

Attachment A

Recommended Conditions of Consent
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PART A - DEFERRED COMMENCEMENT CONDITIONS

SCHEDULE 1

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

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

(1) STORMWATER MANAGEMENT

The civil plans and site stormwater management plans, (Dwg No.cl-ov-526-01, revision A) showing OSD locations and stormwater connections are not approved. The following documents must be prepared, to the satisfaction of Council's Public Domain officers.

(a) The overall site stormwater management plan in Dwg No.CI-OV-526-01, revision A, dated 23/12/22, must be amended to include the following information:

- (i) quantify the overland flow from storm events, including from sites north of the development site, with consideration of swales and stormwater pits within the publicly accessible area at the northern section of the site (future park);
- (ii) the design of the Z road;
- (iii) details in relation to the sunken area south of Z Road within the Northern Plaza;
- (iv) swale designs, noting MUSIC modelling and the site stormwater management plan contradict the civil design drawings. All drawings must be coordinated;
- (v) include details on the plan including Music Model Treatment measures (as identified in the updated flood report); and
- (vi) written in principle approval from an authorised Sydney Water officer, agreeing to the proposal to connect to the existing stormwater pipe system within the site.

(b) Civil Design Documentation must be amended to include the following:

- (i) the civil plan must clearly show the private and public areas in the development;
- (ii) the ownership of the existing stormwater pipe system, catchment areas, capacity, size, and structural integrity report of the existing pipes. Pipe longitudinal sections to City's design standards must be provided. Details of any existing and proposed pipe easements with dimensions must form part of the plan submission. Drains Model Report must be provided to reflect the design documentation;
- (iii) confirmation by means of a longitudinal section with design R.L.'s that the stormwater pipes can traverse the top of the basement in the Northern Plaza at the correct gradient and to City's standard requirements for building over the roof of the basement.

Note: the proposed stormwater pipe network must be located wholly within the future public domain for ease of access, unless there is a specific need to be located within the private area with easements.

The above (Civil Drawings and Stormwater Management plan amendments) must be incorporated into the MUSIC and DRAINS Models and resubmitted and approved by

the City's Public Domain specialists. All design documentation shall comply with Sydney Streets Technical Specifications.

Reason

To ensure the development site can be effectively managed with regard for stormwater disposal and that stormwater leaving the site meets City's Design and construction standards and City's green cover and tree canopy 2050 targets.

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

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

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

PART B – CONDITIONS OF CONSENT

SCHEDULE 1A

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2021/1415 dated 3 December 2021 and the following drawings prepared by Bates Smart Architects, MHNDUnion/Fieldwork and Richards and Spence Architects:

Tower Building and Plaza Building - Bates Smart Architects

Drawing Number	Drawing Name	Date
D1A.TP.00 (Rev D)	Drawing List	18 October 2022
D1A.TP.01.03 (Rev F)	Ground Floor Site Plan	24 November 2022
D1A.TP.04.00 (Rev E)	Level 00	24 January 2023
D1A.TP.04.01 (Rev C)	Level 01	16 November 2022
D1A.TP.04.02 (Rev C)	Level 02	16 November 2022
D1A.TP.04.03 (Rev E)	Level 03	24 January 2023
D1A.TP.04.04 (Rev E)	Level 04	24 January 2023
D1A.TP.04.05 (Rev E)	Level 05	24 January 2023
D1A.TP.04.06 (Rev C)	Level 06	16 November 2022
D1A.TP.04.07 (Rev C)	Level 07	16 November 2022
D1A.TP.04.08 (Rev C)	Level 08	16 November 2022
D1A.TP.04.09 (Rev C)	Level 09	16 November 2022
D1A.TP.04.10 (Rev C)	Levels 10-13	16 November 2022
D1A.TP.04.14 (Rev C)	Level 14	16 November 2022
D1A.TP.04.15 (Rev C)	Level 15	16 November 2022
D1A.TP.04.16 (Rev C)	Levels 16-18	16 November 2022
D1A.TP.04.19 (Rev A)	Level 19	16 November 2022
D1A.TP.04.20 (Rev B)	Level 20 / Rooftop	14 October 2022
Stantec	Class 2 Glazing	24 January 2023
D1A.TP.03.B00 (Rev E)	Basement Mezzanine	13 January 2023
D1A.TP.03.B01 (Rev E)	Basement 01	13 January 2023
D1A.TP.03.B02 (Rev E)	Basement 02	13 January 2023
D1A.TP.03.B03 (Rev E)	Basement 03	13 January 2023
D1A.TP.09.01 (Rev E)	North & West Elevations	13 January 2023
D1A.TP.09.02 (Rev E)	South & East Elevations	13 January 2023
D1A.TP.09.03 (Rev D)	Plaza Elevations	14 October 2022
D1A.TP.10.01 (Rev E)	North-South Section	13 January 2023
D1A.TP.10.02 (Rev D)	East-West Section	14 October 2022
D1A.TP.10.03 (Rev A)	Basement Entry Section	14 October 2022
D1A.TP.11.01 (Rev D)	Facade Type (Tower)	18 October 2022
D1A.TP.11.02 (Rev D)	Facade Type (Tower)	18 October 2022
D1A.TP.11.03 (Rev C)	Facade Type (Tower)	18 October 2022
D1A.TP.11.04 (Rev D)	Facade Type (Podium)	18 October 2022
D1A.TP.11.05 (Rev D)	Facade Type (Plaza)	18 October 2022
D1A.TP.11.06 (Rev D)	Finishes Board	18 October 2022
D1A.TP.11.07 (Rev C)	Plaza Building	18 October 2022

Drawing Number	Drawing Name	Date
D1A.TP.13.100 (Rev C)	1br Apartment Plans (1)	14 October 2022
D1A.TP.13.101 (Rev C)	1br Apartment Plans (2)	14 October 2022
D1A.TP.13.102 (Rev D)	1br Apartment Plans (3)	13 January 2023
D1A.TP.13.203 (Rev D)	2br Apartment Plans (4)	13 January 2023
D1A.TP.13.200 (Rev C)	2br Apartment Plans (1)	14 October 2022
D1A.TP.13.201 (Rev C)	2br Apartment Plans (2)	14 October 2022
D1A.TP.13.202 (Rev C)	2br Apartment Plans (3)	14 October 2022
D1A.TP.13.300 (Rev C)	3br Apartment Plans (1)	14 October 2022
D1A.TP.13.301 (Rev D)	3br Apartment Plans (2)	14 October 2022

Young Street North and South Buildings - Richards and Spence Architects

Drawing Number	Drawing Name	Date
D1.00.000 (Rev 7)	Cover Page	11 January 2023
D1.00.100 (Rev 4)	Site Plan	9 January 2023
D1A.YSN.04.100 (Rev 3)	Ground Floor	11 January 2023
D1A.YSN.04.101 (Rev 2)	Level 1	13 October 2022
D1A.YSN.04.102 (Rev 2)	Level 2	13 October 2022
D1A.YSN.04.103 (Rev 3)	Level 3	17 November 2022
D1A.YSN.04.104 (Rev 4)	Level 4	10 January 2023
D1A.YSN.04.105 (Rev 4)	Level 5	11 January 2023
D1A.YSN.04.106 (Rev 4)	Level 6	11 January 2023
D1A.YSN.04.107 (Rev 3)	Level 7	10 January 2023
D1A.YSS.04.100 (Rev 3)	Ground Floor	10 January 2023
D1A.YSS.04.101 (Rev 3)	Level 1	11 January 2023
D1A.YSS.04.102 (Rev 3)	Level 2	11 January 2023
D1A.YSS.04.103 (Rev 3)	Level 3	11 January 2023
D1A.YSS.04.104 (Rev 3)	Level 4	11 January 2023
D1A.YSS.04.105 (Rev 3)	Level 5	11 January 2023
D1A.YSS.04.106 (Rev 3)	Level 6	11 January 2023
D1A.YSS.04.107 (Rev 2)	Level 7	13 October 2022
Stantec	Class 2 Glazing	24 January 2023
D1.00.001 (Rev 1)	External Finishes	13 October 2022
D1A.YSN.07.100 (Rev 3)	YSN Elevations	19 December 2022
D1A.YSS.07.101 (Rev 5)	YSS Elevations	14 December 2022
D1A.TP.08.01 (Rev 2)	RFI Sections	13 October 2022
D1A.YSN.08.101 (Rev 5)	YSN Sections	14 December 2022
D1A.YSS.08.101 (Rev 4)	YSS Sections	14 December 2022
D1A.TP.08.01 (Rev 2)	RFI Sections	13 October 2022
D1A.TP.09.101 (Rev 3)	YSN Apartment Types	13 October 2022
D1A.TP.09.101.b (Rev 2)	YSN Apartment Types	11 January 2023
D1A.TP.09.102 (Rev 4)	YSS Apartment Types	14 December 2022
D1A.TP.09.103 (Rev 3)	Adaptable Apartments	13 October 2022
D1A.YSN.10.01 (Rev 1)	Facade Study - YSN	13 October 2022
D1A.YSS.10.01 (Rev 1)	Facade Study - YSS	13 October 2022
D1A.YSN.10.02 (Rev 1)	Facade Study - YSN	13 October 2022

