolving doors) facing the link bridge on the upper level may be further recessed in coordination with a redesigned ramp so that it does not protrude beyond the western wall of the community building.

(d) In addition to the area required for pedestrian circulation adjacent to the link bridge and the widened staircase of the tower, the two upper ground floor external western-facing terraces shall be redesigned as non-trafficable soft landscaping areas.

(e) The sandstone coloured GRC street-wall high podium cladding treatment and façade fin treatment is not approved. It is to be replaced with a colour, material and finish in keeping with the overall tower superstructure design.

(f) The articulation of the tower southern facade, including any external shading to the upper portions of the facade, shall be further articulated so that the elevation does not present as a flat, unrelieved facade. The use on insets and projections (not exceeding 450mm) higher than 10m above Underwood Street may be considered.

(g) The upper part of the tower southern façade is to have externally mounted vertical blade (s) to reduce direct summer heat load.

(h) The community building cycle hub layout is to be redesigned to incorporate two areas of deep soil tree planting along the southern boundary and the western boundary of the plaza; an east-west facing public lift orientation and clear access to public toilets from the community building and laneways.

(i) An additional egress point is to be provided to tenancy CQT15 to provide a path of travel away from Underwood Street. This may be achieved by extending the service corridor to the rear of the tenancy.

Commercial Building (on the former Jacksons on George site)

(j) The upper ground level doors fronting George Street shall be recessed such that in an 'open' position, they do not protrude beyond the predominant upper ground level building alignment.

(k) The eastern most alignment of the fixed awning to the commercial building fronting the George Street Plaza shall not extend east of gridline D.

Details demonstrating compliance with this condition are to be submitted to and approved by Council's Director, City Planning, Development and Transport prior to the issue of any Construction Certificate for either the commercial tower (T) or commercial building (C).

(5) MATERIALS AND SAMPLES BOARD

(a) A materials sample board detailing all proposed finishes to the Tower building must be submitted to and approved by Council's Director, Planning, Development and Transport prior to a Construction Certificate being issued for Stage T1.

(b) Detailed architectural drawings of the terracotta baguette 'veil' screen system to the commercial building including typical details in plan, elevation and section of key junctions to a scale of at least 1:20, and a materials sample board detailing all proposed finishes to the commercial building must be submitted to and approved by Council's Director, Planning, Development and Transport prior to a Construction Certificate being issued for Stage C1.

(6) TOP OF TOWER SIGNAGE

The top of building signage strategy is approved subject to the following:

(a) Compliance with Section 3.16.5.2 of Sydney DCP 2012;

(b) A maximum of two signs, with no more than one sign per elevation, one of which must be the north elevation;

(c) Both signs are to be similar in size and appearance;

(d) Both signs are to comprise of individual raised letters, numbers or symbols affixed directly to the building;

(e) Both signs shall be allocated to a significant tenant of the building or to the building's owner if the owner occupies a significant amount of floor space within the building;

(f) The signs are not be used, sold or leased as any form of business or third party advertisement;

(g) Any proposed illumination is to comply with the requirements of Section 3.16.4 of Sydney DCP 2012. The illumination is to be powered by renewable energy source.

Details demonstrating compliance with this condition are to be submitted to and approved by Council's Director, City Planning, Development and Transport prior to the issue of the Construction Certificate for Stage T2.

(7) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The development must be carried out in accordance with the terms of the planning agreement entered into by Lendlease (Circular Quay) Pty Ltd with the City of Sydney dated 25 July 2016.

(8) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

(a) The Floor Space Ratio of the proposal must not exceed 14.35:1 calculated in accordance with the *Sydney Local Environmental Plan 2012*. For the purpose of the maximum calculation of FSR, the Gross Floor Area of the approved development is 62,878sqm (including 714sqm for the commercial building – 'Jacksons on George'). 27sqm of floor area is to be deleted or otherwise removed from the plans.

(b) Prior to an Occupation Certificate being issued for the commercial tower (T), 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.

(c) Prior to any Construction Certificate being issued, Council's written verification must be obtained, confirming that 11,346sqm of heritage floor space was allocated (purchased and transferred) to the development as specified in *Sydney Local Environmental Plan 2012*.

(9) BUILDING HEIGHT

(a) The height of the building must not exceed the following RLs:

	Maximum RL
Top of Commercial Tower	250.8m
Top of architectural roof feature	265.8m

(b) Prior to an Occupation Certificate being issued for the commercial tower (T), a Registered Surveyor must provide certification that the height of the building accords with (a) above to the satisfaction of the Principal Certifying Authority.

(10) DESIGN QUALITY EXCELLENCE

(a) As the proposal has been awarded additional floor space for achieving design excellence and in order to ensure the design quality excellence of the development is retained to completion:

(i) The two respective design architectural firms are to have direct involvement in the design documentation, contract documentation and construction stages of their respective buildings in the project;

(ii) The design architectural firms are to have full access to the site and are to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;

(iii) Evidence of the two design architectural firm's commission for the duration of design and construction of each respective building are to be provided to the Council prior to release of the Construction Certificate for T1 and C1 respectively and made available to Council at any time.

(b) The two design architectural firms of the project are to be actively involved and are not to be changed without prior notice and approval of the Council's Director City Planning, Development and Transport.

(11) REFLECTIVITY

The recommendations of the Reflectivity Report prepared by Windtech Ref: WD568-01F03(Rev 7), dated 15 November 2017 are to be implemented in the final design, with details illustrating compliance with this condition to be submitted for approval to the Certifying Authority prior to the issue of each Stage T2 and C2 Construction Certificate. Reflectivity of natural light must not exceed 20% or the level specified in the Reflectivity Report whichever is lower.

(12) RIGHT OF PUBLIC ACCESS

(a) Prior to the issue of any Occupation Certificate for the development, documentary Rights of Public Access are to be created and registered on the Title of the site. The Easements, limited in stratum if so desired, are to be defined over:

(i) The strip of land approximately two metres wide located between the facade of the building at upper ground level on the former "Jacksons on George" (Lot 181 DP 606865) site and the alignment of George Street. The Easement may be limited in depth to include the paved surface of the Easement area and in height to exclude the building at first floor level and above, over the area. The Easement is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, to Council's satisfaction.

(ii) The north-south strip of land, approximately four metres wide and variable width, located centrally within the southern part of the site and extending from the northern alignment of Underwood Street to the area known as “Rugby Place”, as shown on the drawing titled “GA plan, Lower Ground Floor Level, Pitt Street Level”, prepared for Lend Lease and numbered DA-CQP-AD20001 Revision 03. The Easement may be limited in depth to include the paved surface of the Easement area and in height to the underside of the building above. The Easement is to be created appurtenant to Council in terms granting rights for public pedestrian access at least between 6.00am and 10.00pm daily, to Council’s satisfaction.

