

Attachment A

Recommended Conditions of Consent
--

(A) PART A - DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(1) SYDNEY TRAINS CONDITIONS

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with the Asset Standards Authority Guidelines ASA T HR CI 12051 ST Development Near Rail Tunnels Version 2.0 Issue date: 15 November 2018 (<https://www.transport.nsw.gov.au/industry/asset-standards-authority>):

- (i) Detailed impact assessment report with details in accordance with Section 8.3.2 of this standard
 - (ii) Detailed risk assessment report in accordance with Section 8.3.3 of this standard
 - (iii) Detailed dilapidation survey report in accordance with Section 10.1 of this standard
 - (iv) Monitoring plan including trigger levels, action plans and remedial measures
 - (v) Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.
- (2)** Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (3)** The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (4)** Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation).

(B) PART B – CONDITIONS OF CONSENT

SCHEDULE 1A - APPROVED DEVELOPMENT / COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/857 dated 9 August 2019, as amended, and the following drawings prepared by Ingenhoven and Architectus:

Drawing Number	Revision	Drawing Name	Date
DA-1000-BAS-BC	C	Basement B01 Plan	13.03.2020
DA-1000-BAS-B1M	B	Basement B01M Mezzanine Plan	04.11.2019
DA-1000-BAS-B2	B	Basement B02 Plan	02.12.2020
DA-1000-BAS-B3	A	Basement B03 Plan	29.07.2019
DA-1000-BAS-B4	A	Basement B04 Plan	29.07.2019
DA-1000-BAS-B5	A	Basement B05 Plan	29.07.2019
DA-1000-BAS-B6	A	Basement B06 Plan	29.07.2019
DA-1000-BAS-B7	A	Basement B07 Plan	29.07.2019
DA-1000-POD-01	D	Podium Level 01 Plan	13.03.2020
DA-1000-POD-02	C	Podium Level 02 Plan	13.03.2020
DA-1000-POD-03	B	Podium Level 03 Plan	13.03.2020
DA-1000-POD-04	B	Podium Level 04 Plan	13.03.2020
DA-1000-POD-05	B	Podium Level 05 Plan	13.03.2020
DA-1000-POD-06	D	Podium Level 06 Plan	13.03.2020
DA-1000-POD-07	A	Tower Level 07 (Podium Plant)	29.07.2019
DA-1000-POD-08	B	Podium Roof Plan	29.11.2019
DA-1000-TOW-08	A	Tower Level 08 Plan – Type A	29.07.2019

Drawing Number	Revision	Drawing Name	Date
DA-1000-TOW-09	A	Tower Level 09 Plan – Type B	29.07.2019
DA-1000-TOW-10	A	Tower Levels 10-33 Plan – Type C	29.07.2019
DA-1000-TOW-34	A	Tower Level 34 Plan – Type D	29.07.2019
DA-1000-TOW-35	A	Tower Level 35 Plan – Type D	29.07.2019
DA-1000-TOW-36	A	Tower Level 36 Plan – Plant	29.07.2019
DA-1000-TOW-37	A	Tower Level 37 Plan – Amenities	29.07.2019
DA-1000-TOW-38	A	Tower Level 38 Plan – Type E	29.07.2019
DA-1000-TOW-39	A	Tower Levels 39-41 Plan – Type F	29.07.2019
DA-1000-TOW-42	A	Tower Levels 42 & 44 Plan – Type G1	29.07.2019
DA-1000-TOW-43	A	Tower Level 43 Plan – Type G	29.07.2019
DA-1000-TOW-45	A	Tower Levels 45-56 Plan – Type H	29.07.2019
DA-1000-TOW-57	A	Tower Level 57 Plan – Type J	29.07.2019
DA-1000-TOW-58	A	Tower Level 58 Plan – Type K	29.07.2019
DA-1000-TOW-59	A	Tower Level 59 Plan – Plant	29.07.2019
DA-1000-TOW-60	A	Tower Level 60 Plan – Amenities	29.07.2019
DA-1000-TOW-61	A	Tower Levels 61-64 Plan – Type L	29.07.2019
DA-1000-TOW-65	A	Tower Levels 65-79 Plan – Type M	29.07.2019
DA-1000-TOW-65-79	A	Tower Levels 65-79 Plan – Type M	29.07.2019
DA-1000-TOW-80	A	Tower Level 80 Plan – Restaurant	29.07.2019
DA-1000-TOW-81	A	Tower Level 81 Plan – Roof Plant	29.07.2019
DA-1000-TOW-82	A	Tower Level 82 Plan – Roof Plant	29.07.2019

Drawing Number	Revision	Drawing Name	Date
DA-1000-TOW-83	A	Tower Level 83 Plan – Roof Feature	29.07.2019
DA-1501-OA-00	A	Demolition Site Section	29.07.2019
DA-1510-OA-00	A	Demolition George Street Elevation	29.07.2019
DA-1511-OA-00	A	Demolition Kent Street Site Elevation	29.07.2019
DA-2000-OA-00	A	Overall Elevation – George St	29.07.2019
DA-2001-OA-00	A	Overall Elevation – Kent St	29.07.2019
DA-2002-OA-00	A	Tower Elevations – North and South	29.07.2019
DA-2010-TOW-00	A	Tower Elevation Pt. 1 – George St	29.07.2019
DA-2012-TOW-00	A	Tower Elevation Pt. 3 – George St	29.07.2019
DA-2014-TOW-00	A	Tower Elevation Pt. 5 – George St	29.07.2019
DA-2020-POD-00	A	Podium Elevation – George St	29.07.2019
DA-2040-POD-00	A	Podium Elevation – Kent St	29.07.2019
DA-2100-OA-00	B	Overall Longitudinal Section A-A	13.03.2020
DA-2101-OA-00	B	Overall Cross Section B-B	13.03.2020
DA-2110-TOW-00	A	Tower Longitudinal Section A-A Part 1	29.07.2019
DA-2112-TOW-00	A	Tower Longitudinal Section A-A Part 3	29.07.2019
DA-2114-TOW-00	A	Tower Longitudinal Section A-A Part 5	29.07.2019
DA-2120-POD-00	B	Podium Longitudinal Section A-A Part 6	13.03.2020
DA-2140-POD-00	B	Podium Cross Section A-A Part 6	13.03.2020
DA-2141-POD-00	B	Podium Cross Section C-C	13.03.2020

Drawing Number	Revision	Drawing Name	Date
DA-9001-OA-00	A	BASIX Summary	29.07.2019
DA-9011-TOW-00	A	Tower L8 Window Schedule	13.03.2020
DA-9012-TOW-00	A	Tower L9 Window Schedule	13.03.2020
DA-9013-TOW-00	A	Tower L10-11 Window Schedule	13.03.2020
DA-9014-TOW-00	A	Tower L12-20 Window Schedule	13.03.2020
DA-9015-TOW-00	A	Tower L21-33 Window Schedule	13.03.2020
DA-9016-TOW-00	A	Tower L34 Window Schedule	13.03.2020
DA-9017-TOW-00	A	Tower L35 Window Schedule	13.03.2020
DA-9018-TOW-00	A	Tower L38 Window Schedule	13.03.2020
DA-9019-TOW-00	A	Tower L39-41 Window Schedule	13.03.2020
DA-9020-TOW-00	A	Tower L42-44 Window Schedule	13.03.2020
DA-9021-TOW-00	A	Tower L45-56 Window Schedule	13.03.2020
DA-9022-TOW-00	A	Tower L57 Window Schedule	13.03.2020
DA-9023-TOW-00	A	Tower L58 Window Schedule	13.03.2020
DA-9024-TOW-00	A	Tower L61-64 Window Schedule	13.03.2020
DA-9025-TOW-00	A	Tower L65-79 Window Schedule	13.03.2020
DA-9030-TOW-00	A	Bay Windows / Natural Ventilation Details	13.03.2020
DA-9031-TOW-00	A	Wintergarden / Natural Ventilation Details	13.03.2020

and as amended by the conditions of this consent.

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

- (c) The following definitions/terms apply to this development consent:
- (i) **“Whole Tower”** means Level 07 to the top of the building (including the architectural roof feature and lift overruns);
 - (ii) **“Low-rise”** means Level 07 to Level 35 inclusive;
 - (iii) **“Mid-rise”** means Level 38 to Level 58 inclusive; and
 - (iv) **“High-rise”** means Level 61 to Level 79 inclusive.
 - (v) A **“Level”** means the level referred to in the approved architectural drawings referenced in part (a) above.