Bourke Street North and South Buildings - MHNDUnion/Fieldwork

Drawing Number	Drawing Name	Date
D2.BSN-S.00.00 (Rev F)	Facade Details – Terrace & Balustrade	27 October 2022
D2.BSN-S.94.14 (Rev F)	Ground Floor	21 December 2022
D2.BSN-S.94.15 (Rev F)	Level 1	21 December 2022
D2.BSN-S.94.16 (Rev F)	Level 2	21 December 2022
D2.BSN-S.94.17 (Rev F)	Level 3	21 December 2022
D2.BSN-S.94.18 (Rev F)	Level 4	21 December 2022
D2.BSN-S.94.19 (Rev F)	Level 5	21 December 2022
D2.BSN-S.94.20 (Rev F)	Level 6	21 December 2022
D2.BSN-S.94.21 (Rev F)	Level 7	21 December 2022
D2.BSN-S.94.22 (Rev F)	Level 8	21 December 2022
D2.BSN-S.94.23 (Rev F)	Roof Plan	21 December 2022
Stantec	Class 2 Glazing	24 January 2023
D2.BSN-S.94.23 (Rev F)	Roof Plan	21 December 2022
D2.BSN-S.20.B01 (Rev E)	Basement B1	21 December 2022
D2.BSN-S.20.B02 (Rev E)	Basement B2	21 December 2022
D2.BSN-S.20.B03 (Rev E)	Basement B3	21 December 2022
D2.BSN-S.30.01 (Rev E)	Elevation North	21 December 2022
D2.BSN-S.30.02 (Rev E)	Elevation East	19 December 2022
D2.BSN-S.30.03 (Rev F)	Elevation West	19 December 2022
D2.BSN-S.30.04 (Rev F)	Elevation South D2(A)/ East D2(B)	19 December 2022
D2.BSN-S.40.01 (Rev E)	Section A	27 October 2022
D2.BSN-S.40.02 (Rev E)	Section B	27 October 2022
D2.BSN-S.40.03 (Rev E)	Section C & D	27 October 2022
D2.BSN-S.41.01 (Rev E)	Section Courtyard North D2(A)	27 October 2022
D2.BSN-S.41.02 (Rev E)	Section Courtyard South D2(A)	27 October 2022
D2.BSN-S.41.03 (Rev E)	Section Courtyard East D2(A)	27 October 2022
D2.BSN-S.41.04 (Rev E)	Section Courtyard West D2(A)	27 October 2022
D2.BSN-S.77.01 (Rev F)	Adaptable Apartments	19 December 2022
D2.BSN-S.77.02 (Rev F)	Adaptable Apartments	19 December 2022
D2.BSN-S.77.03 (Rev F)	Adaptable Apartments	19 December 2022
D2.BSN-S.90.01 (Rev E)	External Finishes	27 October 2022
D2.BSN-S.92.01 (Rev E)	View 01 Bourke Street	27 October 2022
D2.BSN-S.92.02 (Rev E)	View 02 Central Park	27 October 2022
D2.BSN-S.92.03 (Rev E)	View 03 Level 1	27 October 2022
D2.BSN-S.92.04 (Rev E)	View 04 Through Site	27 October 2022
D2.BSN-S.92.05 (Rev E)	View 05 Heritage Plaza	27 October 2022
D2.BSN-S.92.06 (Rev E)	View 06 McEvoy & Bourke Street	27 October 2022
D2.BSN-S.92.07 (Rev E)	View 07 Northern Lobby Entry	27 October 2022
D2.BSN-S.92.08 (Rev E)	View 08 Northern Lobby Entry	27 October 2022

Drawing Number	Drawing Name	Date
D2.BSN-S.94.01 (Rev E)	Facade Details – Terrace & Balustrade	27 October 2022
D2.BSN-S.94.02 (Rev E)	Facade Details – Bourke Street	27 October 2022
D2.BSN-S.94.03 (Rev E)	Facade Details – Plaza	27 October 2022
D2.BSN-S.94.10 (Rev E)	Privacy Screening	27 October 2022

Heritage works to the Pump House, including Stage 2 works, prepared by Bates Smart Architects

Drawing Number	Drawing Name	Date
D1A.VP.01 (Rev A)	Valve and Pump House	2 November 2021
D1A.VP.02 (Rev A)	Pumping Station	2 December 2022

Plans of Proposed Subdivision drawings, prepared by LTS Surveyors

Drawing Number	Drawing Name	Date
Sheet 1 of 4	Basement and below	25 October 2022
Sheet 2 of 4	Ground and above	25 October 2022

and as amended by the conditions of this consent.

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

Reason

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

(2) STAGED CONSTRUCTION

The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of any construction certificate for each stage, as outlined in the table below.

Stage	Works
Stage 1	Construction of basement and buildings, landscaping subdivision and public domain works, and installation of public art.

Stage 2	Construction of a roller door within the northern facade of the Sydney Water Pumping Station, for vehicular access.
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(3) RESTRICTIVE COVENANT RESTRICTION ON THE USE OF LAND – REGISTRATION PRIOR TO OCCUPATION CERTIFICATE

(a) Prior to the issue of any Occupation Certificate for the buildings, a restriction on the use of land must be registered on the title of Lot 101 in DP 1203640, known as 3 McEvoy Street, Waterloo. The restriction may be created pursuant to either Section 88B or Section 88E of the Conveyancing Act 1919, with terms satisfactory to Council, that limits the gross floor area of Lot 101 to the existing gross floor area being 1,181.3 square metres (as defined by the Sydney Local Environmental Plan 2012).

(4) COMPLIANCE WITH REGISTERED VOLUNTARY PLANNING AGREEMENT AND D/2021/1415 (AS MODIFIED)

(a) Full compliance with the terms of the VPA registered as Dealing AP227769 and any subsequent variations in relation to terms relevant to the subdivision, to the satisfaction of Council.

(b) Full compliance must be given to the conditions of consent contained within the abovementioned Notice of Determination as modified, relevant to the subdivision, to the satisfaction of Council.

Reason: To ensure the development complies with all terms of the planning agreement, and current development consents for the site.

(5) DESIGN MODIFICATIONS – ARCHITECTURAL DRAWINGS GENERALLY

The design of the building must be modified as follows:

(a) full height, sliding privacy screens must be provided to the outer edges of all north-facing balconies and north-facing bedrooms for apartments numbered A110, A111, A210, A211, A310, A311, A406 and A407 within the Bourke Street North building. The full height, sliding privacy screens must be designed such that they are capable of obscuring the full width of the balconies and bedrooms when in the closed position.

(b) the roller doors to the loading dock within the Bourke Street North building and the northern wall of the Pump House must be constructed as follows (in accordance with recommendations made by the acoustic report – Trim Ref: 2022/536199):

(i) insulated steel roller shutters ensuring a good seal, and constructed using double-faced insulated panels;

(ii) using guide tracks with a maximum gap no greater than three millimetres, fitted with a nylon brush that is in contact with the door;

(iii) a resilient threshold to minimise impact noise when the door reaches the ground; and

(iv) comprised of a double skin galvanised steel to provide additional mass through the doors.

(c) letter boxes must be provided within residential entry foyers to all buildings, behind secure entry doors. Letter boxes must be installed with non-master key locks for additional security and must be installed prior to the issue of any occupation certificate.

(d) the metal and hit-and-miss brick fencing to all ground level residential apartments of the Tower Building and Young Street North buildings are not approved. Detailed construction drawings must be provided to show:

(i) the fences being a maximum of 1.4m high, as measured from the internal floor levels of private open spaces within the dwellings and showing any masonry components at their bases.

(ii) detailed drawings to a scale of 1:20 must be provided showing metal fences for the Tower Building being constructed using palisade vertical members that prevent direct overlooking from most angles;

(iii) detailed drawings must be provided to a scale of 1:20 for and for hit-and-miss brick fencing for the Young Street North Building.

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

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development. To address visual privacy impacts between adjoining dwellings.

(6) AERIAL BUNDLING OF WIRES

Overhead wires along Bourke Street, McEvoy Street and Young Street must be converted to aerial bundled conductors (ABC). The works must be completed prior to the issuing of the Occupation Certificate. The City must be notified in writing once the approval of Ausgrid has been given and once the bundling works have been completed.

Reason

To ensure the protection of existing and future street trees.

(7) ADDITIONAL NOISE CONTROLS

Deliveries and loading and unloading operations serving commercial premises and all waste collections are restricted to the hours of 7.00am to 10.00pm daily. In accordance with recommendations made by the acoustic report (Trim Ref: 2022/536199).

Reason

To address waste collection and servicing noise.