(b) Prior to the issue of any Interim or Final Occupation Certificate for the development, documentary Positive Covenants are to be created and registered on the Title of the site, appurtenant to Council. The Positive Covenants are to be created in terms indemnifying Council against any claims and damages arising from the use of the Rights of Public Access, and are to require the maintenance of a $20,000,000 public indemnity insurance policy and are to require the maintenance, upkeep, repair and lighting of the Rights of Public Access in accordance with Council’s requirements and to the satisfaction of Council.

(13) RIGHT OF ACCESS

Prior to the issue of any Interim or Final Occupation Certificate, a documentary Right of Access (or similar) is to be created and registered on the Title of the subject land, benefitting the users of the future “Community Building” and “Public Cycle Facility”, pursuant to either Section 88B or 88E of the Conveyancing Act 1919. The Easement is to be defined in stratum over those corridors, paths, lifts and stairs shown as “Community Building Service Route” and “Bicycle Servicing Route” on the three Retail Servicing Diagrams prepared for Lendlease and submitted with this application. The easement is to be created in terms granting rights of access, to the satisfaction of Council.

(14) RESTRICTION OF LANES DEVELOPMENT – CENTRAL SYDNEY

Prior to any Interim or Final Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant to the effect that 1,286sqm of the building has been approved as lanes development is to be registered on the Title of the development site pursuant to section 88E of the *Conveyancing Act 1919*. The covenant is to be created appurtenant to Council and at no cost to Council.

(15) RESTRICTION OF END OF JOURNEY – CENTRAL SYDNEY

Prior to any Interim or Final Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant to the effect that 1,314sqm of the building has been approved as end of journey is to be registered on the Title of the development site pursuant to section 88E of the *Conveyancing Act 1919*. The covenant is to be created appurtenant to Council and at no cost to Council.

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

A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the *City of Sydney Act 1988* and the *Central Sydney Development Contributions Plan 2013* in accordance with the following:

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

(b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Principal Certifier, together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).

(c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Principal Certifier accordingly.

(d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, *Building Code of Australia* compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.

(e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

Please contact Council's Planning Administration staff at Planningsystemsadmin@cityofsydney.nsw.gov.au to confirm the amount payable, prior to payment.

(17) APPROVED DESIGN ROOF - TOP PLANT

All roof-top plant and associated equipment must be located within the approved building envelope (including the architectural roof feature as approved).

(18) APPROVED USES

Uses approved as part of this development include:

(a) Commercial building excluding the laneway level: *food and drink premises* – excluding use as a *pub or small bar*. Any proposed pub or small bar use shall be the subject of a separate development application.

(b) Laneway level tenancies (including basement levels): *retail premises* – excluding use as a *pub* or *small bar*. Any proposed pub or small bar use shall be the subject of a separate development application.

(c) Commercial tower: *office premises.*

(d) Public Cycle Facility: *business premises.*

(19) HOURS OF OPERATION – COMMERCIAL BUILDING (former Jacksons on George site 174-176A George Street, Sydney)

The hours of operation are restricted to between 7.00am and 10.00pm Monday to Saturday, and 7.00am to 8.00pm on a Sunday or public holiday.

(20) HOURS OF OPERATION – LANEWAY LEVEL TENANCIES

The hours of operation are restricted to between 7.00am and 10.00pm Monday to Saturday, and 7.00am to 8.00pm on a Sunday or public holiday.

(21) HOURS OF OPERATION – PUBLIC CYCLE FACILITY

The hours of operation are restricted to between 6.00am and 2.00am Monday to Sunday.

(22) PUBLIC CYCLE FACILITY OPERATIONAL PLAN OF MANAGEMENT

Prior to the commencement of the use of the public cycle facility, an Operational Plan of Management shall be prepared and submitted to Council's Director City Planning, Development and Transport for approval. The use shall operate in accordance with the approved plan of management.

(23) INNOVATION SPACE EXTENDED HOURS OF ACCESS

The tower 'innovation space' floors shall be accessible to tenants, guests and attendees of related events through the first floor main building lobby from 7.00am to 10.00pm under building management arrangements at no cost to the City or the innovation space tenant. At all times, the secondary access from Underwood Lane is to be operational. Prior to the commencement of the use of the 'innovation space', an Operational Plan of Management shall be prepared and submitted to Council's Director City Planning, Development and Transport for approval. The use shall operate in accordance with the approved plan of management.

(24) EXTERNAL LIGHTING

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

(25) STREET TREE PLANTING AND MAINTENANCE

(a) A detailed Landscape Plan indicating the location of the replacement street tree to be planted on Pitt Street in association with the development must be submitted to and approved by Council's Area Planning Manager prior to the issue of the Stage PB1 Construction Certificate. This detail must also be included into the Public Domain Plans.

(b) The street tree must be located and planted in accordance with the City's Street Tree Master Plan (including but not limited to stock quality, soil specifications, planting methodology and species selection) and the following:

(c) The street tree must be planted:

(i) by a qualified Arborist or Horticulturist (AQF Level 3); and

(ii) before the issue of an Occupation Certificate.

(d) The new tree/s and tree pit/s must be inspected by Council's Tree Contract Coordinator, before and after planting.

(e) The new street tree must be planted prior to the issuing of the Occupation Certificate for the commercial tower building (T).

(f) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF 3) for a minimum period of twelve (12) months commencing on the planting date. 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.

(g) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council's Tree Contract Coordinator before hand-over of any street tree to Council.

(h) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

(26) LANDSCAPING OF THE SITE - TREES

(a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a B1 Construction Certificate. This detail must also be included into the Public Domain Plans. The plan must include:

(i) Location of proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;

(ii) Where tree planting is proposed the design must include structural soils or strata cells in accordance with the City of Sydney Street Tree Master Plan (Part D Technical Guidelines - noting volumes);

(iii) Trees to be planted in pits that are flush with surrounding pavements. Details of pit treatments, strata cell depths and soil volumes to be included. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;

(iv) Location, numbers, type, size and supply of plant species, with reference to NATSPEC or AS 2303 'Tree stock for landscape use' (for trees);

(v) The tree species proposed for Rugby Place shall be endorsed as being appropriate by a Wind Consultant and the Councils Area Planning Manager. The trees shall be such that the mature dimensions provide the wind mitigation measures as recommended in Pedestrian Wind Environmental Study Report prepared by Windtech Consultants, Reference WD568-01F05, dated November 2017 (Figure 9b). The trees shall be suitably set apart from each to allow for canopy growth to maturity without significant suppression from adjacent trees.

(vi) The three trees proposed for the through site link (Crane Lane) shall be consistent (species, size and planting details) with what is approved for Crane Lane under Condition 49 of D/2016/1529 (relating to the adjacent site at 1 Alfred Street) or as approved by Council;

(vii) Details of planting procedure and maintenance;

(viii) Details of drainage, waterproofing and watering systems.

(b) Prior to the issue of a Stage PB1 Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority.

(c) All landscaping in the approved plan is to be completed prior to any Interim or Final Occupation Certificate being issued for the commercial tower (T).