(2) TIME-LIMITED USE AS SERVICED APARTMENTS

- (a) Consent is granted for the use of the Low-rise, Mid-rise and High-rise levels within the Whole Tower as serviced apartments, for up to but not exceeding twenty (20) years after the date from which an Occupation Certificate is issued for the first use of any part of the Whole Tower. At the expiration of the approved use as serviced apartments of twenty (20) years, the approved use is for residential purposes.
- (b) Serviced apartments are only permitted in the low-rise, mid-rise and high-rise levels of the Whole Tower if all levels within the relevant tower rise are to be used for the purpose of serviced apartments only.
- (c) The time-limited use must be in accordance with the following architectural drawings prepared by Ingenhoven and Architectus:

Drawing Number	Revision	Drawing Name	Date
DA-7000-TOW-08	A	Tower L08 Serviced Apartment – Type A	29.07.2019
DA-7000-TOW-09	A	Tower L09 Serviced Apartment – Type B	29.07.2019
DA-7000-TOW-10	A	Tower L10-33 Serviced Apartment – Type C	29.07.2019
DA-7000-TOW-34	A	Tower L34 Serviced Apartment – Type D	29.07.2019
DA-7000-TOW-35	A	Tower L35 Serviced Apartment – Type D1	29.07.2019
DA-7000-TOW-38	A	Tower L38 Serviced Apartment – Type E	29.07.2019

Drawing Number	Revision	Drawing Name	Date
DA-7000-TOW-39	A	Tower L39-41 Serviced Apartment – Type F	29.07.2019
DA-7000-TOW-42	A	Tower L42 & 44 Serviced Apartment – Type G1	29.07.2019
DA-7000-TOW-43	A	Tower L43 Serviced Apartment – Type G	29.07.2019
DA-7000-TOW-45	A	Tower L45-56 Serviced Apartment – Type H	29.07.2019
DA-7000-TOW-67	A	Tower L57 Serviced Apartment – Type J	29.07.2019
DA-7000-TOW-58	A	Tower L58 Serviced Apartment – Type K	29.07.2019
DA-7000-TOW-61	A	Tower L61-64 Serviced Apartment – Type L	29.07.2019
DA-7000-TOW-65	A	Tower L65-79 Serviced Apartment – Type M	29.07.2019

- (d) Conditions numbers 2(a) to 2(c), 22, 23, 24 and 25 apply while any tower rises are used as serviced apartments. Conditions numbers 2(a) to 2(c), 22, 23, 24 and 25 cease to apply when the final serviced apartment use of the tower ceases, or after 20 years from the date of issue of the first Occupation Certificate for any part of the Whole Tower, whichever is earlier.
- (e) Levels used as serviced apartments may undergo a change of use to residential accommodation use at any time, for a period of up to 20 years from the date of issue of the first Occupation Certificate for any part of the Whole Tower in accordance with the approved drawings referenced in (c) above, without further development consent or section 4.55 modification under the EP&A Act.
- (f) Despite (e) above, all levels within a tower rise must be changed from serviced apartments to residential accommodation at the same time. All levels occupying a tower rise must be operated as the same use being either serviced apartments or residential accommodation.
- (g) Once a tower rise is changed from serviced apartments to residential accommodation, the tower rise cannot be converted back to serviced apartments under this development consent.

(3) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The footpath awning on the building's George Street frontage is to be extended across the main building entrance, or a centre awning provided above the entrance. The awning may be located higher than the height of the proposed awning to align with the bottom of the architectural screen directly behind the main building entrance.
- (b) The projection of the George Street footpath awning is to be increased to a minimum depth of 2m.
- (c) The driveway design is to be revised/refined to address potential conflict between vehicles and pedestrians using the through site link. This may be addressed through the provision of additional bollards or a change in paving/floor treatment to signify pedestrian areas and vehicle areas. The treatment to address this issue must be coordinated with the public domain to ensure the best design outcome for the interface with the bike lane and footpath.

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

(4) 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 design architects comprising Ingenhoven and Architectus are to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, Section 4.55 applications, Construction Certificate and Occupation Certificate stages;
 - (ii) The design architects are to have full access to the site and are to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;
 - (iii) Evidence of the design architect's commission must be provided to the Council prior to release of the Construction Certificate.
- (b) The design architects of the project is not to be changed without prior notice and approval of the Council's Director Planning, Development and Transport.

The Accredited Certifier and Principal Certifier must be satisfied that the above matters are complied with prior to the issue of a relevant Construction and Occupation Certificates, in accordance with written confirmation from Council.

(5) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT

- (a) A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods, services, fire boosters) keyed to each building elevation must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued. The materials and samples board must not include generic material or colour descriptions, or use terminology such as 'or similar'.
- (b) The side walls for the podium are to comprise a high quality material and must be included on the materials and samples board.

(6) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed *Sydney Local Environmental Plan 2012*. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 63,383sqm inclusive of wind affected balconies.
- (b) Prior to an Occupation Certificate being issued issue of any Occupation Certificate for any combination of residential accommodation or serviced apartments for the Whole Tower, 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 a Construction Certificate being issued, Council's written verification must be obtained, confirming that:
 - (i) 13,117sqm of heritage floor space was allocated (purchased and transferred) to the development, being that gross area in excess of FSR 8:1 and for the centre-based childcare centre additional floor space permitted under Clause 6.32 of *Sydney Local Environmental Plan 2012*; or
 - (ii) The developer may enter into a planning agreement with Council to purchase heritage floor space in accordance with Council's "Alternative Heritage Floor Space Allocation Scheme" policy in the event that the requirement in condition (6)(c)(ii) is not able to be satisfied.
- (d) Prior to any Occupation Certificate being issued for the podium, a documentary restrictive covenant to the effect that 816sqm of the building has been approved as entertainment and club (pursuant to Clause 6.7 of *Sydney Local Environmental Plan 2012*) 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.

(7) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 287 (AHD) to the top of the building and RL 277 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

(8) APPROVED DESIGN ROOF - TOP PLANT

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

(9) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

- (a) The terms of Planning Agreement between the Council of the City of Sydney and CFT No. 4 Pty Ltd dated 7 August 2015 are to be complied with.
- (b) In accordance with the Planning Agreement:
 - (i) the provision of the guarantee is required prior to the first Construction Certificate for an above ground structure with respect to the tower component.
 - (ii) the completion of the developer's works and transfer of land are required prior to the first Occupation Certificate relating to either a serviced apartment or retail premises, whichever comes later; and
 - (iii) registration of easement instruments are required prior to the first Occupation Certificate relating to either a serviced apartment or retail premises, whichever comes later.

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

A cash contribution comprising one per cent 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 Accredited 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 Accredited 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. Any item for which an exemption has been granted is still to be included in the total cost of development, together with an itemised value to enable the City to calculate the value of the exemption.
- (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.

(11) BREAKTHROUGH TO 525-527 GEORGE STREET

- (a) The applicant is to consult and work with the neighbouring property, 525-529 George Street, Sydney, to ensure the implementation of the breakthrough arrangement shown on Drawing No. DA-1000-POD-01 – Podium L01 Revision D.
- (b) Prior to the issue of a Construction Certificate for above ground works, evidence that a documentary Right of Carriageway and Easement has been created and registered on the Title of the 525-529 George Street is to be submitted to Council's Director of City Planning Development and Transport for approval. The documentary Right of Carriageway and Easement is to provide the development site (505-523 George Street)

with unrestricted rights at all times for vehicular access and egress, to Council's satisfaction.

(12) CHILD CARE CENTRE – SEPARATE DA

A separate DA is required to be submitted for the child care centre for approval of the operational details including child care numbers and hours of operation.

(13) INDIVIDUAL TENANCY USE & FITOUT – SEPARATE APPLICATION REQUIRED

- (a) No consent is granted or implied for the fitout or specific use of each individual tenancy within the podium. A development consent or Complying Development Certificate (CDC) (as appropriate) is required to be obtained for fitout and use of each individual tenancy prior to that fitout or use commencing.
- (b) In principle approval is granted for the use of level 80 as a restaurant. Prior to the use commencement, a separate development consent or a CDC is required to be obtained for the approval of the fitout and operational details including patron numbers, hours of operation and a Plan of Management.