(8) DESIGN MODIFICATIONS - PLENUMS – BOURKE STREET NORTH BUILDING, BOURKE STREET SOUTH BUILDING, YOUNG STREET NORTH BUILDING AND YOUNG STREET SOUTH BUILDING

PLENUM DETAILING: 1:20 scale minimum plans, elevation and section details of the following must be submitted to and approved by Council's Director City Planning, Development & Transport prior to the issue of any Construction Certificate for above ground works:

- (a) Architectural details of Plenum types A to E (BSN/BSS) and Plenum type A (YSS/ YSN) as described in the Natural Ventilation Study dated 07 October 2022 prepared by Stantec
- (b) These plenums must be amended to include:
 - (i) Dampers within plenums which are manually operable via crank handle located within the room served; and
 - (ii) All internal bar grilles are to be both hinged and to the full height of the plenum to enable full access to the flyscreen/plenum for cleaning and maintenance. If the grilles cannot be full height due to acoustic reasons, an additional hinged infill solid metal panel is recommended below (or alternative which achieves easy full height plenum access).

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

The modifications are to be submitted to and approved by Council's Area Planning Manager, prior to the issue of any Construction Certificate.

Reason

To ensure plenums are simple to use and easily accessible for maintenance and cleaning

(9) DESIGN MODIFICATIONS - WIND MITIGATION - BOURKE STREET NORTH BUILDING (SOUTH WESTERN FACADE)

Amendments are required to drawings, to provide increased soil volume for an evergreen tree canopy required for wind mitigation, west of the Bourke Street North Building, and east of the Valve House.

- (a) The arrow head shaped raised planter in the outdoor dining area indicated as "23. Seating tree grove" in the landscape master plan adjacent Bourke Street North's south western facade is not approved and must be deleted from drawings.
- (b) The arrow head shaped raised planter must be replaced by a 1m depth localised setback of the plaza slab over Bourke Street North's Basement 1 (Fig 1) to create a basement area of minimum height clearance which on B1 spans between the:
 - (i) north: the southern wall of B2 fire escape;
 - (ii) east: the site boundary/ line of building above on ground;
 - (iii) south: cold water meter pump & infiltration room northern wall (unless this can extend to the basement wall); and

(iv) west: the site boundary.

(c) The design of tree planters flush with pavement must provide adequate contiguous soil volume to support a minimum of 3 x medium sized trees to maturity, with reference to soil volumes provided by the City's Landscape Code and the Apartment Design Guide (ADG).

(d) Amended drawings must be provided to the satisfaction of Council's landscape specialists, confirming soil volumes for each tree and planter details, with reference to soil volumes provided by the City's Landscape Code.

(e) An updated wind statement must be provided from the applicant's wind specialist, confirming that these wind mitigation measures achieve the suitable comfort criteria for long term sitting / outdoor dining.

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

Reason

To provide effective wind mitigation to the outdoor dining area to achieve an environment supportive of its intended use.

(10) DESIGN MODIFICATIONS – DETAILING - BOURKE STREET NORTH BUILDING AND BOURKE STREET SOUTH BUILDING

D2(a) Ground & D2(b) Ground:

(a) 1:20 scale minimum plans, elevation and section details of the following must be submitted to address the following:

(i) Fire hydrant booster assembly cabinets (facing Bourke Street) which are to be high quality and well-integrated into the facade;

(ii) Substation doors and grilles and adjacent carpark supply shaft (facing the through site link) which are to be high quality design and materiality and well-integrated into the facade;

(iii) Loading dock door and exit door (facing the through site link) which are to be of high quality design and materiality and well-integrated into the facade. Noting the roller door proposed is not approved.

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

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

Reason

For improved design outcomes directly adjacent the public domain.

(11) DESIGN MODIFICATIONS – ADAPTIBLE APARTMENTS - BOURKE STREET NORTH BUILDING AND BOURKE STREET SOUTH BUILDING

D2(a) & D2(b) Adaptable Apartments:

(a) A114 and A505 apartment stacks must be amended to minimise reconstruction works required to adapt apartments, especially to wet areas and kitchens.

(b) Amended drawings D2.BSN-S.77.01 / D2.BSN-S.77.02 / D2.BSN-S.77.03 must be submitted to and approved by Council's Director City Planning, Development & Transport prior to the issue of any Construction Certificate for above ground works.

The modifications are to be submitted to and approved by Council's Area Planning Manager, prior to the issue of any Construction Certificate.

Reason

For easier adaptation of adaptable apartments.

(12) DESIGN MODIFICATIONS – BOURKE STREET SOUTH BUILDING

D2(b) Apartments:

(a) Apartments B102, B104, B204, B304, B404, and B507 must be amended to include an obscure glass operable window to each bedroom which is consistent with B202 bedroom window.

The modifications are to be submitted to and approved by Director City Planning, Development & Transport, prior to the issue of any Construction Certificate.

Reason

For improved natural cross ventilation outcomes.

(13) DESIGN MODIFICATIONS – YOUNG STREET SOUTH BUILDING

D1(b) Young Street South Ground level waste area / interface:

(a) The waste area at ground level facing east is to be amended to be fully enclosed with full height concrete walls. Any grilles required for mechanical ventilation of these waste areas are to be of high-quality design and materiality and well-integrated into the façade.

The modifications are to be submitted to and approved by Director City Planning, Development & Transport, prior to the issue of any Construction Certificate.

Reason

To remove odour impacts and presentation concerns to the internal through site link.

(14) DESIGN MODIFICATIONS - DETAILING - TOWER BUILDING AND PLAZA BUILDING

D1(a) Tower North Ground:

(a) 1:20 scale minimum plans, elevation and section details of the following must be submitted to address the following:

(i) Fire hydrant booster assembly cabinets (facing north) which are to be of high-quality design and materiality and well-integrated into the facade;

(ii) Substation doors and grilles (facing north) which are to be of high-quality design and materiality and well-integrated into the facade;

(iii) Driveway door & exit door (facing north) which are to be of high-quality design and materiality and well-integrated into the facade. Noting the roller door proposed is not approved.

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

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

Reason

To ensure a high quality interface directly adjacent the public domain

(15) DESIGN MODIFICATIONS - DETAILING - YOUNG STREET SOUTH DESIGN MODIFICATION CONDITIONS:

D1(b) Young Street South

(a) Young Street South Apartments 3BED-B bedroom 3 must be amended to achieve a minimum clearance depth 3m clear as measured from face of the robes.

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

Reason

To comply with minimum ADG bedroom widths

(16) DESIGN MODIFICATIONS - VERTICAL TRANSPORTATION - TOWER BUILDING AND PLAZA BUILDING

(a) The lifts installed are to meet the minimum lift specification recommendations contained within the Vertical Transportation Report prepared by Stantec dated 26 November 2021 (TRIM reference 2021/557631).

(b) In addition, goods movements are to occur during non-peak lifting times as recommended by this report.

These details must be confirmed by a suitably qualified building specialist to the satisfaction of the Accredited Certifier, prior to the issue of any occupation certificate relating to above ground building works.

Reason

To ensure adequate lift wait times.

(17) DESIGN MODIFICATIONS - DETAILING - YOUNG STREET NORTH BUILDING, YOUNG STREET SOUTH BUILDING

D1(a) YSN Ground & D1(b) YSS Ground:

(a) 1:20 scale minimum plans, elevation and section details of the following are to be submitted to and approved by Council's Director City Planning, Development & Transport prior to the issue of any Construction Certificate for above ground works:

(i) D1(b) YSS Ground level interface: Gym / Wellness / Café high quality façade design and detailing including capturing the covered link over

(ii) Details of the materiality, colour and construction of walls, gates and private open space fencing adjacent the Young Street boundary.

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

Reason

To demonstrate DEX is achieved with ground level facades & enable quality deep soil landscape provision directly adjacent the public domain.

(18) DESIGN MODIFICATIONS – WASTE SERVICING AREAS

(a) All architectural drawings must be updated to include clear labelling of both residential and commercial waste storage areas and bulky waste storage areas as specified in the Operational Waste Management Plan.

(b) A residential bulky waste storage room of 18sqm must be provided for the storage and management of residential bulky waste from the Tower and Plaza buildings and the Young Street buildings and labelled on the architectural drawings. The location and design of the room must facilitate safe access for residents and other users and allow for a transfer path for bulky waste to the loading area that is safe, direct, level and free of steps or kerbs. If required, a car parking space must be deleted.

(c) Drawings must be provided to show the removal of the internal wall and doors into 'Retail Bulky Goods' on B1 in Tower loading area, to create one room in architectural drawing D1A.TP.03.B01. A designated commercial bulky waste storage area of 4sqm must be marked within the room.

(d) Architectural drawing D1A.TP.03.00 must be updated to replace the single door with double doors into 'carpark secured lobby' to facilitate the transfer of 1,100L bins to loading area.

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

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development. To address the servicing of the site by waste vehicles.

(19) SHARED ZONE

The proposed shared zones between Young Street, the future extension of Potter Street and Bourke Street (the Z-road) are not approved as part of this consent. Amended drawings and supporting documents must be submitted to show that the proposed shared zones can meet the requirements of Transport for NSW (TfNSW):

(a) the road around the park must be constructed similarly to the shared zone but must not be designated as a shared zone until the completed central publicly open space component is delivered. The design and construction of the shared zone must be phased as follows:

(i) Phase 1: East-west section from Young Street to the publicly accessible open space. Signage and /or other features must be installed to indicate the change in road status; and

(ii) Phase 2: Around the publicly accessible open space and between the publicly accessible open space and Bourke Street.