(27) LANDSCAPING OF THE SITE - TERRACES AND GREEN ROOF

(a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a T3 Construction Certificate. The plan must include:

(i) Location of proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;

(ii) Location, numbers, type, size and supply of plant species, with reference to NATSPEC or AS 2303 'Tree stock for landscape use' (for trees);

(iii) Details of planting procedure and maintenance;

(iv) Details of drainage, waterproofing and watering systems.

(b) Prior to the issue of a Stage PB1 Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.

(c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued for the commercial tower (T).

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

(a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan prepared by *Renzo Tonin Associates* dated *November 2017.*

(b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels.

Such periods must be set and agreed to by Council's Area Planning Manager as advised by Council's Health and Building Unit.

(29) NOISE - ENTERTAINMENT VENUES

(a) The $L_{A10,\ 15\ minute}$ noise level emitted from the use must not exceed the background noise level ($L_{A90,\ 15minute}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.

(b) The $L_{A10,\ 15\ minute}$ noise level emitted from the use must not exceed the background noise level ($L_{A90,\ 15\ minute}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.

(c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an $L_{A10,\ 15\ minute}$ enters any residential use through an internal to internal transmission path is not to exceed the existing internal $L_{A90,\ 15\ minute}$ (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the $L_{A10,\ 15\ minute}$ noise level is below the threshold of hearing, Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.

(d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.

(e) The $L_{A10,\ 15\ minute}$ noise level emitted from the use must not exceed the background noise level ($L_{A90,\ 15\ minute}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

Note: The $L_{A10,\ 15\ minute}$ noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level $L_{A90,\ 15\ minute}$ is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment L_{A90} / rating L_{A90} methodology in complete accordance with the process listed in the NSW EPA Industrial Noise Policy and relevant requirements of AS1055.1997.

(30) NOISE - GENERAL

(a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:

(i) The $L_{Aeq,\ 15\ minute}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW EPA Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.

(ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90,\ 15\ minute}$ / rating $L_{A90,\ 15\ minute}$ process to be in accordance with the requirements for noise monitoring listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.

(iii) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.

(31) NOISE LIMITERS

Use of the all amplification equipment must comply with the following:

(a) At a minimum, all amplification equipment used at the event must be controlled by a Root Mean Square (RMS) noise limiter, set by a suitably qualified acoustic consultant* in accordance with the manufactures specification to ensure that resultant amplified sound complies with the Council's licensed premises noise criteria. The equipment must be tamper proof and only operable by the acoustic consultant.

(b) The noise limiter must be factory or laboratory calibrated by an accredited instrumentation calibration service provider at the time of installation. The limiter must be checked by an acoustic consultant with a piston phone calibrator at the time of installation and on three subsequent occasions during the first 60 days of monitoring. The checks must correlate with the close of business as per the requirements of Part (b)ii), Additional Noise Conditions for Licensed Premises (where relevant) and not be undertaken before any external noise compliance checks. The proprietor is not to be made aware on what date the calibration checks are to be conducted and will provide the consultant access to the limiter.

(c) A piston phone check of the noise limiter shall be completed by the consultant every twelve months, the result reported to council and a copy kept on the premises available at all times.

(d) Field calibration check results (times and levels), serial numbers and laboratory calibration parameters of all other instrumentation and calibrators used in the process of setting and calibrating the noise limiter shall be reported.

(e) LAeq 1 minute 1/1 octave band (31.5Hz to 8kHz centre frequencies inclusive) measurement results internal and external of hand held sound level meters used to assist in setting the noise limiter shall be reported to the satisfaction of council.

(f) Additionally, a white noise signal must be played through the noise amplification system in order to set the maximum permissible broadband level of the noise limiter. The results are to be reported.

(g) Finally, where necessary and where complex signal processing equipment is used to limit noise, the maximum A-Weighted LAF Sound Pressure Levels which are not to be exceeded in any 1/1 octave band 31.5Hz – 16kHz inclusive, within each of the rooms with noise amplification equipment are to be specified such that the noise control approval conditions cannot be exceeded must be reported.

(h) All noise amplification equipment must be controlled by the noise limitation device as detailed in (a) above.

(i) Access to noise limiter settings must be restricted to the Licensee or manager of the premises. The limiter settings/calibration levels must be available to Council officers upon request.

(j) The Acoustic consultant must submit Certificate of Compliance to the Council to certify that the limiters are installed and calibrated to satisfy of Council's noise criteria for the licensed venues.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(k) An $L_{Aeq,15\ minute}$ noise level emitted from the use must not exceed the $L_{A90,\ 15\ minute}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that;

(i) Where the $L_{A90,\ 15\ minute}$ noise level is below the threshold of hearing, Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.

(ii) The $L_{Aeq,15\ minute}$ noise level and the $L_{A90,15\ minute}$ noise level shall both be measured with all external doors and windows of the affected residence closed;

(iii) The relevant background noise level ($L_{A90,\ 15\ minute}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the *NSW EPA Industrial Noise Policy* and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.

(iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.

(v) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

(32) EMISSIONS

(a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

(b) Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Clean Air) Regulation 2010*.

(c) Uses that produce airborne particulate matter must incorporate an effective dust collection system.

(33) PUBLIC ART

(a) A Public Art Strategy must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Stage T1 Construction Certificate being issued.

(b) Final details of the approved public art work must be submitted to and approved by Council's Director City Planning, Development and Transport prior to issue of a Stage T2 Construction Certificate. The public artwork must be in accordance with the *Sydney DCP 2012* and the *Public Art Policy*.

(c) Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate for either the Commercial Building (C) or Tower (T).

(d) This condition is in addition to the public art contribution required as part of the voluntary planning agreement. The total cost of the public art contribution is to be submitted to and agreed by the Director City Planning, Development and Transport.

(34) CHANGES TO KERB SIDE PARKING RESTRICTIONS

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

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

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

Note: it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

(35) COST OF SIGNPOSTING

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

(36) EXTERNAL SHUTTERS

Security roller shutters must not be installed on the outside of the shopfronts. Any security grill is to be a dark recessive colour, located on the inside of the shop front, must be an open grille / see through and not a solid metal type.

(37) SECURITY GATES

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

(38) INTERCOM FOR VISITORS

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

(39) ON SITE LOADING AREAS AND OPERATION

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

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

(40) 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 Principal Certifying Authority prior to Stage B1 Stage Construction Certificate being issued.

(41) PARKING ON COMMON AREAS

No part of the common areas, apart from any visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. Any subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

(42) SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

(a) Compelling drivers to stop before proceeding onto the public way.

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

(43) TRAFFIC WORKS

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

(44) CAR SHARE SPACES

(a) A minimum of 3 car parking space for the exclusive use of car share scheme vehicles are to be provided.

(b) The spaces must be retained as common property of the Owners of the site, and not sold or leased to an individual owner/occupier at any time.

(c) The spaces must be made available to car share operators without a fee or charge.

(d) The spaces must be sign posted for use only by car share vehicles and well lit.