(14) THROUGH SITE LINK AND PUBLICLY ACCESSIBLE TOILETS

- (a) The through-site link (George Street to Kent Street) and public toilet facilities located within the George Street ground level podium are to remain accessible to the public at least between the hours of 6.00am – 10.00pm or longer if the retail is open.
- (b) During these hours the public toilets must remain accessible at all times to the public.
- (c) The building owner/operator is responsible for the cleaning, maintenance, repair and renewal of the publicly accessible toilets to the satisfaction of Council.
- (d) An absolute minimum clearance width of 2m must be maintained at all times within the through-site link. No structures, furniture, landscaping, signage and the like are to be located within the 2m clearance zone.
- (e) Prior to the issue of an Occupation Certificate for the podium (P2) a documentary Easement for Public Access, is to be created and registered on the Title of the development site. The Easement is to be defined over the strip of land, of variable width (but not less than 2m), extending from the eastern alignment of George Street to the Western alignment of Kent Street, passing through the podium and alongside the southern tower columns and on the northern side of the driveway for the development (as shown on drawing DA-1000-POD-03, prepared by Ingenhoven & Architectus). The Easement must include the escalator and/or lift access to provide an accessible path of travel between the two levels from George Street to Kent Street. The Easement is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, to Council's satisfaction.

- (f) Prior to the issue of an 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 the Right of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep and repair of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

(15) SIGNAGE STRATEGY

- (a) A separate development application is to be submitted seeking approval of a signage strategy for the building including wayfinding signage. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.
- (b) The wayfinding signage must include identification of the publically accessible toilets located on podium level 3.
- (c) Future signage is to be consistent with the Signage Strategy for the site to be approved by Council as per the requirement of part (a) above.

(16) PUBLIC ART

- (a) Public art work(s) must be installed to the City's satisfaction prior to the issue of any Occupation Certificate for any combination of residential accommodation or serviced apartments for the whole Tower.
- (b) The public artwork(s) must be in accordance with the Sydney DCP 2012, the Public Art Policy, and the Interim guidelines: public art in private developments.
- (c) Final details of the proposed public artwork must be submitted to and approved by Council's Director City Planning, Development and Transport prior to issue of any Construction Certificate for above ground works.
- (d) The sum for the public artwork(s), including consultancy, curation and other associated costs identified in the Public Art Report prepared by Amanda Sharrad and dated March 2020, is to be no less than \$2,500,000 (excluding GST).

Note: Public art must be reviewed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at

<http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>

Please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

(17) RESTRICTION ON RESIDENTIAL DEVELOPMENT

When the conversion of any tower rise (Low-rise, Mid-rise or High-rise) from serviced apartments to residential use occurs, the following restriction applies:

- (a) The relevant rise must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan 2012*.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from 'residential accommodation' as defined in *Sydney Local Environmental Plan 2012*. The covenant is to be registered on title prior the use commencing, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(18) NUMBER OF ADULTS PER ROOM

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

(19) USE OF COMMON AREAS AND FACILITIES

All facilities (gyms, multi-purpose rooms, pools, saunas, music rooms etc.) located on levels 7, 37, 59 and 60, must be available for the use by all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(20) ALLOCATION OF PARKING

- (a) 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 Accredited Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	214

Car Parking Type	Number
Accessible residential spaces	76
Accessible cinema visitor spaces	2
Cinema parking spaces	32
Subtotal	324
Car share parking spaces	6
Motorcycle	28
Hotel/serviced apartment drop off and pick up	6
Loading MRV parking bays	6
Loading B99 / courier parking bays	11

- (b) The car parking rates provided in the table in (a) above is based on the Whole Tower being used as residential accommodation. Basement areas approved for use as residential car parking which are otherwise in excess of the permissible maximum car parking permitted under Sydney Local Environmental Plan 2012 under any combination of residential and serviced apartment uses, are permitted to be used for storage only and not as a car park for the period that the time-limited serviced apartment use is maintained.
- (c) Physical measures are to be implemented to prevent basement areas from being used as car parks, otherwise than as permitted during this period to the satisfaction of the Director City Planning Development and Transport.

(21) COMMERCIAL CAR PARK OPERATION NOT PERMITTED

Consent is not granted or implied for use of the basement at any time for a commercially operated paid car park regardless of the use mix of the Whole Tower.

(22) ONGOING REPORTING OF TOWER USES

- (a) Documentation detailing the mix of residential accommodation and serviced apartment uses in the tower is to be prepared by the building

owner, operator or their agents and submitted to Council on the date of the first occupation certificate of the Whole Tower.

- (b) The building owner or their agents are obligated to submit updated documentation to Council at any time the mix of residential accommodation and serviced apartment uses in the Whole Tower changes. The documentation must include evidence of compliance with Condition 17 (Restriction on residential development), Condition 19 (Use of common area and facilities), Condition 20 (Allocation of parking) and Condition 45 (Restriction on use of car spaces).
- (c) The updated documentation required under part (b) above is to be submitted within 20 business days from the date the relevant occupation certificate is issued or the use occurs whichever is the sooner.
- (d) Council officers may inspect common areas and the basement of the building to confirm compliance with the submitted documentation under this condition.

(23) PLAN OF MANAGEMENT – SERVICED APARTMENTS

A Plan of Management must be submitted and approved by Council's Area Planning Manager/Coordinator prior to any Occupation Certificate being issued related to the serviced apartment use. The Plan of Management must include the minimum criteria as stipulated in Council's *Sydney Development Control Plan 2012 – Section 4.4.8*.

(24) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION

The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010 and regulations thereunder and *Sydney Development Control Plan 2012 – 4.4.8*.

(25) SECURITY - RESTAURANTS, LARGE HOTELS, THEATRES, CONFERENCE ROOMS AND EXHIBITION HALLS

Management shall ensure an appropriate number of security staff (in accordance with the premise's Security Management Plan or, if no such plan is required, approved industry standards) are employed to regulate and control patrons whenever the premise is used for specific public functions or group events.

(26) ANCILLARY SERVICED APARTMENT USES IN THE PODIUM AND BASEMENT

The use of any areas for purposes that are ancillary to the serviced apartment use and which will not be ancillary to the residential use once the final serviced

apartment use of the tower ceases must cease. Any future use of these areas shall be subject to future development consent.

(27) SHARED SOUTHERN SIDE BOUNDARY WALL

- (a) if demolition of the existing building occurs prior to the demolition of the existing building on 505-523 George Street, a temporary southern side boundary wall must be constructed to provide adequate weather and fire safety protection of the building at 523-529 George Street.
- (b) If a temporary southern side boundary wall is required as outlined in (a) above, details of the subject wall are to be submitted to Council's Area Planning Manager or Area Coordinator for approval prior to the issue of a Construction Certificate for demolition of the building on 505-523 George Street.
- (c) If coordinated demolition of both buildings at 505-523 and 525-529 occurs at the same time, then no temporary shared boundary wall is required.

(28) CHANGES TO KERB SIDE PARKING RESTRICTIONS

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

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

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

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

(29) PARKING MANAGEMENT PLAN

- (a) Prior to the issue of any Construction Certificate (other than CC segment B1) a Parking Management Plan shall be submitted to and approved by Council's Area Planning Manager/Coordinator.
- (b) The Parking Management Plan must include details on the proposed management of the car park and drop off and pick up area, including the one way driveway, the shared driveway with 525-529 George Street, coach / bus access, cinema parking and any other car park and vehicle access management required as appropriate to the site. The Parking Management Plan is to be prepared in consultation with the adjoining property owner at 525-529 George Street.

- (c) Car parking and vehicular access to and from the site, must at all times be operated in accordance with the Parking Management Plan approved under part (b) above.

(30) BICYCLE PARKING AND END OF TRIP FACILITIES

The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below:

Bicycle Parking Type	Number	Requirements
Residential	507	Spaces must be class 1 or class 2 bicycle facilities
Non-residential staff	38	Spaces must be Class 2 bicycle facilities
Non-residential serviced apartment staff	50	Spaces must be Class 2 bicycle facilities
Visitor	101	Spaces must be Class 3 bicycle rails
Total	696	
End of Trip Facility Type	Number	
Showers with change area	8	
Personal lockers	88	

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'.*
- (ii) *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; DCP2012 Section 3.11.3; and Austroads Bicycle Parking Facilities: Guidelines for Design and Installation. This will include the design complying with (but is not limited to) the following:*
 - DCP2012 Section 3.11.3 (6a), access to bike parking areas are to be a minimum of 1.8m wide to allow a pedestrian and a person on a bike to pass each.
 - If Hotel visitor parking is provided as class 2, this must be via a valet system documented in a management plan acceptable to Council.

- (iii) The details must be submitted to and approved by Council prior to the issue of an Construction Certificate.

(31) BICYCLE DIRECTIONAL SIGNAGE AND WAYFINDING PLAN

- (a) Directional signage to the bicycle parking facilities are to be installed from the street level, between the bicycle riders entry point/s at the site boundary and the entry point to the End of Trip facilities. Signage is to be generally in accordance with image (a) (Direction sign) shown in Figure 2.5 of *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*.
- (b) Signage is to be installed before the issue of any Occupation Certificate.