(b) The detailed design must be submitted to and approved by Director City Planning, Development & Transport, prior to the issue of any construction certificate.

(i) Prior to the detailed design (showing the street and lane network including the shared zone and the lane around the publicly accessible open space) being provided to Council, the applicant must obtain written approval to the design, from an authorised TfNSW officer.

(c) Notes:

(i) the design of the shared zone will require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for endorsement and referral to the TfNSW for final approval;

(ii) gaining a Shared Zone approval can take at least 3 months and the applicant is recommended to begin the process as soon as practical; and

(iii) additional reports, information or design changes may be required by Council officers, the LPCTCC or TfNSW during the approvals process. The cost of any changes and associated

documentation must be undertaken by the applicant. The plan must be included as part of any Public Domain Plans submitted for approval by Council's officers; and

- (iv) TfNSW shared zone policy and guidelines can be found on their website

Reason

To ensure that the final design for the shared zones can meet the requirements of Transport for NSW.

(20) MATERIALS AND SAMPLES BOARDS - ALL BUILDINGS

A separate physical material sample board for all buildings (D1(a), 21(b), D2(a) and D2(b)) must be submitted to and approved by Council's Director City Planning, Development & Transport, prior to any Construction Certificate being issued.

The physical material sample boards for all buildings must specify all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

The separate physical material sample boards must include:

- (a) D(1a) Young Street North and D1(b) Young Street South:
 - (i) D1.00.001 EXTERNAL FINISHES Noting GL1 light tint grey/bronze glass is not approved. All additional materials codes described on detail Façade Study drawings are also to be specified and included on the sample board.
- (b) D1(a) Tower Building And Plaza Building:
 - (i) D1A.TP.11.06 Finishes Board. Noting all additional materials codes described on Elevations and Facade Types details are also to be specified and included on the sample board.
 - (ii) D2(a) Bourke Street North and D2(b) Bourke Street South:
 - a. D2.BSN-S.90.01 EXTERNAL FINISHES. Noting all additional materials codes described on Elevations are also to be specified and included on the sample board.

The separate physical material sample boards must include details in relation to glazing.

(c) GLAZING – All Buildings:

(i) In addition to meeting section J / BASIX requirements, all glass is to be clear to achieve a high level of transparency to provide visual depth and have a neutrality of colour. A consistency in appearance and colour characteristics between all facades per building is to be achieved.

(ii) The submitted details are to include physical samples of the glass types, details of the manner of assembly, and the glazing characteristics including the proposed Shading Coefficient, the Visible Light Transmission and the Reflectivity.

Reason

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

(21) AFFORDABLE HOUSING CONTRIBUTION – GREEN SQUARE OR EMPLOYMENT LANDS – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE

(a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.

(b) The contribution is \$16,563,848.70 (indexed at 16 February 2023). This is calculated by establishing the sum of the equivalent monetary contribution \$11,599.74 multiplied by 1% of the total floor area for non-residential development (3,697sqm) and the equivalent monetary contribution \$11,599.74 multiplied by 3% of the total floor area for residential development (46,336sqm).

(c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2022 to 1 March 2023, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.

(d) Contribution payable at Time of Payment = $C \times \text{MDP2} / \text{MDP1}$, where:

(i) C is the original total contribution amount payable to the City of Sydney as shown above;

(ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and

(iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being 1 March 2022 to 1 March 2023.

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

Reason

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

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

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

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$4,803,083.21
Community Facilities	\$951,869.06
Traffic and Transport	\$1,320,855.21
Stormwater Drainage	\$522,398.52
Total	\$7,598,205.99

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

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

Where:

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

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

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

CPI_{consent} = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 130.9 for the December 2022 quarter.

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

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

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

(23) BUILDING HEIGHT

(a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets:

(i) Tower Building:

- a. Top of lift overrun: 99.65m
- b. Top of rooftop frame (roof): 98.15m
- c. Top of plant enclosure (roof): 97.15m
- d. Top slab level: 94.45m

(ii) Plaza Building:

- a. Top of building: 52.5m

(iii) Young Street North Building:

- a. Top of building (lift overrun): 54.5m;
- b. Top of plant enclosures: 53.3m.

(iv) Young Street South Building;

- a. Top of building (lift overrun): 52.3m;
- b. Top of plant enclosures: 51.9m.

(v) Bourke Street North Building (Tower):

- a. Top of building (plant enclosure): 70.03m
- b. Top of parapet: 68.73m.

(vi) Bourke Street North Building (facing Bourke Street):

- a. Top of building (plant enclosure): 54.45m
- b. Top of parapet: 53.56m.

(vii) Bourke Street South Building:

- a. Top of building (plant enclosure): 53.17m
- b. Top of parapet: 52.17m.
 - (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(24) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed FSR 0.14:1; for the residential use must not exceed FSR 1.86:1; calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the business component is 2,579sqm and for the residential component is 34,689sqm. and the total Gross Floor Area is 37,268sqm.
- (b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Reason

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

(25) DESIGN QUALITY EXCELLENCE

- (a) As the proposal has been awarded bonus floor space or height for achieving design excellence and in order to ensure the design quality excellence of the development is retained to completion:
 - (i) The design architect(s) comprising Bates Smart, MHNDU/Fieldwork and Richards & Spence 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, S4.55 applications, Construction Certificate and Occupation Certificate stages;
 - (ii) The design architect(s) is/are to have full access to the site and is/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 architect 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.

Reason

To ensure the development maintains design quality excellence throughout all phases of the development.

(26) PLAN OF MANAGEMENT – BOURKE STREET NORTH COMMUNAL PRIVATE OPEN SPACE

A plan of management must be provided, outlining the following:

- (a) maintenance of all areas held in private ownership, that will be publicly accessible during daylight hours (including the through-site link from Bourke Street); and
- (b) guaranteeing access for residents of the Bourke Street South Building to both private communal open space areas provided within the Bourke Street North Building (at Level 1 and Level 4).

Reason

To ensure areas of communal open space are suitably maintained and accessible by residents of buildings that do not contain communal private open space.

(27) COMPLETION OF NOISE MITIGATION MEASURES WITHIN SYDNEY WATER BUILDINGS

All noise mitigation measures proposed within the Sydney Water Buildings must be completed, prior to the issue of any occupation certificate (refer to drawing number D1A.VP.02 (Rev A)).

Reason

To ensure noise mitigation measures recommended by the acoustic engineer are implemented prior to the occupation of dwellings.

(28) USE - SEPARATE DA REQUIRED

No consent is granted or implied for the fitout or specific uses of various non-residential uses around the site, including those located within the Plaza Building, the Young Street South, Bourke Street North and Bourke Street South buildings.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fitout and use of all non-residential premises prior to that fitout or use commencing.

Reason

To require separate consent to be obtained for a use.

Reason

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

(29) ARCHAEOLOGICAL INVESTIGATION

An Aboriginal Cultural Heritage Assessment (ACHA) involving full Aboriginal consultation and an Archaeological Site Survey, must be submitted to and approved by Council's Area Planning Manager, prior to the issue of any construction certificate.

(30) ARCHAEOLOGICAL INVESTIGATION

- (a) The applicant must apply to the Heritage Division of the Department of Environment and Heritage for an excavation permit under Section 140 of the *Heritage Act 1977*.
- (b) Should any potential archaeological deposit likely to contain Aboriginal objects be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the NSW Government Office of Environment and Heritage for an excavation permit for Aboriginal objects.
- (c) The applicant must comply with the conditions and requirements of any excavation permit required and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (f) Should any Aboriginal 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*;
- (g) 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's Urban Design and Heritage Manager prior to issue of any Occupation Certificate.

Reason

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

(31) HERITAGE WORKS – PUMP HOUSE BUILDING

Additional documentation is required to detail proposed acoustic works to the pumping station.

(a) The Amended Heritage Impact Statement (HIS) by Weir Phillips dated 7 October 2022 must be updated (or an addendum to the HIS provided), that responds to the following matters:

(i) the HIS must provide internal photographs and an assessment of the significance of the interiors of Pump House;

(ii) the HIS must specify alternative methodologies for the proposed acoustic treatments that would have acceptable heritage impacts giving due regard to the assessment of significance requested above. This update document must be submitted to Council's Area Planning Manager for approval prior to CC.

(b) Construction level details, including drawings to scale, must be provided, detailing the following matters:

(i) the proposed methodology for acoustic glazing to windows;

(ii) fixing methodology for internal acoustic linings;

(iii) including internal elevations and sections showing locations of all acoustic treatment, as well as colour and material specifications of the proposed materials to be used for the internal and external acoustic works to the Pumping Station;

(iv) the details must be sympathetic to the heritage values of the building, must be reversible and must not damage any heritage fabric.