(e) The spaces must be accessible to members of the car share scheme at all times.

(f) The car share spaces are to be available at the same time that the car park commences operation.

Note: It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators prior to the issue of a construction certificate to ensure the commercial requirements of the operator can be accommodated.

(45) 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 an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

(c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the *Strata Titles (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the *Conveyancing Act 1919* burdening all car parking part - lots in the Strata Scheme.

(46) 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 Code".

SCHEDULE 1B

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

(47) EXTERNAL WALLS AND CLADDING FLAMMABILITY

The external walls of the building including attachments must comply with the relevant requirements of the *National Construction Code (NCC)*. Prior to the issue of each Construction Certificate and Occupation Certificate the Principal Certifier must:

(a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and

(b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

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

(a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by *Acoustic Logic*, *dated November 2017* must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.

(b) Prior to the issue of a Stage T2 and C1 Construction Certificate (as appropriate for each building) , the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report set out above. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the PCA.

(c) Prior to the issue of an Occupation Certificate for the commercial tower (T) or commercial building (C), a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(49) ASBESTOS REMOVAL WORKS

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

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

(b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

(c) All work must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and Work Cover 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.

(50) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(51) DECOMMISSIONING OF UNDERGROUND PETROLEUM STORAGE TANKS

The removal of underground petroleum storage tanks must be undertaken in accordance with Safework NSW requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed and all relevant NSW Environmental Protection Authority/Office of the Environment and Heritage Guidelines and Australian Standards including following;

NSW EPA Technical Note: Decommissioning, Abandonment and Removal of UPSS (January 2010),

NSW EPA Technical Note: Investigation of Service Station Sites (April 2014),

AS 1940 –2004: Storage and handling of flammable and combustible liquids,

AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks.

A site contamination assessment must be conducted in accordance with the Guidelines for Consultants Reporting on Contaminated Sites (NSW Office of the Environment and Heritage 2011) and the Sampling Design Guidelines (NSW Environmental Protection Authority September 1995) to determine whether petroleum has contaminated soil and groundwater in the vicinity of the storage system and whether remediation is required to ensure the land remains suitable for the continued approved land use.

Subsequent remediation of the site must be undertaken in accordance with the Managing Land Contamination – Planning Guidelines, State Environmental Planning Policy 55 – Remediation of land (Department of Urban Affairs and Planning 1998) including notification to the City of Sydney Area Planning Manager at the start and completion of land remediation.

The removal or in-situ decommissioning of the underground petroleum storage system and any subsequent contamination assessment, preparation of a remediation strategy and final decommissioning reporting must be carried out by a duly qualified person, who has competencies and experience in relation to this area of work that are recognised as appropriate by the relevant industry and the NSW Environmental Protection Authority.

(52) UNDERGROUND PETROLEUM STORAGE SYSTEM – DECOMMISSIONING REPORT

The underground petroleum storage system must be investigated for contamination and a site investigation report obtained from a suitably qualified Environmental Consultant in accordance with NSW Environmental Protection Authority guidelines, must be submitted to the City of Sydney Area Planning Manager within 60 days of completion of either validation that no site remediation is necessary or completion of any necessary remediation works. The report must provide confirmation that the site is suitable for continued approved land use or prior approved remediation criteria.

The report must be undertaken in accordance with clause 13 and 15 of the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2014 and the NSW Department of the Environment, Climate Change and Water Underground Petroleum Storage System Technical Note: Site Validation Reporting – January 2010 and Guidelines for Consultants Reporting on Contaminated Sites (NSW Office of the Environment and Heritage 2011).

The decommissioning report must contain:

(a) A description of the scale and nature of any contamination originally present,

(b) A description of the remedial methods used, including objectives, where applicable,

(c) A statement about the site's ongoing or future use,

(d) A description of the extent of any remaining contamination and how this was assessed,

(e) A site plan delineating the area being validated and any contamination remaining after site works,

(f) A clear conclusion on the suitability of the site for its ongoing or future use.

(53) ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any works, any Environmental Management Plan (EMP) must be prepared for the site and submitted to the City's Director City Planning Development and Transport for written approval prior to the commencement of work. The EMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, acid sulphate soils management, contamination containment, stockpiles, noise and vibration, odours and dust emissions, heritage items in vicinity.

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

(54) GEOTECHNICAL INVESTIGATIONS – SITE IN VICINITY OF HERITAGE ITEM

Prior to commencement of works, a detailed geotechnical investigation of the site is to be undertaken and the findings of the investigation (and any other required for input) in regards to protection measures for the Tank Stream to be included in the EMP for the works. Both reports are to be submitted to Council for approval by Council's Area Planning Manager prior to commencement of any works.

(55) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Coffey, November 2017 and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997.

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

Any variations to the approved Remediation Action Plan shall be approved in writing by the Site Auditor and Council's Director City Planning Development and Transport prior to the commencement of such work.

(56) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Director City Planning Development and Transport and the Principal Certifying Authority immediately.

(57) SITE AUDIT STATEMENT

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

hbapplications@cityofsydney.nsw.gov.au

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

(a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building department in writing through the Area Planning Manager before the Site Audit Statement is issued.

(b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S96 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).

(c) **No Occupation Certificate is to be issued** by the Principal Certifying Authority unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

(58) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

Prior to the issue of a Construction Certificate for T1 or C1 (as appropriate for each building), the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with *AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings,* and *AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.*

(59) CONSTRUCTION AND FITOUT OF FOOD PREMISES

The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 – 2004 Design, Construction and Fitout of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au.

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au.

(60) COOLROOMS

Cool room(s), refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the *Building Code of Australia,* and:(a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.

(a) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.

(b) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.

(c) Must be fitted with a door that can be opened at all times from inside without a key.

(d) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from a sounding device.

(61) FOOD PREMISES – DETAILED PLANS

(a) Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the *Australia New Zealand Food Standards Code – 3.2.3 – Food Premises and Equipment* under the *Food Act 2003* and *AS 4674 - Design, Construction and Fit-out of Food Premises*.

(b) Prior to the Issue of a relevant Stage C2 Construction Certificate the plans required by (a) of this condition must be submitted to and approved in writing by the Certifying Authority.

(62) GREASE AND LIQUID WASTE TRAPS

(a) A grease trap if required by Sydney Water must be installed in accordance with Sydney Water requirements and:

(i) Must be installed by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*;

(ii) The grease trap must be not be located in any kitchen, food preparation or food storage area;

(iii) Be suitably constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and

(iv) Be suitably constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.

(b) In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas and must be carried out by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*.

(63) HOT WATER SERVICE

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

(64) NOTIFICATION OF CONDUCT OF FOOD BUSINESS

(a) The use shall not commence until the food business has notified Council with their food business details in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4*.

(b) An Occupation Certificate will not be issued until such notification has been received by Council in accordance with Clause (a) of this condition.

Note: Registration forms are available on Council's website www.cityofsydney.nsw.gov.au.