(32) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(33) CAR SHARE SPACES

- (a) A minimum of 6 car parking spaces for the exclusive use of car share scheme vehicles are to be provided as shown in plan Basement B02 Plan.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must accessible to members of the car share scheme at all times. This may require a standalone access system for car share scheme members to access the basement level 2. Car share operators should be contacted for further information
- (f) The car share spaces are to be fully operational prior to the issuing of any Occupation Certificate/s. The car share scheme operator is to confirm operation to the Principle Certifying Authority prior to the issuing of any Occupation Certificate/s.

(34) 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.

(35) 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".

(36) 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*.

(37) 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.

(38) PARKING DESIGN

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

(39) SWEPT PATH ANALYSIS

A swept path analysis showing the ramps and loading areas can be accessible by a standard Council Garbage vehicle is to be submitted to and by Council's Area Planning Manager or Area Coordinator prior to the issue of any Construction Certificate.

(40) PARKING ON COMMON PROPERTY AREAS

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

(41) 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.

(42) SIGNAL SYSTEM

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

(43) 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.

(44) 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.

(45) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL, SERVICED APARTMENTS AND MIXED USE

The following conditions apply to car parking:

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

(46) ON-SITE LOADING OPERATION

All vehicles associated with deliveries and site servicing must park within the site at all times. All loading/unloading associated with the site, including deliveries and waste servicing, must be carried out within the site at all times.

At all times the service vehicle dock at the base of the ramp and ramp must be kept clear and must not be used for storage purposes, including garbage storage.

(47) VEHICLES ACCESS – SERVICED APARTMENTS INGRESS ONLY

The driveway located on the subject development must only be used for arriving serviced apartment guests. The subject driveway is restricted to ingress only and must not be used by any other vehicles or purpose including service vehicles and residents.

(48) REMOVAL OF DRIVEWAY AFTER SERVICED APARTMENT USE CEASES

Prior to the issue of any Occupation Certificate for the last remaining serviced apartment use being changed to residential accommodation, the existing driveway on the development site must be removed and the public domain reinstated to Council's satisfaction. Separate approval must be obtained from Council under Section 138 of the *Roads Act 1993* prior to the commencement of removing the driveway and any associated works to the public domain.

(49) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, and the cycle lane on Kent Street, 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.

(50) PROHIBITION ON PARTICIPATION IN RESIDENT CAR PARKING PERMIT SCHEME - APPLICATION OF CITY OF SYDNEY PARKING POLICY

All owners, tenants and occupiers of this building are ineligible to participate in any existing or proposed Council on-street resident parking schemes. All intending owners, tenants and occupiers of the site are to be informed of this ineligibility in writing at the time of entering into a purchase / lease / occupancy agreement.

(51) TRANSPORT ACCESS GUIDE

A Transport Access Guide (TAG) must be implemented and maintained by the operator/s of the premises to inform patrons about accessing the site by sustainable transport options including public transport, taxis, cycling and walking or a combination of these modes. The TAG should also include reference to the driveway access to the site. A TAG Implementation Plan including the following shall be submitted to and approved by Council's Area Planning Manager or Area Planning Coordinator prior to the issue of an Occupation Certificate for the site/use:

- (a) An outline and/or copies of any relevant online / printed material should be submitted with the Implementation Plan, and
- (b) Methods by which the various components of the Transport Access Guide will be communicated to staff and made available to customers.

(52) LOADING MANAGEMENT PLAN

A Loading Dock Management Plan is to be prepared and submitted to and approved by Council's Area Planning Manager/Coordinator, prior to issue of any Occupation Certificate. The Plan is to be prepared for distribution to relevant tenants outlining how the loading dock will be managed and used by all relevant tenants, including special arrangements for parcels. The Plan must include, but is not limited to, management of deliveries to ensure vehicles are not waiting on public streets to enter the site, access arrangements, including details of shared driveway arrangements, and arrangements to reduce potential conflicts with other users of the driveway. The plan must include details on how it will be communicated to all tenants. Once approved, this management plan is to be provided to all relevant tenants and external users of the loading area.

(53) ALCOVE LIGHTING

All alcoves within the development shall be fitted with a sensor-activated vandal proof security light. The light shall be maintained in good working order to Council's satisfaction. The intensity, colour, and illumination must be varied if, at any time in the opinion of the consent authority, adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor is being caused to the amenity of the area.

(54) EXTERNAL LIGHTING

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

(55) UNDER AWNING LIGHTING

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

- (a) the horizontal luminance level must not exceed 200 lux (including reflectivity from exterior finishes). The lux level may be increased to 220 lux in some areas in Central Sydney;
- (b) the horizontal illuminance uniformity ratio (E_{avg}/E_{min}) must not exceed 4:1 to ensure safe movement of pedestrians;
- (c) the intensity, colour, period of intermittency and hours of illumination must be varied if, at any time in the opinion of the Council, adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting* is being caused to the amenity of the area;

- (d) where nearby residents are located above the level of the under awning lighting, details are to be provided to show that light is not directed upwards toward such residences; and
- (e) batten type fluorescent lighting is not permitted to be used for under awning lighting.

(56) AIR CONDITIONERS

- (a) No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:
 - (i) Not be located on awnings or attached to the face of the building;
 - (ii) Not be located on roofs in such a way that it is visible from any street, footpath or park;
 - (iii) Be visually screened if located 1.8 metres above ground level in other locations; and
 - (iv) Wiring shall be fully concealed.
- (b) Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

(57) AWNING MAINTENANCE

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

(58) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

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

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Wood & Grieve, dated 19 March 2020, reference 40690, titled 505 George Street, Sydney Acoustic Report Development Application, Council reference 2020/138611 must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the accredited certifier.

- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to 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.

- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

(60) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
 - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
 - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An $L_{Aeq,15 \text{ minute}}$ (noise level) emitted from the development must not exceed the $L_{A90, 15 \text{ minute}}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
 - (i) The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
 - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

(61) 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 Wood & Grieve Engineers, dated 26 March, Council reference 2020/138591.

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

(62) RESIDENTIAL STORAGE

Prior to the issue of a Construction Certificate for any part of the Tower, a storage schedule and diagrams must be submitted to the Accredited Certifier for approval. The minimum storage requirements must be in accordance with Objective 4G-1 of the Apartment Design Guide which requires 10m³ of storage space per apartment.

Note: 50% of the required storage is to be within the apartments and storage in bedrooms, kitchens, bathrooms and laundries must be excluded from the calculation.

(63) SHOP FRONTS

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

SCHEDULE 1B – CONSTRUCTION CERTIFICATE / GENERAL

(64) CONSTRUCTION CERTIFICATES

- (a) The works may be carried out in segments with the relevant conditions being satisfied prior to the issue of a construction certificate for the relevant segment in accordance with the following:

Segment	Construction Certificate Reference	Works
Basement (B)		
1 – Basement excavation	B1	Excavation, site preparation (including any site remediation) and shoring
2 – Basement structure	B2	Structure, services to and including Level 3 (George Street) Slab
Podium (P)		
1 – Structure	P1	Level 3 (George Street) to Level 7 podium and tower levels (excluding VPA Public Benefits)
2 – Services, façade, base fitout	P2	Level 3 (George Street) to Level 7 podium and tower levels (excluding VPA Public Benefits)
Tower (T)		
1 – Residential Apartment Tower Low Rise	T1	Structure, services, façade (Level 8 – Level 37)
2 – Residential Apartment Tower Mid Rise	T2	Structure, services, façade (Level 38 – Level 60)
3 – Residential Apartment Tower High Rise	T3	Structure, services, façade (Level 61 – top of architectural roof feature)
4 – Serviced Apartment Tower Low Rise	T4	Structure, services, façade (Level 8 – Level 37)
5 – Serviced Apartment Tower Mid Rise	T5	Structure, services, façade (Level 38 – Level 60)

Segment	Construction Certificate Reference	Works
6 – Serviced Apartment Tower High Rise	T6	Structure, services, façade (Level 61 – top of architectural roof feature)
Public Benefits (PB)		
1 – Services, fitout and finishes	PB1	George Street public toilet facility, Level 6 Community Meeting facility and childcare facility deliverables
2 – Public domain finishes and landscaping	PB2	Through-site link, Kent Street, George Street

- (b) The construction certificate segments detailed in (a) above do not need to occur in a sequential order.

(65) REFLECTIVITY

Prior to issue of a Construction Certificate for above ground works the Accredited Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20 per cent.

(66) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

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

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

(67) ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant is to be submitted to the Accredited Certifier:

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia*.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299.

(68) 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.

(69) ASBESTOS REMOVAL WORKS

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

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

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 - 1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).

- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

(70) HAZARDOUS MATERIALS SURVEY REQUIRED

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

(71) ANNUAL FIRE SAFETY STATEMENT FORM

An annual Fire Safety Statement must be given to Council and Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

(72) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.

(73) EXTERNAL WALLS AND CLADDING FLAMMABILITY

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

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

(74) FLASHINGS TO BOUNDARY WALLS

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

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

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

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

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

(76) PRODUCTS BANNED UNDER THE BUILDING PRODUCTS (SAFETY) ACT 2017

- (a) No building products that are banned, or products that are subject to a ban if used in a particular way, under the Building Products (Safety) Act 2017 are to be used in the construction of the development approved in this development consent.
- (b) Prior to the issue of any Occupation Certificate, the principal certifier is to confirm that none of the building products used on the building are subject to a building product use ban under the Building Products (Safety) Act 2017 or, if a product is only subject to a ban if used in a particular way that it is not used in any way contrary to the Building Products (Safety) Act 2017.

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

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A5.2(1)(e) of the Building Code of Australia must be submitted to the satisfaction of Council (where Council is the Accredited Certifier).

(78) PHYSICAL MODELS

- (a) Prior to any Occupation Certificate (including Interim) being issued for any combination of residential accommodation or serviced apartments for the Whole Tower, an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Planning Manager for the City Model in Town Hall House.

Note:

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

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

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

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

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available

online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

(80) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic and Pedestrian Management Plan must be submitted to and approved by Council prior to any Construction Certificate being issued.
- (b) Construction Traffic and Pedestrian Management Plans are to be prepared in accordance with Standard Requirements for Construction Traffic Management Plan on the City's website <http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>

(81) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

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

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

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Policy for Waste Minimisation in New Developments 2005*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:

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

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

(82) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of all adjoining properties sharing a common boundary with the development site are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Accredited Certifier and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

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

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

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
 - (i) existing site contours;

- (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
- (iii) location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

(84) ROAD OPENING PERMIT

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

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

(85) SANDSTONE RECYCLING (FOR LARGE SCALE DEVELOPMENTS INVOLVING EXCAVATION TO A DEPTH OF AT LEAST ONE BASEMENT LEVEL)

- (a) A Geotechnical Report prepared by a suitably qualified geotechnical engineer is to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate. The report is to include an investigation of the nature of the existing subsurface profile using appropriate investigation methodology and borehole testing techniques.
- (b) The Geotechnical Report is to analyse the quality of the material, including contamination, and to assess the suitability of the rock for removal by cutting into quarry blocks for use as high quality building construction material, including for building conservation.
- (c) Subject to confirmation that the rock is of a suitable quality for reuse in other construction, the Geotechnical Report is to include an Excavation Work Method Statement with recommendations as to the depth of the most suitable profile, details excavation methodologies, cutting methods and procedures for the removal of all sandstone material in a useable form and size, noise and dust attenuation measures in addition to recommendations for monitoring, notifications and review.
- (d) In addition, details of any required storage of material off site must be submitted. If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is 'Yellow Block' sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse. Storage may be able to be facilitated by the Council or the NSW Department of Commerce. Please contact the Manager Centenary Stonework Program at the NSW Department of Finance and Services on 9372 8526 for further enquiries with regard to storage.

- (e) The programming of the works is to take into account, the above process.

(86) 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.

(87) 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.

(88) DISCHARGE OF CONTAMINATED GROUNDWATER

Prior approval must be sought from the City's Public Domain Unit to discharge any groundwater into the City's stormwater drainage system. Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(89) ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any demolition and remedial works an Environmental Management Plan (EMP) must be prepared for the site and submitted to Council's Area Planning Manager 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, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

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

(90) IMPORTED FILL MATERIALS

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence

all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

(91) 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 Council's Area Planning Manager and the Principal Certifier.

(92) STOCKPILES

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

(93) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The plan must include:
 - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (iv) Details of planting procedure and maintenance;

- (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Accredited Certifier. 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 any Occupation Certificate being issued.

(94) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
 - (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
 - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
 - (v) Details of the soil media/substrate type and depth.
 - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
 - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, the following details are to be submitted to and approved by the Accredited Certifier:
 - (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
 - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.

- (c) All landscaping in the approved plan is to be completed prior to the issue of any Occupation Certificate.
- (d) Prior to the issue of any Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifier. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
 - (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

(95) AIR HANDLING

In the event of any process in any room being of such a nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given-off, an air handling system must be installed providing positive capture and removal of the effluents. The effluent must be discharged to atmosphere at a point that will not create a nuisance and located in a position complying with *AS1668.2 - The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*.

(96) CAR PARK VENTILATION

The car park must be ventilated in accordance with the *Building Code of Australia* and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

(97) CAR WASH BAYS

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

(98) DEWATERING

- (a) If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water under the provisions of Part V of the Water Act 1912. The NSW Office of Water licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

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

(99) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

(100) MICROBIAL CONTROL IN WATER SYSTEMS

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

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

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

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

(101) WASTE WATER TREATMENT DEVICES

All waste water treatment, containment and management devices (including drainage systems, sumps, grease traps & pumps) must be regularly maintained in good working order to ensure that they remain effective. Silt and gross pollutant traps must be fitted in all new stormwater pits.

A maintenance schedule must be developed and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control legislation and NSW Environmental Protection Authority requirements.

(102) 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—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.

(103) LETTERBOXES

- (a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate.
- (b) Letterboxes are to be discreetly located, shall not obstruct and/or dominate the public way and shall be of a type and specification that minimises opportunities for mail theft.
- (c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

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

(104) 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".

(105) 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 any Occupation Certificate is issued for the development, whichever is earlier.

(106) 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 a 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).

(107) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying and Spatial Information 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 NSW Land Registry Services.

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

(108) PUBLIC DOMAIN PLAN

- (a) Public Domain Works Deposit will be required as security for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for completion of the obligations under this consent (Guarantee).
- (b) 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 approval being issued for the public domain plan.
- (c) The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to City of Sydney standards and approval and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the security will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(109) 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.

(110) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) 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 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) A stormwater quality design report shall be prepared in accordance with the City's Music Link MODEL. The certificate/report from the MUSIC Link model and the electronic copy of the MUSIC Model must be submitted to Council's Area Planning Manager or Area Coordinator prior to the issue of a Construction Certificate.
- (e) 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 as per the MUSIC Link report required under part (d) of this condition;
- (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

- (f) 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.
- (g) 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.

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

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

- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

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

(112) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

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

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

The following conditions apply to the development:

- (a) Demolition or excavation which would require cessation of active street frontages uses must not commence until the Podium 1 (P1) Construction Certificate has been issued.
- (b) Prior to the P1 Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) A bank guarantee to be provided in the sum of \$1,052,000 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$1,052,000 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 tenatable 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 any Occupation Certificate for the Whole Tower for any combination of residential accommodation or serviced apartments.
- (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 the principal 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.

(114) 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.

(115) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES

The level difference between ground floor building levels and the adjacent public footpath shall not exceed 1200mm. Detailed plans demonstrating compliance with this requirement must be submitted to and approved by Council as part of the Alignment Levels application prior to the issue of a Construction Certificate for any excavation, construction work or building work (whichever is earlier), excluding any approved preparatory or demolition work.

The following performance criteria shall apply to the design of buildings and structures on the site:

- (a) All proposed habitable floor levels, ground floor levels and basement car park entry levels within the site shall be set 500mm above design 1% AEP flood levels; and
- (b) Suitable freeboard protection shall be provided to other basement access points such as stair wells, lift wells and pedestrian entry / exit points.

A design certification report for floor levels of buildings and structures shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

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

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

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

(117) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the George Street and Kent 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 any 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.

(118) PUBLIC DOMAIN DAMAGE DEPOSIT

- (a) A Public Domain Damage Deposit calculated on the basis of 495 square metres of stone site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).
- (b) The Guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.
- (c) The Guarantee in this condition will be retained in full until the Public Domain Works Deposit Guarantee if required by this consent is lodged with Council. Upon lodgement of the Public Domain Works Deposit Guarantee, the Guarantee in this condition will be released.
- (d) If no public domain works are required the Guarantee in this condition will be retained in full until any Occupation Certificate for any combination of residential accommodation or serviced apartments for the Whole Tower has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. The Guarantee will be released in full unless rectification works are required where upon 90% of the total securities will be released, with the remaining 10% to be retained for the duration of a 6 months Defect Liability Period.

(119) PUBLIC DOMAIN LIGHTING

- (a) Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, 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* 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;

- (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.
- (b) 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.

(120) 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.