The Amended Heritage Impact Statement and construction drawings and details must be provided to the satisfaction of Council's Area Planning Manager, prior to the issue of any construction certificate.

Reason

To ensure that the heritage of the site is appropriately interpreted and incorporated into the development.

(32) HERITAGE ITEMS - WORKS TO BE CONSISTENT WITH HIS

(a) A conservation work schedule detailing methodologies for implementation of the recommendations of the updated Heritage Impact Statement (referred to above), must be submitted to and approved by Council, prior to any Construction Certificate being issued.

The work schedule must be implemented to the satisfaction of Council's Urban Design and Heritage Manager prior to the issue of any Occupation Certificate.

Reason

To ensure the works are carried out in an appropriate manner that protects the heritage of the site/building.

(33) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
 - (i) New services must use existing service runs;
 - (ii) Where this is not possible, details of an alternative solution must be shown on drawings at a suitable scale and submitted and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to the issue of any Construction Certificate.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The face brickwork/stone/tiles must not be rendered, painted or coated.

Reason

To ensure that the development does not result in adverse heritage impacts.

(34) MATERIALS FOR MAKING GOOD

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

Reason

To ensure appropriate materials and finishes are used.

(35) SITES IN THE VICINITY OF A HERITAGE ITEM – MAJOR DEVELOPMENT

A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

- (a) The Strategy is to detail how the proposed works will ensure that the Pump House, Valve House and the Electrical Substation buildings are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) Additionally the protection strategy is to include:

- (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
- (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
- (iii) (for sites requiring large scale excavation that is below the level of adjacent heritage items) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. The report must address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.

Reason

To provide a protection strategy for heritage buildings.

(36) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

- (a) Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council's Area Planning Manager.
- (b) The report must explain how the existing heritage buildings specifically the Electrical Substation are to be protected and not undermined by the proposed development and give details of any intervention or retrofitting needed.

Reason

To provide a protection strategy for heritage buildings.

(37) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of any Construction Certificate or commencement of work on site whichever is the earlier.
- (c) Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:

- (i) Undertake site inspections of not less than fortnightly intervals.
 - (ii) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
 - (iii) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.
- (d) Upon completion of the works, the final report is to be submitted for approval by Council's Area Planning Manager prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

Reason

To ensure that the implementation of the approved development is carried out in a manner that does not have adverse heritage impacts.

(38) HERITAGE INTERPRETATION PLAN

- (a) A heritage interpretation plan for the former Sydney Water Site, inclusive of the Pump House, Valve House and Electrical Substation facing Young Street, must be submitted to and approved by Council's Area Planning Manager prior, to any Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the former Sydney Water Site and Electrical Substation facing Young Street and will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (d) The approved interpretation plan must be implemented to the satisfaction of Council's Area Planning Manager, prior to the issue of any occupation certificate.

Reason

To ensure that the heritage of the site is appropriately interpreted and incorporated into the development.

(39) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

- (a) Prior to any Construction Certificate being issued, archival photographic recordings of the Pump House, Valve House and Electrical Substation facing Young Street must be prepared to Council's satisfaction.

(b) The recordings must be in digital form and prepared in accordance with the NSW Heritage Division guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

(c) This copy to be lodged with Council is in addition to that required by the Heritage Division of the Department of Environment and Heritage of NSW under the terms of the Conditions of Consent in Schedule 3.

The form of the recording must be as follows:

- (a) The Development Application number must be noted on the submitted information.
- (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (c) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (d) The report is to be submitted on a USB or digital file transfer in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each location, image subject/description and date.
- (e) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images.

Reason

To ensure appropriate archival documentation of the building.

(40) HERITAGE CONSERVATION WORKS

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works must be undertaken concurrent with the works is to be submitted to Council's Director City Planning, Development & Transport for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having heritage significance including but not limited to the following: stonework, brickwork, door and window joinery, glazing, hardware, tiling, roof plumbing, roofing and painting.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.

- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (f) INSPECTION AND APPROVAL: The conservation works are to be progressively inspected by and be implemented to the satisfaction of Council's Urban Design and Heritage Manager prior to the issue of any Occupation Certificate or commencement of the use, whichever is the earlier.

Reason

To ensure the carrying out of appropriate heritage conservation works.

(41) SIGNAGE STRATEGY

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

Reason

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

(42) SIGNS - SEPARATE DA REQUIRED

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

Reason

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

(43) FOOTWAY SEATING NOT APPROVED

No outdoor seating is approved as part of this application. A separate footway (outdoor dining) approval under the Roads Act 1993 (NSW) is required.

Reason

To ensure outdoor dining areas are appropriately assessed and determined.

Reason

To ensure all costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway must be borne by the developer.

(44) DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

Reason

To ensure a public domain dilapidation report is prepared, prior to the commencement of works.

(45) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

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

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

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

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

Reason

To ensure the preservation of existing survey infrastructure.

(46) PUBLIC DOMAIN AND SUBDIVISION WORKS CONCEPT PLAN

The design of the future public domain to be dedicated is not approved. A public domain concept plan, showing all site frontages, including areas extending a minimum of 5m either side of the site boundary and to the road centreline, is to be prepared in accordance with the *Public Domain Manual* and the City's *Sydney Streets Code*. It must be submitted to and approved by City's Director City Planning, Development & Transport prior to the issue of any Construction Certificate for the development other than for demolition or excavation.

The concept submission must include the following:

- a) consideration of further opportunities for soft landscaping, gardens and general greening
- b) all vehicle ramps must be designed in accordance with the updated flood report;
- c) design development of a vehicle turnaround area at the end of Z road;
- d) further design development required to satisfy TfNSW design requirements with regards to vehicle speed mitigation and pedestrian safety for the shared road;
- e) the pedestrian zone at the entry to the site from Bourke street must be as per City's design;
- f) the Z road connection to Young Street must be designed as a continuous footpath treatment;
- g) overall finished levels must reflect the City's Danks Street Precinct Design;
- h) paving layout in accordance with City's design; and
- i) details of fencing around publicly accessible private land and/or heritage areas.

Note: A detailed Public Domain Plan will be required prior to construction (refer to Public Domain Plan Detailed documentation for construction).

Reason

To ensure a public domain plan is prepared, prior to the commencement of works.

(47) PUBLIC DOMAIN LEVELS AND GRADIENTS – MAJOR

Prior to the issue of any Construction Certificate, a Public Domain Levels and Gradients submission for all buildings, future public spaces, pedestrian entry locations from public domain (existing & proposed) and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission, must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed *Application for Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at

<https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

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

Note: Approved Public Domain Levels and Gradients plans are to be submitted with Public Domain Plan – Detailed Documentation for Construction Condition submission.

Reason

To ensure public domain levels are suitable.

(48) STORMWATER DRAINAGE DESIGN

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

A certified stormwater drainage design complying with

- (a) Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design;
- (b) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (c) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (d) Council's Stormwater Drainage Manual; and
- (e) All relevant Australian Standards.

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

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

Reason

To ensure a detailed stormwater management plan is prepared, prior to the commencement of works.

(49) STORMWATER ON-SITE DETENTION

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

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

Reason

To ensure the requirements of Sydney Water are met with regard to the on-site detention.

(50) STORMWATER QUALITY ASSESSMENT

Prior to issue of any Construction Certificate a stormwater quality assessment report prepared by a suitably qualified practicing civil engineer (NER), demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit.

The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link report.

Reason

To ensure the requirements of Sydney Water are met with regard to the on-site detention.

(51) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 17 of the report titled Stormwater Management & Flood Impact Assessment prepared by Stantec Australia Pty Ltd, Ref:39696 dated 11/01/2023.

Details must be submitted to the Principal Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels and other recommendations outlined in this report .

Reason

To ensure a stormwater quality assessment report is prepared prior to the commencement of works.

(52) PUBLIC DOMAIN LIGHTING UPGRADE

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

The lighting upgrade plan must cover all adjacent street frontages and future public domain areas.

Public domain lighting requirements for this development are as follows:

(a) BOURKE ST & McEVOY ST

(i) Lighting standards compliance of AS1158.1.1 Category V3 on the roadway and AS1158.3.1:2020 Category PP2 with minimum 0.7 lux vertical illuminance on the footways is required.

(ii) Upgrade Ausgrid street lighting using network standard LED luminaires.

(b) YOUNG ST

(i) Lighting standards compliance of AS1158.3.1:2020 Category PR2 is required.

(ii) Upgrade Ausgrid street lighting using network standard LED luminaires.

(c) LANEWAY

(i) Lighting standards compliance of AS1158.3.1:2020 Category PR2 is required.

(ii) Provide COS standard 7.5m galv. steel poles with GE R250 Eco 80w LED luminaires.

(d) PLAZA AREAS

(i) Lighting standards compliance of AS1158.3.1:2020 Category PR2 is required.

(ii) Provide COS standard 4.5m pedestrian poles with GE Evolve Eco 40w LED post-top luminaires.

(e) LIGHTING DESIGNS

(i) Lighting designs certified by a practicing lighting engineer must be submitted for council review and approval prior to a Construction Certificate being issued for public domain works.