(65) TOILETS FOR FOOD HANDLERS

(a) Adequate toilet facilities must be available for food handlers working for the food business. Toilets and associated facilities must be provided in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code, 3.2.3 - Food Premises and Equipment.*

(b) Details of the location of toilets which are provided exclusively for the use of food handlers and staff working at the business must be submitted for the approval of the Certifying Authority prior to the issue of a Stage C2 Construction Certificate.

(c) The toilet(s) must be provided with a hand wash basin, with hot and cold running water mixed through a common spout, hand wash soap, hygienic hand drying facilities and hands-free taps.

(66) WASTE STORAGE AREA

(a) To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with *AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment* and comply with the *Council Policy for Waste Minimisation in New Developments*, and must be:

(i) Provided with a hose tap connected to the water supply.

(ii) Paved with impervious floor materials.

(iii) Coved at the intersection of the floor and walls.

(iv) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).

(v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the *Protection of the Environment Operations Act 1997* or a nuisance.

(vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*.

(vii) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.

(viii) Appropriately managed so that it does not attract pests or create litter.

(b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Certifying Authority prior to the issue of a Stage B2 Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issuance of an Occupation Certificate.

(67) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

(a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.

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

UPON COMPLETION OF THE DEVELOPMENT

(c) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's *Policy for Waste Minimisation in New Developments 2005*.

(68) MECHANICAL VENTILATION

(a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and 2 - 2012. The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings.

(b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and 2 – 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Stage C2 Construction Certificate.

(c) Prior to issue of an Occupation Certificate for the commercial building at 174-176A George Street, Sydney (former Jacksons on George site) and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

(69) SYDNEY WATER

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

Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing> Developing > Land development or telephone 13 20 92.

(70) SYDNEY WATER CERTIFICATE (TAP-IN)

(a) The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's "Tap-in" online service is available at www.sydneywater.com.au, (see Plumbing, Building & Development and then Sydney Water "Tap-in").

(b) The Consent Authority or a Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

(71) LOT CONSOLIDATION/SUBDIVISION

EITHER:

(a) All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with NSW Land Registry Services, prior to any Occupation Certificate being issued; OR

(b) The development site is to be subdivided to facilitate the delivery (by dedication or transfer as the case may be) of the public benefit land parcels (such as George Street Plaza stratum, George Street Public Cycle Facility stratum, Lane Level Public Plaza stratum, Community Building stratum, laneways stratum, Underwood Street stratum) contained in Schedule 3 and

Annexures A, D and E of the Voluntary Planning Agreement for the site dated 25 July 2016 .

(72) LAND SUBDIVISION – SEPARATE DA REQUIRED

Any proposal to subdivide the site, including stratum subdivision of buildings on the site, will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

(73) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Stage B1 Construction Certificate.

Car Parking Type	Number
Office and business car parking	Maximum of 80
Accessible office and business car parking (ii)	5
Subtotal	85
Motorcycle parking (i)	10
Car share parking	3
Service vehicle spaces	10
Small Rigid Vehicle loading dock(s)	3
Medium Rigid Vehicle loading dock(s)	3
Total	

Notes:

(i) Number of motorcycle spaces refers to dimensions of 1.2m x 2.5m per Australian Standards. Alternatively the proponent may provide standard car spaces marked as motorcycle spaces (dimensions of 2.4m x 5.4m per Australian Standards). In this case 3 space in total would be required.

(ii) Accessible Parking spaces to meet the Australian Standards AS/NZS 2890.6 including having the shared area located adjacent to the space.

(74) 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".

(75) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Commercial Tower	Bicycle Hub	Total	Requirements
Staff	438	-	438	Spaces must be Class 2 bicycle facilities
Visitor	50	-	50	Spaces must be Class 3 bicycle rails
Total	**488**	**250**	**738**	
End of Trip Facility Type	Number			
Showers with change area	52	30	82	
Personal lockers	1,221	400	1,621	

Notes:

(i) Australian Standard AS 2890.3:2015 refers to class 1 as class 'A', class 2 as class "B', and class 3 as class 'C'.

(b) The layout, design and security of bicycle facilities must comply with the minimum requirements of *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*.

(c) The details must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Stage B2 Construction Certificate.

Note: It is recommended the applicant contact a member of the Transport and Access Unit, to discuss bicycle parking design prior to its submission.

(76) CAR PARK DESIGN

A revised car park design must be submitted to and approved by Council's Area Planning Manager, prior to any **Construction Certificate** for the site being granted.

The applicant must provide a revised car park design which includes the following:

(a) A revised access ramp which shows two vehicles can pass; and/or

(b) A scheme which would be acceptable to Council which places the onus on the vehicle within the building to give way to entering vehicle rather than the other way round (ie. signal operations, mirrors). Further, flashing lights and sirens located at the driveway entry are not an acceptable design.

(77) LOADING DOCK MANAGEMENT PLAN

A Loading Dock Management Plan, must be submitted to and approved by Council's Area Planning Manager prior to the Stage B1 Construction Certificate being issued.

The proponent is to prepare the Loading Dock Management Plan in consultation with TfNSW, the CBD Coordination Office within TfNSW and City of Sydney.

The plan should identify how the loading area will be managed and used by all building tenants (including the future Community Building, the commercial building on the former Jackson's on George site, the Public Cycle Facility, and the office, retail, and commercial uses), and how the loading area will accommodate uses such as waste vehicles, service deliveries, bulky good deliveries and similar.

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

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

(78) PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of any Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(79) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the *Surveying Act 2002*.

(80) ACCESS FOR PERSONS WITH DISABILITIES - OFFICE / SHOP FITOUTS

In accordance with the *Building Code of Australia* the proposed office / shop layout and design must comply with Australian Standard 1428.1: General requirements for access - New building works.

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

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

(82) 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) A separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).

(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 is provided and maintained (Clauses 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 any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2011*).

(83) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

(a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.

(b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor and designed by a suitably qualified engineer, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed and Levels and Gradients Approval Application form (available on the City's website).

(c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(84) 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".

(85) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

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

(a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;

(b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;

(c) Each image is to be numbered and cross referenced to a site location plan;

(d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;

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

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

(86) PUBLIC DOMAIN PLAN

(a) The Public Domain plans submitted with the Development Application are not approved. A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council's Director City Planning Development and Transport prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later.

(b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *City North Public Domain Masterplan* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

(e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.

(f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(87) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

(a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, , a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*.

(b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

(88) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

(a) Prior to an approval or any Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work a detailed drainage engineering design, calculations and design for the stormwater overland flow path for the development must be:

(i) prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and

(ii) prepared in accordance with the City of Sydney’s *Stormwater Drainage Manual*, technical specifications, standards and policies, as amended from time to time; and

(iii) submitted to and be approved by the City of Sydney and a copy of the City’s letter of approval must be provided to the Principal Certifying Authority.

(b) 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.

(i) The application must be approved by the City of Sydney prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.