(121) TEMPORARY STRUCTURES (HOARDINGS, SCAFFOLDING AND OTHER STRUCTURES) INSTALLED ON PUBLIC ROADS THAT REQUIRE DEVELOPMENT CONSENT

The following forms of temporary structures (hoardings, scaffolding and other structures) proposed for installation on or above public roads and in connection with the construction of the approved development require Council approval (development consent):

- (a) Type B hoardings that span over roads such as laneways;
- (b) Type B hoardings that propose more than a single storey of site sheds installed on a hoarding deck;
- (c) Type A and Type B hoardings with or without scaffolding that project beyond the side boundaries of adjoining properties;
- (d) fenced work compounds at roadway/footway level;
- (e) hoardings/scaffolding associated with works on heritage-listed buildings;
or
- (f) any other large and/or potentially high environmental impact temporary structures, as determined by Council.

A separate development application must be submitted and approved by Council prior to the installation of any temporary structure listed above.

(122) 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.

(123) LAND SUBDIVISION – SEPARATE DA REQUIRED

Any proposal for land subdivision 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*.

(124) LOT CONSOLIDATION

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.

(125) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

A separate application must be made to Council or an accredited certifier to obtain approval of the Strata Plan and issue of a Strata Certificate under the *Strata Schemes Development Act 2015*.

(126) STRATA SUBDIVISION – DEVELOPMENT CONSENT

Any proposal for strata subdivision will require development consent and therefore the lodgement of a separate development application or complying development application and subsequent approval from Council, or an accredited certifier, of the Strata Plan – and issue of a Strata Certificate, under the *Strata Schemes Development Act 2015*.

(127) 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 Accredited Certifier, prior to a Construction Certificate being issued.

(128) 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 any Occupation Certificate being issued.

(129) 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 Accredited Certifier, prior to a Construction Certificate being issued.

(130) 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 Accredited Certifier prior to a Construction Certificate being issued.

(131) SWIMMING POOL - WASTE AND OVERFLOW WATERS

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

(132) SWIMMING POOL/SPA

Swimming and/or spa pool/s and pool surrounds must be maintained in accordance with the *Public Health (General) Regulation 2012*. Note: Guidance may also be obtained from the NSW Health Department's *Public Swimming Pool and Spa Pool Guidelines*.

(133) 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 trunk 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) 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.

(134) STREET TREE PRUNING AND REMOVAL

- (a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

(135) ELECTRICITY SUBSTATION

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

(136) 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.

(137) TELECOMMUNICATIONS IN NEW DEVELOPMENTS

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

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

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

(138) TELECOMMUNICATIONS PROVISIONS

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

(139) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

(140) WASTE AND RECYCLING COLLECTION CONTRACT

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

(141) WASTE AND RECYCLING MANAGEMENT

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan is to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Waste and Recycling Management Plan must be implemented during construction of the development.
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Guidelines for Waste Management in New Developments 2018*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

(142) WASTE/RECYCLING COLLECTION

- (a) The collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

SCHEDULE 1C – DURING CONSTRUCTION / PRIOR TO OCCUPATION CERTIFICATE

(143) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*

- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate; and
- (d) if the discovery is on Council's land, Council must be informed.

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

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

(145) BASIX

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

(146) 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 Team, prior to works proceeding.

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

(147) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

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

(148) 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.

(149) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the following hours:
 - (i) Monday to Friday – 8:00am to 10am, 11:30am to 1:30pm and 3pm to 6pm
 - (ii) Saturdays – 9:00am to 1:00pm only
 - (iii) The operation of high emission appliances is not permitted at any other time including Sundays and Public Holidays
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

(150) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;

- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

(151) ENCROACHMENTS - NEIGHBOURING PROPERTIES

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

(152) 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.

(153) 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.

(154) SURVEY CERTIFICATE AT COMPLETION

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

(155) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

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

(156) COVERING OF LOADS

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

(157) EROSION AND SEDIMENT CONTROL

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

During the construction period:-

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

(158) HAZARDOUS AND INDUSTRIAL WASTE

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

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

(159) VEHICLE CLEANSING

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

(160) RAINWATER HARVESTING & RAINWATER TANKS

- (a) Use

Rainwater is only to be collected from roof catchments and its use is restricted to toilet flushing, washing cars, garden use and for washing machines only.

(b) Installation requirements

All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500:2003. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.

Rainwater tanks shall be designed to include, but not be limited to the following:-

- (i) Rainwater tanks shall be fixed to structurally adequate bases or walls in accordance with manufactures specifications or engineers details.
- (ii) Shall not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without prior approval be adjacent land owners.
- (iii) All roof gutter downpipes must be fitted with a first flush device in accordance with the manufacturer's recommendations.
- (iv) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
- (v) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
- (vi) Shall have an overflow device being fitted to the rainwater tank which directs water into an existing stormwater drainage system, and shall have a suitable drainage plug/tap fitted and positioned in a manner that facilitates flushing and cleaning.
- (vii) The water supply system from a rainwater tank shall be clearly marked at intervals not exceeding 500 mm with the word 'RAINWATER' in contrasting colour, in accordance with AS 1345. Water outlets shall be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.
- (viii) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.

Rainwater tanks that are not directly connected with the potable supply, the indirect connection shall be by means of a visible "air gap" external to the rainwater tank, in accordance with the

provisions of the National Plumbing Code AS /NZS 3500 - Minimum air gap requirements.

Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.

- (ix) Water pumps are to be located so as not causing an “offensive noise” as defined by the *Protection of the Environment Operations Act 1997* to any affected receiver.

(c) Proximity to other services

All rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe

(d) Marking and labelling

- (i) Above ground distribution pipes shall be continuously marked ‘RAINWATER’ in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled ‘RAINWATER’ made in accordance with AS 1345 can be used.
- (ii) Below ground distribution pipes shall be continuously marked ‘RAINWATER’ at intervals not exceeding 500mm in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked ‘RAINWATER’ made in accordance with AS 2648 can be used.
- (iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as ‘RAINWATER’ with a sign complying with AS1319 or a green coloured indicator with the letters ‘RW’. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.

(e) Maintenance

- (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 “Use of rainwater tanks where a reticulated potable supply is available” and any other local water utility requirements.
- (ii) The rainwater collection system shall be constantly maintained in accordance to the manufacturer’s instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms.

(161) NON-ROAD FRONTAGE SHOP NUMBERING - EASE OF IDENTIFICATION

Prior to any Occupation Certificate being issued, shop numbers must be clearly visible at the front of the premises, for ease of identification. Numbering must be maintained so that identification can be made at all times.

(162) STREET NUMBERING – MAJOR DEVELOPMENT

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

(163) SYDNEY WATER CERTIFICATE

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

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

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

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

(164) 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.

(165) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities

at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be obtained.

(166) 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.

(167) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

SCHEDULE 2 – OTHER GOVERNMENT AGENCY CONDITIONS

SYDNEY AIRPORT CORPORATION LIMITED / DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, CITIES AND REGIONAL DEVELOPMENT:

(168) BUILDING HEIGHT AND OBSTACLE LIGHTING

- (a) The building **must not exceed** a maximum height of **289.9 metres AHD**, this **includes all** lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- (b) The building **must be obstacle lit** by medium intensity steady red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Civil Aviation Safety Regulations 1998 Manual of Standards Part 139 – Aerodromes (the MOS). Characteristics for medium intensity lights are stated in subsection 9.4.7 of the MOS.
- (c) If at any time after the height of the building has reached 156 metres AHD, the crane(s) used to construct the building are removed and no other crane(s) are in place for fitout or final works on the building, then the Proponent **must arrange** for the highest of the building to be obstacle lit with a medium intensity steady red light at night. The obstacle lights **must be arranged** to ensure the lighting can be observed in a 360 degree radius as per subsection 9.4.3 of the MOS.
- (d) The Proponent must ensure obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert Sydney Airport Corporation Limited(SACL) reporting staff of any outage.
- (e) Following completion of the building, the Proponent **must advise** SACL, in writing:
 - (i) That the future owner(s)/manager(s) of the building **have been informed** of their **obligation to maintain** the obstacle lighting in accordance with conditions of this approval; and
 - (ii) The contact details of the person/position **responsible for the maintenance** of the obstacle lighting **must be sent** to SACL. These details **must be reviewed regularly** and kept up to date.
- (f) Separate approval **must be sought** under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
- (g) The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing *ifp@airservicesaustralia.com* and quoting YSSY-CA-216.

- (h) The Proponent **must report** all permanent obstacles 100 metres or more above ground level or that penetrate the OLS to the Aeronautical Information Service (AIS) provider, Airservices Australia by emailing *VOD@airserviceaustralia* or telephoning (02) 6268 5622.
- (i) On completion of construction of the building, the Proponent **must provide** the airfield design manager with a written report from certified surveyor on the finished height of the building.
- (j) Breaches of approval conditions are subject to significant penalties under Sections 185 and 187 of the Act.