(ii) Lighting design submission requirements are specified in COS specification " Sydney Streets Technical Specification A5: Street Lighting Design".

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

Reason

To ensure a concept Public Domain Lighting Upgrade Plan is prepared prior to the commencement of works.

(53) ROAD NETWORK AND GEOMETRIC ROAD DESIGN

- (a) Preparation of the detailed design and construction documentation for the proposed public road system shall include all necessary liaison with and requirements of all relevant public utility authorities, Transport for NSW, Council, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance. Written evidence of approval from relevant authorities must be submitted to Council with the road design submission.
- (b) The design and construction of all road works must be undertaken in accordance with City of Sydney's *Sydney Streets Technical Specification* and the *Public Domain Manual*. Detailed plans, construction details and specifications for the works must be prepared and submitted to Council for approval prior to issue of a Construction Certificate for above ground building works.

The detailed plans and supporting documentation shall include as a minimum the following information;

- (i) General subdivision plan with contour details, clearly indicating the extent of work;
- (ii) Road cross sections showing road and footway widths, existing levels, design levels, cross fall grade pavement configuration, batter slopes, engineered retaining walls, kerb returns, kerb and gutter, vehicle crossovers, pedestrian ramps the location of public utility services and 900mm minimum road restoration to match smoothly into the existing road levels;
- (iii) Plan drawing and longitudinal section showing gutter invert, kerb and boundary alignments with design grades of the existing and proposed future public road network including public utility services;
- (iv) Road design and drainage plans showing the following:
 - a. road pavement structure and design;
 - b. kerb, gutter and building alignment;
 - c. traffic management structures / measures;
 - d. traffic, pedestrian and parking signage;
 - e. details of intersections with existing roads including line-marking, pavement marking, sign-posting, swept paths for the largest expected vehicle;
 - f. on-road bicycle route infrastructure and facilities;
 - g. Drainage plans and schedule of drainage elements, showing the following:
 - i. The proposed location of all subsoil drains and sub-pavement drains, including the nominal width and depth of

trenches, pipe diameters and materials, longitudinal design grades, and the locations of outlets and cleanouts;

- ii. The location of public utility services;
 - iii. Details and specifications for the construction of all components of the system in accordance with the *City of Sydney's Sydney Streets Technical Specification*;
 - iv. All assumptions and/or calculations made in the determination of the need or otherwise for subsurface drainage, including requirements of broader stormwater catchment analysis to undertaken beyond the site boundary;
 - v. Drainage details and longitudinal sections with hydraulic grade lines for the design storm and other standard features such as flow rates, pipe class, pipe grade and velocity;
 - vi. Adjustments/upgrades to utility services as required;
 - vii. Standard engineering and structural details plan;
 - viii. Erosion and sedimentation control plans;
 - iv. A design certification report for the road works prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, standards and specifications and those of all other relevant authorities as applicable. All design documentation must be completed in accordance with the relevant standards and specifications as adopted by Council from time to time. All engineering plans and calculations must be checked, signed and certified by a suitably qualified practicing professional engineer.
- (c) The road and drainage 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.

Reason

To ensure all necessary liaison with and requirements of all relevant public utility authorities

(54) TEMPORARY DEWATERING DURING CONSTRUCTION

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

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

Reason

To ensure approval is granted by the City's Public Domain Unit.

(55) PUBLIC DOMAIN AND SUBDIVISION WORKS PLAN - DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain and subdivision works plan and all relevant documentation must be submitted to and approved by the City's Director City Planning, Development & Transport taking into account Public Domain team advice prior to the issue of a Construction Certificate for any above ground building works. This Plan must document all works required to ensure that the public domain upgrade work complies with the City of Sydney's *Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights: Public Domain Design Code, Sydney Streets Technical Specification*. The documentation must be *checked, be accurate, and comply with specified requirements*. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be For Construction issue and will be approved under Section 138 of the Roads Act 1993.

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

The Public Domain Plan documentation must be submitted with an *Application for Public Domain Plan Assessment* and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, an *Application for Public Domain Levels and Gradients* must be submitted to and approved by the Public Domain Unit to reflect these changes prior to an approval being issued for the construction of public domain work.

Reason

To ensure detailed public domain and subdivision works plans are provided.

(56) LANDSCAPE IN PRIVATE OWNERSHIP AT GROUND LEVEL - DESIGN

(a) Detailed landscape design of privately owned land at ground level, with the exception of Site D1(a), are to be included and submitted with the plans for public domain and Subdivision Works.

(b) The detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be designed in accordance with the City's Landscape Code and approved by the City's Director City Planning, Development & Transport prior to the issue of any Subdivision Works Certificate.

Reason

To ensure Detailed landscape designs are prepared in relation to privately owned land.

(57) PAVING MATERIALS

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

Reason

To ensure Detailed landscape designs are prepared in relation to privately owned land.

(58) PUBLIC DOMAIN WORK - CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993

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

Reason

To ensure construction approval is obtained.

(59) HOLD POINTS

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

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

Reason

To ensure hold points are provided, prior to commencement of works.

(60) STORMWATER DRAINAGE CONNECTION

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

Reason

To ensure stormwater connections are arranged, prior to commencement of works.

(61) PUBLIC DOMAIN LIGHTING RETICULATION DESIGN

Prior to the issue of any relevant approval for the construction of public domain and subdivision works, a detailed Public Domain Lighting reticulation Plan for pedestrian and street lighting must be submitted to and approved by the City's Public Domain Unit in accordance with the City of Sydney's *Sydney Lights: Public Domain Design Code*, *Sydney Streets Code*, *Sydney Streets Technical Specification* and *Public Domain Manual*.

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

This public domain lighting documentation shall include pole footing locations and structural details, location and details of underground electrical reticulation including connections and conduits, pit cabling and certifications as described in the City's *Public Domain Manual*. The public domain lighting is to be superimposed on the public domain plan to show any conflicts between lighting and the proposed landscape design.

Reason

To ensure public lighting design is confirmed, prior to commencement of works.

(62) PUBLIC DOMAIN WORKS SECURITY BOND

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

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

The bond will be retained in full until all public domain works, including any rectification of damage to the public domain, are completed to City's standards, and the required work as executed documentation is approved. On satisfying the above requirements and the issue of the Public Domain Letter of Completion by the City, 90% of the bond will be released. The remaining 10% balance will be held for the duration of the specified defects liability period.

Reason

To ensure a bond is retained for the public domain.

(63) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

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

Reason

To establish a defects liability period.

(64) NO OBSTRUCTIONS

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

Reason

To ensure public footways and paths of travel are free from obstructions.

(65) PUBLIC DOMAIN AND SUBDIVISION WORKS COMPLETION

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

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

Reason

To ensure Public Domain and subdivision works are constructed in accordance with the Public Domain Works Approval letter.

(66) LANDSCAPE IN PRIVATE OWNERSHIP AT GROUND LEVEL – COMPLETION

Landscape of privately owned land at ground level to be constructed in accordance with the approved drawings for Landscape in Private Ownership at Ground Level – Design; and the City's Landscape Code. The landscape must be completed prior to the Occupation Certificate for the relevant building.

Reason

To ensure Landscape of privately owned land at ground level is constructed in accordance with the approved drawings.

(67) PUBLIC DOMAIN AND SUBDIVISION WORKS COMPLETION - WORK AS EXECUTED DOCUMENTATION

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

Reason

To ensure public domain works are completed appropriately.

(68) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate:

(a) The Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.

(b) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

Reason

To ensure suitable connections to the City's underground drainage system.

(69) SURVEY INFRASTRUCTURE – PRE-SUBDIVISION CERTIFICATE WORKS

(a) Pursuant to Section 38 of the Surveying and Spatial Information Act 2002, if it is likely that any new survey mark will be disturbed by associated works (for example, footpath or kerb and gutter construction), a surveyor may defer the placement of those marks.

(b) Prior to any the issue of any Subdivision Certificate, documentary evidence in accordance with Section B11 – *Survey Infrastructure of the Technical Specification* must be prepared by a Registered Surveyor and submitted to and approved by the City. This evidence must include:

(i) A copy of any Surveyor-General's Approval for Deferment of Survey Marks granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the draft deposited plan) or

(ii) A Public Domain Letter of Completion obtained from the City's Public Domain team, together with a letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all survey marks shown on their Deposited Plan remain at the date of practical completion.

Reason

To ensure survey marks are considered during works.

(70) SURVEY INFRASTRUCTURE – RESTORATION

(a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager. This evidence must include:

(i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;

(ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre-Subdivision Certificate works" have been complied with and;

(iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

Reason

To ensure survey details are considered during works.

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

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

Reason

To ensure any land dedicated to the City is not encumbered by an Environmental Management Plan or Long Term Environmental Management Plan.

(72) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner engineer (NER), must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required flood planning levels achieved in accordance with the recommendations of the report titled Stormwater Management & Flood Impact Assessment Ref:39696 prepared by Stantec Australia Pty Ltd dated 11/01/2023.

Reason

To ensure that the development is constructed in accordance with the required flood planning levels.