(ii) All proposed connections to the City's underground drainage system require the owner to enter into a Deed of Agreement with the City of Sydney and obtain registration on Title of a Positive Covenant prior to an Occupation Certificate being issued, including an Interim Occupation Certificate.

On-site Detention

(c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with.

(i) Evidence of the approval by Sydney Water of the detailed design of the on-site detention must be submitted to and be accepted by the City of Sydney and a copy of the City's letter of acceptance must be provided to the Principal Certifying Authority prior to a Construction Certificate being issued, excluding for any approved preparatory, demolition or excavation works.

(ii) Prior to the issue of an Occupation Certificate, including an Interim Occupation Certificate, 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.

Stormwater Quality Assessment

(d) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.

The stormwater quality assessment must:

(i) be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design;

(ii) use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent); and

(iii) demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:

a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;

b. reduce the baseline annual pollutant load for total suspended solids by 85%;

c. reduce the baseline annual pollutant load for total phosphorous by 65%;

d. reduce the baseline annual pollutant load for total nitrogen by 45%.

(iv) include certification from a suitably qualified practicing professional that the requirements of parts d) (i), (ii) and (iii) of this condition have been met.

Prior to the issue of an Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and be approved by the Principal Certifying Authority and a copy provided to the City of Sydney.

Completion / Works-as-Executed Documentation

(e) Prior to a Certificate of Completion being issued by the City of Sydney for stormwater drainage works:

(i) All works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, City of Sydney technical specifications. Standards and policies, approval letters and the requirements of this consent.

(ii) a Works-As-Executed survey, prepared, signed and dated by a Registered Surveyor, must be submitted to and be accepted by the City of Sydney. The plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked.

(iii) Electronic works-as-executed (as-built) details, certifications, warranties, inspection reports (including Closed Circuit Television reports) and associated documentation for the completed work must be prepared and certified by a suitably qualified hydraulic engineer, in accordance with the requirements of the City of Sydney's technical specifications, the *Public Domain Manual*, the *Stormwater Drainage Manual*, the conditions of this consent and all letters of approval issued by the City of Sydney for works in the public domain, and must be submitted to and be accepted by the City of Sydney.

(f) Prior to the issue of the first Occupation Certificate, including an Interim Occupation Certificate, or before the use commences (whichever is earlier):

(i) A copy of the City's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Principal Certifying Authority;

(ii) a Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Principal Certifying Authority. The Works-as-Executed plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;

(iii) a Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Principal Certifying Authority;

(iv) evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Principal Certifying Authority;

(v) The Principal Certifying Authority must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.

(89) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

(90) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the *City of Sydney's Sydney Streets Design Code* and *Sydney Streets Technical Specification*. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

(91) PROTECTION OF STONE KERBS

(a) The existing stone kerbs on the George Street, Pitt Street and Underwood Street frontages of the site are to be retained and properly protected during excavation and construction works.

(b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.

(c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.

(d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.

(e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.

(f) Council approval is required before kerbs are removed.

(g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(92) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 52 lineal metres of Granite site frontage, 74 lineal metres of Clay paving site frontage and 54 lineal meters concrete must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

(93) PUBLIC DOMAIN LIGHTING

Public domain lighting requirements for the subject development are as follows:

LANEWAYS

(a) Provide COS standard pedestrian lighting attached to building facades.

(b) Lighting compliance to AS1158.3.1 Category P1 + 4 lux min. vertical illuminance is to be achieved.

PLAZAS & OPEN SPACE AREAS

(c) Provide COS standard post mounted pedestrian lighting schemes. Building façade mounted lighting schemes may be proposed for approval.

(d) Lighting compliance to AS1158.3.1 Category P6 is to be achieved.

UNDER AWNING LIGHTING

(e) Lighting provisions are to comply with the requirements of COS Awnings Policy.

(f) Lighting levels are to comply to those applicable to adjacent public domain areas

DECORATIVE & BUILDING FAÇADE LIGHTING

(g) Separate DA approval is required for any such lighting schemes.

GENERAL

(h) Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever occurs first, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Sydney Lights Design Code, Sydney Streets Code, *Sydney Streets Technical Specification* Section A5- Street lighting design & Section B8- Street lighting construction and *Public Domain Manual* and must include the following:

(i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;

(ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;

(iii) Footing locations and structural details, certified by a structural engineer;

(iv) Location and details of underground electrical reticulation, connections and conduits;

(v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;

(vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.

(i) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(94) 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 (unless otherwise agreed).

(95) FLOOD PLANNING LEVELS

Prior to any Construction Certificate being issued for any civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, an updated Flood Study must be submitted to and approved by Council to demonstrate that appropriate Flood Planning Levels cannot be achieved without a combination of finished floor levels and flood barriers or flood gates.. The updated flood study must include all alternative flood proofing measures that have been explored and why they are not feasible and must demonstrate maximum finished floor levels were achieved through internal design solution to minimise the need for frequent flood gates or flood barriers activation. The Flood Study must only recommend flood barriers or flood gates where achieving Flood Planning Levels through finished floor level is unachievable due to site constraints.

(96) FLOOD RISK MANAGEMENT

(a) All building structures are to be designed to ensure structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the 100 year flood level plus 0.5meter or Probable Maximum Flood level, whichever is the greater. For example, where glass is used, it must be toughened glass to resist the impact of hydraulic forces of floodwaters and impact loading of debris. Details of these works shall be submitted to and shall be approved by the Principal Certifying Authority prior to the issue of the Stage 1 Construction Certificate for the Tower (T). A copy of the approved Certification report shall be provided to Council for record keeping purposes.

(b) Flood protection is required for all flood events up to and including the minimum flood planning levels applicable to the respective retail spaces along Underwood Street including CQT03, CQT 15, CQT 14, BIS Lobby,and basement retail (as noted in the submitted flood study report as LG05, LG31, LG 29, LG27,CQT13-B1M09, LG06, LG09) and Underwood St basement carpark entry.

(c) Flood proofing is to be maintained for the life of the development. The design of the flood proofing is to be certified by a suitably qualified practitioner engineer with experience in flood proofing and is to be compatible with the design of the development set out in this development consent. The certification must ensure compliance with the relevant Australian Standards and codes for structural engineering. The certification must be supplied by the Applicant to the Certifying Authority and the Council prior to the issue of any Construction Certificate for the basement.

(d) All flood protection features requiring power to operate must have alternative backup power source;

(e) All electrical features including power points and other mechanical equipment must be set above the FPL. This must be shown on the detailed plans prior to the issue of the Construction Certificate for the basement.

(f) A design certification report prepared by a suitably qualified practitioner engineer demonstrating compliance has been achieved of these requirements above shall be submitted to and shall be approved by the Principal Certifying Authority prior to the issue of any Occupational Certificate for Tower (T). A copy of the report shall be provided to Council for record keeping purposes.