SYDNEY TRAINS CONCURRENCE CONDITIONS:

(169) ENGINEERING

- (a) Prior to the issuing of any Construction Certificate to enable the undertaking of any ground penetration works, the Applicant shall obtain advice from Sydney Trains as to the need to undertake a detailed geotechnical investigation following the demolition of the existing building. The Principal Certifying Authority is not to issue the Construction Certificate to enable any ground penetration works until written confirmation has been received from Sydney Trains confirming whether this requirement needs to be complied with.
- (b) Prior to the issuing of a Construction Certificate to enable ground penetration works, the Applicant is to submit to Sydney Trains for endorsement the following items:
 - (i) Detailed design of the retention system, foundation and tunnel impact assessment
 - (ii) The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The above items are to be consistent with the Geometric Report prepared by PSM dated 25 November 2019 (Ref: PSM3712-004R Rev 2).
 - (iii) If required by Sydney Trains, prior to any ground penetration below footings from the adjacent buildings further targeted investigation shall be undertaken to assist with the underpinning design.

(170) SUPERVISION

Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

(171) SURVEY

Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified

within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

(172) NOISE & VIBRATION

- (a) The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- (b) Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent.
- (c) Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

(173) ELECTROLYSIS

- (a) Prior to the issue of a 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.
- (b) A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (c) The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

(174) CONSTRUCTION

- (a) No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into RailCorp/Sydney Trains property or easements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (b) Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:
 - (i) Machinery to be used during excavation/construction.
 - (ii) Demolition, excavation and construction methodology and staging.
- (c) The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.
- (d) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (e) If required by Sydney Trains, prior to the undertaking of demolition works a tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the tunnel monitoring, and if required, that it has been endorsed.
- (f) Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (g) No scaffolding is to be used above or near Sydney Trains assets unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed

to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

- (h) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains Engineering & Maintenance Interface to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (i) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

(175) CONSULTATION

- (a) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - (i) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - (ii) acts as the authorised representative of the Applicant; and
 - (iii) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- (b) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- (c) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains Central Interface team via email on Central_Interface@transport.nsw.gov.au.

(176) DOCUMENTATION

- (a) Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easements, unless agreed to be RailCorp. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (b) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

(177) INSPECTIONS

- (a) If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- (b) If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (c) Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- (d) If required by Sydney Trains, the Applicant must give Sydney Trains written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor land:
 - (i) site investigations;

- (ii) foundation, pile and anchor set out;
- (iii) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
- (iv) foundation, pile and anchor excavation;
- (v) other excavation;
- (vi) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
- (vii) other concreting; or
- (viii) any other event that Sydney Trains has notified to the Applicant.

(178) OTHER

- (a) Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
- (b) Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

TRANSPORT FOR NSW CONCURRENCE CONDITIONS:

(179) PROTECTION OF TRANSPORT FOR NSW INFRASTRUCTURE AND LIGHT RAIL OPERATIONS - GENERAL

- (a) The applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor;
- (b) The applicant must comply with the requirements of T HR CI 12080 ST External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines;
- (c) Activities of the applicant must not effect and/or restrict Sydney Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator;

- (d) The applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. It is likely in the first two (2) years there will not a light rail shutdown for maintenance purposes. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion;
- (e) The applicant shall provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all time;
- (f) TfNSW, and persons authorised by it for this purpose, are entitles 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;
- (g) All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant; and
- (h) Construction vehicles shall not be stopped or parked on George Street at any time without prior approval of the Sydney Coordination Office with Transport for NSW.

(180) PROTECTION OF TRANSPORT FOR NSW INFRASTRUCTURE AND LIGHT RAIL OPERATIONS – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(a) Review and endorsement of documents

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant should consult with TfNSW, Altrac and the Sydney Light Rail Operator to confirm the timing of the each construction certificate and associated documentation and activities prior to preparation of requested documentation. The applicant should provide the information to TfNSW for review and endorsement. The Accredited Certifier is not to issue the relevant construction certificate until received written confirmation from TfNSW that the following conditions have been complied with.

- (i) Prior to the issue of any Construction Certificates, the applicant is to confirm in writing with TfNSW what each Construction Certificate stage will involve;
- (ii) Prior to the issue of the relevant Construction Certificate, the applicant shall 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 TfNSW's written endorsement; and

(iii) Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the following documentation shall be provided for the TfNSW endorsement:

- Final geo-technical and structural report/ drawings. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site, easement and substratum;
- Final construction methodology with construction details pertaining to structural support during excavation or ground penetration;
- Details of the vibration and movement monitoring system that will be in place before excavation commences;
- Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor located adjacent to the subject development site. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor; and
- Detailed survey plan.

(b) Pre-construction Work Dilapidation Report

A pre-construction work Dilapidation Report of the Sydney Light rail and its assets shall be prepared by a qualified structural engineer. The dilapidation survey shall be undertaken via a joint site inspection by the representatives of the Sydney Light Rail Operator, TfNSW and the applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed.

(c) Acoustic Assessment

Prior to the issue of the relevant Construction Certificate, the final acoustic assessment is to be submitted to the Accredited Certifier 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.

(d) Electrolysis Analysis

Prior to the issue of the relevant Construction Certificate, the applicant is to engage an Electrolysis Consultant 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 Accredited Certifier with the application for the relevant Construction Certificate.

(e) Reflectivity Report

Prior to the issue of the relevant Construction Certificate, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of Altrac, TfNSW and the Sydney Light Rail operator.

(f) Consultation Regime

Prior to the issue of the relevant Construction Certificate, a detailed regime is to be prepared for consultation with an approval by TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.

(g) Insurance Requirements

Prior to the issue of the relevant Construction Certificate, the applicant must hold public liability insurance cover for a sum acceptable to 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 the particular proposal. Prior to issuing the relevant Construction Certificate, the Accredited Certifier must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

(h) Safety Interface Agreement

Prior to the issue of any Construction Certificate or any preparatory, demolition or excavation works, whichever is the earlier, if required TfNSW, a Safety Interface Agreement between the applicant, TfNSW and/or the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may detail with matters including, but not limited to, the following:

- Pre and post construction dilapidation reports;
- The need for track possessions;
- Review of the machinery to be used during excavation/ground penetration / construction works;
- The need for track monitoring;
- Design and installation of lights, signs and reflective material
- Endorsement of Risk Assessment / Management Plan and Safe Work Method Statements (SWMS);
- Endorsement of plans regarding proposed craneage and other aerial operations;

- Erection of scaffolding/hoarding;
- Light Rail Operator's rules and procedures; and
- Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.

(i) Commercial Agreement

Prior to the issue of any Construction Certificate or any preparatory, demolition or excavation works, whichever is the earlier, if required TfNSW, a Commercial Agreement between the applicant, TfNSW and/or the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:

- Sydney Light Rail Operational requirements;
- Sydney Light Rail access requirements;
- Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;
- Indemnities and releases;
- Insurance requirements and conditions;
- TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown / power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
- Interface coordination between the Sydney Light Rail Operator and the subject development constructions works;
- Altrac and Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;
- Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about and/or below the Sydney Light Rai Corridor;
- Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
- Sydney Light Rail site works access approval and access permit to work.

(j) During Construction

- All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects;
- No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor;
- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as hoarding or structure provides separation;
- During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;
- The applicant must mitigate all noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits;
- Rainwater from the roof must be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately dispose of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority); and
- No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent falling objects onto the rail corridor.

(2) PROTECTION OF TRANSPORT FOR NSW INFRASTRUCTURE AND LIGHT RAIL OPERATIONS – PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

(a) Post-construction Dilapidation Report

Prior to the issue of the Occupation Certificate, a post-construction dilapidation survey shall be undertaken via a joint inspection with representatives from TfNSW, Altrac, the Sydney Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW.

The applicant needs to undertake rectification of any damage to the satisfaction of TfNSW and the Sydney Light Rail Operator and if applicable the local Council.

(b) Reflectivity Report

Prior to the issue of the Occupation Certificate, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limited glare and reflectivity to the satisfaction of TfNSW, Altrac and Sydney Light Rail Operator.