(73) FLOOD RISK MANAGEMENT

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

Reason

To ensure that the development is constructed with consideration of flood risk.

(74) PUBLIC DOMAIN DAMAGE SECURITY BOND

(a) A Public Domain Damage Security Bond calculated on the basis of 480 square metres of concrete unit paving and 550 square metres of concrete site frontage must be lodged with the City in accordance with the City of Sydney's adopted fees and charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.

(b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.

(c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

Reason

To ensure a Public Domain Damage Security Bond is held for the works.

(75) DRAINAGE AND SERVICE PIT LIDS

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

Reason

To ensure drainage and utility service pit lids are considered.

(76) TACTILE GROUND SURFACE INDICATORS, HANDRAILS AND DOORS

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

Reason

To ensure tactile ground surface indicators, handrails and doors are considered.

(77) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

(78) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed private structure (above and below ground , including gates and doors during opening and closing operations, shall encroach upon Council's footpath and public areas to be dedicated to Council.

Reason

To protect the public way.

(79) ALLOCATION OF CAR PARKING

Car parking spaces are to be provided in accordance with the table below. Details confirming the quantity and allocations of car parking spaces is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential standard spaces	252
Residential small car spaces	6
Accessible residential spaces	58
Residential visitor spaces	16
Accessible residential visitor spaces	7
Motorcycle parking	20
Car share parking	6
Service vehicle spaces	4
Medium Rigid Vehicle / Council Waste vehicle spaces	2
Single Rigid Vehicle space	1

Car parking for adaptable units need to be provided as one adaptable space per unit, included within the residential space allowance.

Reason

To specify maximum car parking rates.

(80) CAR PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities is to satisfy the *Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking*, *Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities* and *Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities*. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

Reason

To ensure car parking areas are designed appropriately.

(81) 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.

User	Number of bicycles to be accommodated	Requirements
Residential	373	Class A/B bicycle parking facility in accordance with AS2890.3 (see note below)
Residential visitor	37	Class B bicycle parking facility in accordance with AS2890.3
Staff	11	Class A/B bicycle parking facility in accordance with AS2890.3

Customer	30	Class B/C bicycle parking facility located on the ground level in accordance with AS2890.3
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	11	

The layout, design and security of bicycle facilities must comply with *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*. The details must be submitted to and approved by the Council confirming prior to the Construction Certificate being issued.

Note: A basement storage area on title and large enough to store a bicycle in accordance with the Bicycle spacing envelope requirements in AS2890.3 can be counted as a space.

Reason

To ensure bike parking areas are provided and designed appropriately.

(82) VISITOR CAR PARKING TO BE RETAINED AS COMMON PROPERTY

Visitor car parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'VISITOR' prior to the issue of an Occupation Certificate. All signs must be maintained in good order at all times.

Reason

To ensure visitor parking spaces are provided.

(83) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

Reason

To ensure accessible car parking spaces are provided.

(84) COST OF SIGNPOSTING

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

Reason

To ensure signposting costs are borne by the developer.

(85) ASSOCIATED ROADWAY COSTS

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

Reason

To ensure costs for new roads are borne by the developer.

(86) ON-SITE LOADING OPERATION

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

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

Reason

To ensure loading is considered.

(87) 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.

Reason

To ensure common property is used appropriately.

(88) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must not exceed 10.6 metres.

Reason

To specify maximum vehicle sizes.

(89) VEHICLES ACCESS

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

Reason

To provide for traffic safety.

(90) 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 "Give Way to Pedestrians" before proceeding across the footpath or entering the shared zone.

The signs/ are to be erected prior to issue of an Occupation Certificate and must be maintained in good order at all times by the owners of the building.

Reason

To ensure signposting is installed to assist with safety.

(91) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with TfNSW (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.

Reason

To provide for alterations to road and traffic arrangements.

(92) EXTERNAL LIGHTING

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

Reason

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

(93) REFLECTIVITY

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

Reason

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

(94) EXTERNAL WALLS AND CLADDING FLAMMABILITY

The external walls of the building including attachments must comply with the relevant requirements of the *National Construction Code (previously known as Building Code of Australia (NCC))*. 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 NCC (previously known as BCA); and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC (previously known as BCA) as proposed and as built.

Reason

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

SCHEDULE 1B

(95) ASBESTOS REMOVAL WORKS

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

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

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

- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

Reason

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

(96) FLOOR TO CEILING HEIGHT

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

Reason

To ensure an adequate minimum floor to ceiling height to provide an acceptable level of amenity.

(97) AIR CONDITIONERS GENERALLY

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

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

Reason

To ensure the visual impact of air conditioners is minimised.

(98) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

Reason

To clarify the scope of the consent.

(99) PUBLIC ART – COMMUNITY CONSULTATION AND COLLABORATIVE DESIGN REPORT

The installation of public artwork must be in accordance with the 903-921 Bourke Street Preliminary Public Art Plan, UAP Reference P2233, dated January 2023 (Trim document 2023/054446-01), the Sydney DCP 2012, the Danks Street South Precinct Concept Design Report (May 2022), the Public Art Policy, and the Interim Guidelines: Public art in private developments.

(a) A Community Consultation and Collaborative Design Report, including plans, locations and detailed process program for the delivery of public art and bespoke public domain projects to be undertaken, must be submitted and approved by Council's Director City Planning, Development & Transport prior to the issue of any Construction Certificate.

(b) To inform the drafting of the Community Consultation and Collaborative Design Report (and prior to its completion), details pertaining to the artist's briefs, invited artists (Caretaker Residents), the location and details of the Caretaker Residency being considered for the research and development of projects for the Community Consultation and Collaborative Design process, must be submitted to and approved by Council's Director City Planning, Development & Transport.

Reason

To ensure public art is installed to the City's satisfaction.

(100) PUBLIC ART – DETAILED DESIGN

(a) A Detailed Public Art Plan with final details of public artworks and bespoke elements must be submitted to and approved by Council's Director City Planning, Development & Transport prior to the issue of any Construction Certificate for above ground works.

(b) The approved public art under this development consent is to be maintained and retained, unless replaced by future approved public art. A Deed outlining the ownership and requirements for the ongoing care and maintenance of the approved public artwork in the public domain must be entered into with the Council at no cost to Council. The Deed must be executed prior to the granting of consent for any subdivision of the site.

Note: Public Art must be reviewed and endorsed 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.

Reason

To ensure public art is installed to the City's satisfaction.

(101) PUBLIC ART - COMPLETION

(a) Public art must be installed to the satisfaction of Council's public art specialists and Council's Area Planning Manager, prior to the issue of any Occupation Certificate.

(b) A Final Public Art Report must be submitted to the satisfaction of Council's public art specialists and Council's Area Planning Manager, prior to the issue of any Occupation Certificate.

To arrange an inspection, Council's public art specialists may be contacted by email on publicart@cityofsydney.nsw.gov.au.

Reason

To ensure public art is installed to the City's satisfaction.

(102) ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT – NATHERS PLANS

(a) Prior to the issue of any Construction Certificate, a plan set stamped by a NatHERS assessor must be submitted to the satisfaction of Council's Area Planning Manager, clearly identifying NatHERS and BASIX commitments. Specifically, greater clarity is required from plan markings around building fabric, onsite solar PV and water retention:

(i) All information used in NatHERS modelling must be identified on final set of approved drawings. Construction and material details are to be captured as graphical representations (standard industry drawing of wall types, material types, etc. or notations either in a list marked up to plan set cover page or throughout the drawing set.

(ii) Water retention and detention tanks are to be clearly identified on plan sets. With annotations distinguishing rainwater storage and onsite stormwater detention tanks, with install storage capacities identified as per BASIX certificate.

(b) Prior to the issue of any Construction Certificate, the Principal Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report (Trim reference: 2023/058999-05) are incorporated into the relevant construction plans and accompanying documentation:

(i) Section 3 – BASIX

A copy of the required completed BASIX certificate(s) accepted as part of this consent/as amended above must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate(s) must be specified on the plans submitted with the Construction Certificate application.

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.

(ii) Section 4 – Energy Efficiency and Greenhouse Gas Abatement

(iii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design

(iv) Section 6 – On site Renewable Energy Generation and Storage

(v) Section 7 – Design for Resilience to Climate Change

(vi) Section 8 – Designing for mains potable water savings and water efficiency

(vii) Section 9 – Storm water quality

Reason

To ensure the development satisfied BASIX requirements.

(103) LANDSCAPING OF THE SITE

This condition applies to landscape at grade within Site D1(a) only (Young Street North Building and Tower Building):

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Director City Planning, Development & Transport prior to the issue of a Construction Certificate. These documents must include:
 - (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
 - (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving, walls, services, furniture, shade structures, lighting and other features.
 - (iii) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
 - (iv) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (v) Details of drainage, waterproofing and watering systems.
 - (vi) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) All landscaping in the approved plan is to be complete prior to an Occupation Certificate being issued.