(97) FLOOD EMERGENCY RESPONSE PLAN

(a) A Flood Emergency Response Plan is to be prepared by a suitably qualified flood engineer and be implemented as a positive covenant on the title of the property (and annexed to the positive covenant). 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) Any pumping equipment used to disperse flood waters should have the same maintenance schedule as the flood doors; and

(x) 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 Construction Certificate for the basement, the Flood Emergency Response Plan (FERP) is to be submitted to and approved by Principal Certifying Authority (PCA). A copy of the approved FERP shall be submitted to the City for record keeping purpose.

(f) Prior to the issue of an Occupation Certificate, the approved Flood Emergency Response Plan and positive covenant relating to the flooding gates shall be registered with the Land Title office.

(98) DEMOLITION/SITE RECTIFICATION (if cost is over $50m)

The following conditions apply to the development:

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

(b) Prior to any Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council (or holds an existing deed), the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.

(c) Without limiting the generality of paragraph (b), the Deed must provide for:

(i) A bank guarantee to be provided in the sum of $1,150,000 dollars as security for the costs of such works provided that:

a. the maximum liability under the Deed must not exceed $1,150,000 dollars; and

b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.

(ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:

a. demolition of the existing building has commenced but not been completed;

b. the existing building has been demolished; or

c. the site has been excavated; or

d. the erection of the structure has commenced;

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

a. make the building safe and of an appearance acceptable to Council at ground level;

b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or

c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or

d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenantable stage;

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

(d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

(i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and

(ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

(e) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:

(i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.

(ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.

(iii) Stage 3 – Issue of the Final Occupation Certificate.

(f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:

(i) Certification (from an accredited certifier) that the relevant stage is complete;

(ii) Detailed schedule of completed works carried out in the relevant stage;

(iii) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

(99) INSTALLATION OF GRAPHICS AND ARTWORK ON SCAFFOLDING (BUILDING / CONSTRUCTION WRAPS)

(a) Where scaffolding is to be installed to undertake the proposed development an approved graphic / artwork installation must be provided on the scaffolding system to shield the development from the public place and to minimise adverse visual impacts on the locality.

(b) The graphic installation must be printed, installed and maintained in accordance with Council's Guidelines for Hoardings and Scaffolding. Details of the proposed graphic must be submitted to and approved by Council prior to the installation of any scaffolding.

(100) WORKS REQUIRING USE OF A PUBLIC PLACE

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* is to be obtained from Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(101) ENERGY EFFICIENCY OF BUILDINGS

The design of the commercial tower building and its services must achieve a minimum rating of:

- 5 Star Green Star
- 5 Star NABERS energy
- 4 Star NABERS water (for Business Innovation Space as a minimum)

This can be demonstrated by:

(a) Entering into a Commitment Agreement with OEH, to deliver this star rating:

(i) for the base building, being services traditionally supplied as ‘common’ to tenants such as air conditioning, lifts and common area lighting;

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

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

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

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

(i) Commitment Agreement means an agreement that is set out in accordance with OEH NABERS Commitment Agreement, which is made/signed between OEH and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.

(ii) Star rating refers to the benchmarking system applied by OEH for measuring the energy efficiency of a building, and known as NABERS the National Australian Built Environment Rating System.

(iii) Base building means central services and common areas of a building.

(iv) Tenancies means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services.

(v) Whole building means all of the building, being the fabric of the building itself and all services and fit-outs.

(102) INSTALLATION OF DUAL-FLUSH TOILETS

All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Principal Certifier, prior to the relevant Construction Certificate being issued.

(103) INSTALLATION OF WATER EFFICIENT TAPS

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Principal Certifier, prior to an Occupation Certificate being issued.

(104) INSTALLATION OF WATER EFFICIENT URINALS

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Principal Certifier, prior to the relevant Construction Certificate being issued.

(105) INTERNAL LIGHTING SYSTEM

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

(106) STREET TREE PROTECTION

Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

(a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:

(i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and truck at all times;

(ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and

(iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,

(iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.

(b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.

(c) 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.

(d) Young street trees with existing wooden stakes in place do not require trunk protection to be installed.

(e) Temporary signs, or any other items, shall not be fixed or attached to any street tree.

(f) Any excavation within in any area known to, or suspected of having street 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 3 metres of any street tree. Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services.

(h) Existing sections of kerbs adjacent to any street tree shall not be removed without approval from the Street Tree Coordinator. Removal of kerbs adjacent to mature trees can cause trees to become unstable and fail.

(i) (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

TRANSPORT FOR NSW, RMS

(107) CONSTRUCTION PEDESTIAN AND TRAFFIC MANAGEMENT PLAN

Prior to commencement of construction, an updated detailed Construction Pedestrian and Traffic Management Plan (CPTMP) is to be prepared in consultation with the Sydney Coordination Office and Sydney Light Rail team within TfNSW and is to be submitted to the Coordinator General, Transport Coordination for endorsement prior to the commencement of any works.

The CPTMP is to specify, but is not limited to, the following:

- Location of the proposed work zone;
- Haulage routes;
- Construction vehicle access arrangements;
- Proposed construction hours;
- Estimated number of construction vehicle movements;
- Construction program;
- Consultation strategy for liaison with surrounding stakeholders;
- Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- Cumulative construction impacts of the projects including Sydney Light Rail Project, Wanda One and Quay Quarter Sydney. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and
- Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

TRANSPORT FOR NSW

(108) SYDNEY TRAINS

(a) The following items are to be submitted to Transport for NSW (TfNSW) for review and endorsement prior to the issuing of a Stage B1 Construction Certificate:

a. The design and construction of the basement levels, foundations, retaining walls and ground anchors for the approved development are to be completed to the satisfaction of TfNSW. The developer shall develop their foundation design to comply with the limitations of the Structure Exclusion Zones as indicated in drawing 482749-290 Rev 2

and 482749-292 Rev 2. Detailed design of the foundation system including retaining walls should be provided including all relevant levels and cross sectional drawings showing the proposed basement and footing excavation and structural design of sub ground support for the proposed foundations.

b. All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of noise and vibration from (future) railway operations. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.

c. All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of stray electrical currents, electromagnetic effects and the like from railway operations. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.

(b) No modifications may be made to the approved design without the consent of TfNSW.

(c) TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

(d) If required by TfNSW, the Applicant may be required to submit as-built drawings to TfNSW and Council at the completion of the works.

(109) PROTECTION OF TfNSW INFRASTRUCTURE AND SYDNEY LIGHT RAIL OPERATION

Information Required from the Applicant.

The applicant shall provide the information for TfNSW approval prior to issuing the relevant construction certificate, not limited to, the following:

(a) Final geo-technical and structural drawings;

(b) Final construction methodology;

(c) Final cross sectional drawings;

(d) Detailed survey plan;

(e) Acoustic assessment;

(f) Electrolysis report;

(g) Details of balconies/window openings;

(h) Assessment on use of lights, signs and reflective materials which are visible from the light rail corridor; and

(i) Details of insurances.