(181) PROTECTION OF CBD RAIL LINK (CBDRL) CORRIDOR

(a) General Conditions

- (i) All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development that have a potential impact on the CBD Rail Link (CBDRL) must be designed, constructed and maintained in accordance with design criteria specified by the TfNSW.
- (ii) The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW;
- (iii) The applicant must make allowances that are to be agreed with TfNSW in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
- (iv) The design and construction of the foundations and ground anchors for the approved development re to be completed to the satisfaction of TfNSW. An accurate plan/CAD model should be included for the proposed foundations, to enable verification against the CBDRL alignment model. The foundation design and any encroachment into Exclusion Zone 4 and beyond must comply with the limitations of the Structure Exclusion Zones as required by TfNSW;
- (v) No modifications may be made to the approved design without the consent of TfNSW;
- (vi) The applicant must provide access by representatives of TfNSW upon request to the site of the approved development and all structures on that site during all stages of the development;
- (vii) TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable if 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 which access is sought;

- (viii) Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records; and
- (ix) All TfNSW costs associated with review of plans, designs and legal must be borne by the applicant.

Prior to the issue of the Construction Certificate

- (b) The applicant should consult with TfNSW to confirm the timing of each construction certificate and associated documentation and activities prior to preparation of requested documentation. The applicant should provide the information to TfNSW for review and endorsement. The Accredited Certifier is not to issue the relevant Construction Certificate until received written confirmation from TfNSW that the following conditions have been complied with.

Prior to issue of any Construction Certificate, the applicant shall address the adverse effects of the approved development on CBD Rail Link (CBDRL) identified in State Environmental Planning Policy (Infrastructure) 2007. The applicant must:

Provide the following for TfNSW review and endorsement:

- (i) Geotechnical Report – Geotechnical Report should demonstrate that suitable consideration has been given the settlements and ground movements that are likely to occur during the construction of the CBDRL. This shall be confirmed via an appropriate ground/structure interaction analysis, either calculations or finite element modelling. The station excavation shall of minimum dimension as set out in the drawing 250091-41-02.
- (ii) Structural Assessment – The structural report should demonstrate compliance with the projection criteria as described on drawing 250091-41-02. Consideration of the ground movements predicted under the geotechnical analysis needs to be considered. Issues including construction methodology, foundation design, shoring system, debonding and possible ground movements need to be addressed in the report.
- (iii) Structural Drawings: Structural drawings should include sections and plan drawings detailing founding levels, storm water retention basis and drainage invert levels, and the use of any ground anchors. The drawings should demonstrate compliance with the requirements of drawing 2500091-41-02.
- (iv) Acoustic and Vibration Assessment - Acoustic and Vibration Assessment shall be updated to include a detailed assessment with verified design inputs and validated assumptions for review once the design is sufficiently developed.
- (v) Electrolysis Report - Electrolysis Report shall be updated to include documentation of the electrolysis design for assessment and demonstrate the approach for the implementation of electrolysis mitigation measures for the development.

Any conditions issued as part of TfNSW approval/certification of the above documents will also form part of the consent conditions that the applicant is required to comply with.

- (vi) Make allowances that are to be agreed with TfNSW in the design for the future construction of railway tunnels in the vicinity of the approved development.
 - (vii) Consult with TfNSW including preparation of a detailed regime for consultation with and approval by TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.
 - (viii) Provide detailed survey information to TfNSW, to confirm the property boundaries are consistent with the setting out on the CBDRL drawings;
 - (ix) Provide to TfNSW drawings, reports and other information related to the design, construction and maintenance of the approved development; and
 - (x) Address such other matters that TfNSW considers is appropriate.
- (c) The applicant is to submit a report to TfNSW demonstrating how the proposed development will comply with the Department's planning document titled Development Near Rail Corridors and Busy Roads - Interim Guideline. All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of air-borne noise, ground-borne noise and vibration that may emanate from the (future) rail corridor construction and rail operations to the proposed development. The applicant must incorporate in the development all the measures recommended in the report.

TRANSPORT FOR NSW (NON-CONCURRENCE) CONDITIONS:

(182) INTERFERENCE WITH SYDNEY LIGHT RAIL OPERATION

(a) General

The applicant must comply with:

All Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor; and;

The requirements of T HR 01 12080 ST External Developments version 1.0 and Development Near Rail Corridors and Busy Roads - Interim Guidelines in particular for window openings.

(b) Other Contractor Deed Poll Form

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant must

sign an Other Contractor Deed Poll form. The form can be accessed from Transport for NSW by sending an email to development.sco@transport.nsw.gov.au. The email shall include the subject line "Other Contractor Deed Poll form".

(183) COACH PARKING AND PASSENGER PICK-UP AND DROP-OFF

(a) Vehicle Swept Paths Analysis

Prior to the issue of any construction certificate, the applicant shall provide the swept paths of cars and buses/coaches parking within the porte cochere to the Sydney Coordination Office within TfNSW, demonstrating that cars and buses/coaches could adequately operate and park simultaneously.

(b) Coach Parking and Passenger Pick-up and Drop-off Management Plan

Prior to the commencement of any work on site, the applicant shall prepare a Coach Parking and Passenger Pick-up and Drop-off Management Plan, in consultation with the Sydney Coordination Office within TfNSW, to ensure the operation of the development would have minimal impact of the operation of the surrounding transport network. The applicant shall submit a copy of the final plan to the Coordinator General, Transport Coordination for endorsement. The plan needs to include, but not be limited to the following:

(i) Measures to avoid:

- Passenger pick-up and drop-off activities within the traffic lanes on Kent Street and George Street and blocking traffic movements; and
- Buses/coaches circulating through the CBD to find parking locations.

(ii) Measures to minimise the use of kerbside restrictions by point to point transport and bus/coach for passenger pick-up and drop-off and bus/coach parking; and

(iii) Measures to ensure that any potential impacts to the operation of the road network and pedestrians from passenger pick-up and drop-off activities associated with the development are actively identified and mitigated, including details of how these activities would be monitored.

The Coach Parking and Passenger Pick-up and Drop-off Management Plan shall be implemented by the applicant following the issue of the Occupation Certificate.

(184) FREIGHT AND SERVICING MANAGEMENT PLAN

- (a) Prior to the issue of any construction certificate, the applicant shall prepare a detailed Freight and Servicing Management Plan in consultation with the Sydney Coordination Office within TfNSW. The applicant shall submit a copy of the final plan to the Coordinator General, Transport Coordination for endorsement. The Plan needs to specify, but not be limited to, the following:

- (b) Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay; and
- (c) Details of loading and servicing facilities within the subject site or within other sites in its immediate vicinity which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business.
- (d) The Freight and Servicing Management Plan shall be implemented by the applicant following the issue of the Occupation Certificate.

(185) ACTIVE TRANSPORT

The applicant shall:

- (a) Investigate and implement measures to prevent cyclists from accessing the site from George Street and encourage access from Kent Street via the Kent Street cycleway; and
- (b) Locate bicycle facilities in secure, convenient, accessible areas close to the Kent Street entry incorporating adequate lighting and passive surveillance and in accordance with Austroads guidelines.

(186) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT

- (a) Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall:
- (b) Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Office within TfNSW and the Sydney Light Rail Operator. The CPTMP needs to ensure that the construction of the development does not in any way adversely impact the following phases of the Sydney Light Rail Project:
 - (i) Construction;
 - (ii) Testing;
 - (iii) Commissioning; and
 - (iv) Regular service operation.
- (c) The CPTMP needs to specify matters including, but not limited to, the following:
 - (i) A description of the development;
 - (ii) Location of any proposed work zone(s), noting that George Street is not a suitable location;
 - (iii) Details of crane arrangements including location of any crane(s) and crane movement plan if there will be cranes on the light rail side of the building;

- (iv) Haulage routes;
 - (v) Proposed construction hours;
 - (vi) Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
 - (vii) Construction program and construction methodology;
 - (viii) A detailed plan of any proposed hoarding and/or scaffolding, including adequate clearance for pedestrian movement alongside light rail vehicles;
 - (ix) Measures to avoid construction worker vehicle movements within the CBD;
 - (x) Consultation strategy for liaison with surrounding stakeholders, including other developments under construction and the Sydney Light Rail Operator;
 - (xi) Any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
 - (xii) Cumulative construction impacts of projects including Sydney Light Rail Project and adjoining development at 525-529 George Street, 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 surrounding road network; and
 - (xiii) Proposed mitigation measures. 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.
- (d) Submit a copy of the final plan to the Coordinator General, Transport Coordination within TfNSW for endorsement; and
 - (e) Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Sydney Coordination Office within Transport for NSW to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.
 - (f) The applicant shall update the CPTMP to reflect the different phases of the Sydney Light Rail Project when required by TfNSW and the Sydney Light Rail Operator. The applicant shall submit a copy of the final updated plan to the Coordinator General, Transport Coordination for endorsement within two weeks of being notified by TfNSW and the Sydney Light Rail Operator to update the plan.

SCHEDULE 3 - 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>