(110) RELOCATION OF TfNSW SERVICES INFRASTRUCTURE

The relocation of any TfNSW services or infrastructure are to be at the applicants cost and to TfNSW Requirements and Standards.

(111) COST OF WORKS AND SIGNAGE

All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW/Roads and Maritime Services.

(112) PROTECTION OF TfNSW INFRASTRUCTURE

Prior to the issuing of any Construction Certificate, the applicant needs to liaise with TfNSW to ascertain its requirements in relation to the protection of TfNSW's infrastructure. The applicant is to submit to TfNSW all relevant documentation as requested by TfNSW and obtain TfNSWs' written endorsement.

(113) ACOUSTIC ASSESSMENT

The final acoustic assessment is to be submitted to the PCA prior to the issue of the relevant Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.

(114) ELECTROLYSIS ASSESSMENT

Prior to the issue of the relevant Construction Certificate the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the PCA with the application for the relevant Construction Certificate.

(115) LIGHTING

The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of TfNSW. The PCA shall not issue the relevant Construction Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.

(116) INSURANCE

Prior to the issue of the relevant Construction Certificate the applicant must hold current public liability insurance cover for a sum to be determined by TfNSW. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

(117) INTERFERENCE WITH LIGHT RAIL OPERATION

Prior to the issuing of the relevant Construction Certificate the applicant shall enter into an Agreement(s) with TfNSW and the light rail operator. The Agreement(s) shall include, but not limited to:

(a) Pre and post construction dilapidation reports;

(b) The need for track possessions;

(c) Review of the machinery to be used during excavation/ground penetration / construction works;

(d) The need for track monitoring;

(e) Design and installation of lights, signs and reflective material;

(f) Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);

(g) Endorsement of plans regarding proposed craneage and other aerial operations;

(h) Erection of scaffolding/hoarding;

(i) Light Rail Operator's rules and procedures; and

(j) Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.

The PCA is not to issue the relevant Construction Certificate until written confirmation from TfNSW has been received confirming that this condition has been complied with.

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(118) PHYSICAL MODELS

(a) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council 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.

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

(a) Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council 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.

(120) HOURS OF WORK AND NOISE – CBD

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

(a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.

(b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

(c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

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

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

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

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

(122) ACCESS DRIVEWAYS TO BE CONSTRUCTED

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

(123) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(124) ENCROACHMENTS – PUBLIC WAY

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

(125) SURVEY

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

(126) SURVEY CERTIFICATE AT COMPLETION

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

(127) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

(a) All loading and unloading associated with construction activity must be accommodated on site.

(b) 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.

(c) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

(d) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

(e) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(128) NO OBSTRUCTION OF PUBLIC WAY

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

(129) USE OF MOBILE CRANES

The following requirements apply:

(a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

(b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

(c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

(130) FLOOD PROTECTION FEATURES

(a) Prior to the issue of any Occupation Certificate, the proposed Flood Protection System including all its features are to be tested by an independent floodplain management consultant, and a report confirming the full operation of the system is to be submitted to and approved by Principal Certifying Authority and a copy of the report shall be provided to Council for record keeping purposes

(131) POSITIVE COVENANT – FLOOD PROTECTION MEASURES

(a) Prior to the issue of any Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council.

The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of all Flood Barriers/Gates, and is to require the maintenance of a $20,000,000 public indemnity insurance policy to which Council is a named party and is to require the maintenance, upkeep and repair of all Flood Barriers/Gates to ensure they are fully operational at all times. Such indemnity is to be transferable to all future owners of the building.

The positive covenant is to list all the flood protection measures installed in the building and record the ongoing obligation of the owners of the building to comply with the Flood Emergency Response Plan required to be submitted and approved under condition 95 – Flood Emergency Response Plan.

(132) GREEN TRAVEL PLAN

The Green Travel Plan submitted as part of this application has not been approved, but is supported in principle. A Green Travel Plan based on the draft Green Travel Plan submitted by ARUP dated 16 November 2017, must be submitted to and approved by Council prior to an Occupation Certificate for the commercial tower (T) being granted.

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

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

(i) Coordinating implementation efforts,

(ii) Conducting surveys or other data collection processes to measure progress;

(iii) Communicating the travel plan to stakeholders;

(iv) Coordinating events to promote awareness of the plan and associated invites;

(v) Coordinating marking and promotional programs.

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

Note: It is recommended the applicant review information on Council's website about preparing Travel Plans. The applicant may also contact a member of the Transport and Access Unit, to discuss the Green Travel Plan prior to its submission.

(133) PITT STREET / UNDERWOOD STREET CONFIGURATION

The final design for the access from Underwood Street, and its interface with the development site, is subject to ongoing refinement.

The in principal support for the proposed access to the site is subject to ongoing collaboration between the developer, the Sydney Coordination Office within TfNSW, the Sydney Light Rail Office within TfNSW, TfNSW, Roads and Maritime Services and City of Sydney.

In this regard the access design will need to satisfy road safety, pedestrian and cyclist amenity requirements.

The final design will include plans that include a workable option for the following:

(i) Pitt Street carrying southbound traffic only. Provision of swept paths is to be provided which reflect this arrangement.

(ii) Pitt Street cycleway. Provision of swept paths is to be provided which reflect a future cycleway on Pitt Street.

(iii) Underwood Street is to be designed to not prohibit a future shared zone arrangement.

(iv) Continuous footpath treatment at Underwood Street and Pitt Street.

The final plan must be approved by Council's Area Planning Manager prior to an Occupation Certificate for the commercial tower (T) being granted.

(134) CRANE PLACE AND RUGBY PLACE

The final design for Crane Place and Rugby Place, is subject to ongoing refinement.

In this regard the design will need to satisfy road safety, pedestrian and cyclist amenity requirements. The final design is to exclude vehicular traffic along Crane Place and Rugby Place. The design of Crane Place and Rugby Place is to provide suitable pedestrian and bicycle amenity.

A final design is also required addressing suitable pedestrian and bicycle access from George Street.

The final plan must be approved by Council's Area Planning Manager prior to an Occupation Certificate for the commercial tower (T) being granted.

(135) BICYCLE ACCESS

A final design is also required addressing suitable bicycle access to the bicycle parking and End of Trip facilities. This is to include a suitable design accommodating bicycles for Crane Place and Rugby Place.

A final design is also required addressing suitable pedestrian and bicycle access from George Street.

The final plan must be approved by Council's Area Planning Manager prior to an Occupation Certificate for the commercial tower (T) being granted.

(136) WASTE AND RECYCLING COLLECTION CONTRACT

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

(137) STREET NUMBERING – MAJOR DEVELOPMENT

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

(138) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

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

SCHEDULE 3

TERMS OF APPROVAL – WATER NSW

The Terms of Approval for Integrated Development as advised by WaterNSW are as follows:

1. A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.

2. An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.

3. If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the *Protection of the Environment Operations Act 1997 (NSW)* may also be required.

4. WaterNSW prefers “tanking” (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).

5. If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.