Reason

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

(104) MAINTENANCE OF PRIVATE GROUND LEVEL PUBLICLY ACCESSIBLE AREAS

- (a) A landscape maintenance plan for all privately owned, ground level publicly accessible areas must be submitted for approval by Council's Director City Planning, Development & Transport, prior to the issue of any construction certificate for above ground works.
- (b) The Owner is required to register on Title of a Positive Covenant, pertaining to the landscape maintenance plan, prior to the issue of any occupation certificate. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's

Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.

Reason

To ensure all privately owned, ground level publicly accessible areas are maintained to an acceptable standard.

(105) SITE WIDE MANAGEMENT CONDITION

(a) A site wide management plan for the greening of buildings located on private land must be submitted for approval by Council's Area Planning Manager, prior to the issue of any construction certificate.

(b) The site wide management plan must include (but is not limited to) the landscaping to upper level facades, balcony planters, communal rooftops and inaccessible green roofs. The plan must demonstrate who is responsible for and how the landscape features will be installed, costs and responsibility of ongoing maintenance of landscaping.

Reason

To ensure that all landscape and greening is maintained on an ongoing basis and that adequate maintenance procedures are put in place.

(106) ACCESSIBLE GREEN ROOFS

This condition applies to communal roof terraces on all buildings.

(a) Green roof designs including detailed plans drawn to scale, and technical specifications, must be submitted to and approved by Council's Area Planning Manager, prior to the issue of any Construction Certificate for above ground works. The documents must be prepared by a registered landscape architect, and must include:

- (i) A statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments.
- (ii) Location and details of existing and proposed services, walls, raised planters balustrades, hard surfaces, furniture, screens and shade structures, fixings, storage areas and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
- (iii) Engineers report confirming structural capacity of building for proposed roof terrace loads.
- (iv) Details for all raised tree planters a minimum 800mm high to support the healthy growth of trees and palms on structure.
- (v) Details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 800mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.

- (vi) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity. Communal herb gardens to use woody herb species selected for longevity.
- (vii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
- (viii) Green roof maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.

(b) Prior to the issue of any Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.

(c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

Reason

To ensure that the accessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

(107) INACCESSIBLE GREEN ROOFS

This condition applies to inaccessible green roofs located on sites D1(a) and D1(b) (Young Street North, Young Street South and Tower buildings).

(a) Inaccessible green roof designs including detailed plans drawn to scale, and technical specifications, must be submitted to and approved by Council’s Area Planning Manager, prior to the issue of any Construction Certificate for above ground works. The documents must be prepared by a registered landscape architect, and must include:

- (i) Location and details of existing and proposed services, walls, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
- (ii) Engineers report confirming structural capacity of building for proposed green roof loads.
- (iii) Details of soil types and depth including any mounding.
 - (iv) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (vi) Green roof maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance

methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.

- (vii) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.
- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
- (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.
- (d) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

Reason

To ensure that the inaccessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

(108) DESIGN MODIFICATIONS – FACADE PLANTERS

The design of facade planters must demonstrate the response to site conditions, including in particular light availability, sun and wind impacts, and resolution of ongoing landscape maintenance working at heights.

This condition applies to all facade planters and all inaccessible facade planters located on, but not limited to:

- Site D1(a) and D1(b) residential buildings Levels 1-5;
- Site D1(a) Tower Levels 1-19;
- Site D2(a) residential building Levels 1-11; and
- Site D2(a) residential building Level 1.

The landscape package, prepared by Arcadia and dated December 2022 is not approved.

(a) Facade planter designs including detailed plans drawn to scale, and technical specifications, must be submitted to and approved by Council's Area Planning Manager, prior to the issue of any Construction Certificate for above ground works. The documents must be prepared by a registered landscape architect or green wall specialist, and must include:

- (i) Analysis of the detailed site conditions, including access, light availability, sun and wind impacts.
- (ii) Details of the façade planter construction, including proposed materials, planter dimensions, climber cables (where applicable), fixings and structures;
- (iii) Details of the proposed growing medium, including soil depth and type;
- (iv) Location, numbers, type and size of plant species selected on the basis of the site conditions, and species that contribute to habitat and biodiversity;
- (v) Details of planting procedure and maintenance, including a landscape specification;
- (vi) Details of drainage, irrigation and waterproofing;
- (vii) Detailed access and maintenance methodology for ongoing maintenance, and safe working at height, access requirements for all facade planters and window cleaning on upper levels. The strategy is including confirm how all facade planters will be maintained, frequency, methodology for safe working at height, access requirements, location of any anchor points, gates, and transport of materials such as green waste removal, and a detailed planting maintenance schedule.
- (viii) A plan outlining the intended strategy for decommissioning and rectification if planting works fail. This is to ensure facade planters are maintained is throughout its life.

Reason

To ensure that the façade planters are designed to accommodate suitable landscaping and with an understanding of the specific site conditions, and to ensure that adequate maintenance procedures are put in place.

(109) DESIGN MODIFICATIONS – PRIVATE LANDSCAPE AREAS

Site D1A: The ground level pavements (P4) and tree species selection in the sensory garden between the Site D1A Young Street North and Tower buildings are not approved.

The following amendments must be submitted to and approved by Council's Area Planning Manager, prior to the issue of any Construction Certificate:

- (a) the deep soil zone layout must be amended, to provide permeable pavements laid over a flexible base and provide a minimum of 8 new medium sized trees with selected tree species capable of growing to a minimum 10m height and 4m canopy spread at maturity;
- (b) construction details must be submitted showing the raised planter walls and fencing and /or privacy screens for ground level terraces. These are to be designed to provide adequate soil depth and volume for small sized trees and to achieve adequate privacy to residents;
- (c) Site D1A Young Street North building Level 1 includes a 22m long elevated planter and landscaped awnings. Amended plans must be submitted and a maintenance strategy provided, to demonstrate how these inaccessible green roofs will be safely accessed and maintained on an ongoing basis and the location of ladder access to the isolated features;
- (d) The Young Street North Level 6 planter communal herb garden on the outside edge of the brick screen is not approved. An amended, robust planting design for the planter must be submitted, on the outside edge of the brick screen that can be easily maintained;
- (e) Site D1A Tower proposed facade greening using planters with climbers and mesh trellis located on Levels 5-8, 10-14, 16-19 limits maintenance access for window cleaning and ongoing facade planter maintenance. The T-MESH2 must be deleted from planters and replaced with vertical stainless steel cable wires. An amended drawing must be submitted for approval (dwg D1A.TP.11.01); and
- (f) Access for facade window cleaning and ongoing planter maintenance to Site D1A Tower has not been demonstrated. A facade access and landscape specialist contractor must be engaged, experienced at working from heights, who can review the proposed tower facade greening and provide a detailed landscape maintenance strategy that resolves how all landscape elements will be safely maintained on an ongoing basis. A facade and greening access and maintenance strategy must be submitted for approval.

Site D1B: New trees on the western lot boundary impact on the canopies of existing street trees and their proposed location is not approved.

- (g) amended plans must be submitted, relocating the 7 new trees to the centre of the western lawn.

The amendments must be submitted to and approved by Council's Area Planning Manager, prior to the issue of any Construction Certificate:

Site D2A and D2B: The design of two tree planters at Bourke Street North entry and amphitheatre over basement are not approved.

- (h) The planter design must be amended, increasing the planter height from 450mm to a minimum of 1m height. A single small sized tree must be provided in each planter.

- (i) Balustrades within raised planters on communal roof terraces in Bourke Street North and South buildings are not approved. All balustrade types and /or palisade fences on communal rooftops must be relocated to the back face of the parapet walls. Amended plans and construction details must be submitted to demonstrate a BCA compliant design.

The amendments must be submitted to and approved by Council's Area Planning Manager, prior to the issue of any Construction Certificate:

Reason

To ensure tree plantings and balustrades are suitably installed.

(110) WASTE AND RECYCLING MANAGEMENT - GENERAL

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

Reason

To ensure that waste and recycling is appropriately managed.

(111) 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 including operational, demolition and construction waste and recycling details, is to be submitted to and approved by Council's 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*.
- (c) The Waste and Recycling Management Plan must include:
- (i) Commitment and detailed procedure for building management staff assisting with the return of bins to storage area during residential collection as required.
 - (ii) Provision of compaction infrastructure in the Tower building to reduce the number of bins presented in the Tower loading dock on collection days.
 - (ii) A detailed procedure and any related line marking requirements to facilitate the safe transfer of mobile garbage bins and bulky waste from storage areas to the loading area by building management in the tower and plaza building.
 - (iv) Waste servicing and loading arrangements for Young Street buildings.
- (d) The development must incorporate designated separate waste storage areas for the separation of commercial and residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (e) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must obtain Council's approval of the residential waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.
- (f) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the approved Waste and Recycling Management Plan; other relevant development consent conditions; and Council's Guidelines for Waste Management in New Developments 2018.

Reason

To ensure that waste and recycling is appropriately managed.

(112) WASTE STORAGE AREAS

- (a) To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. Commercial waste storage area must be designed and constructed in accordance with *AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment* and comply with the *Council Guidelines for Waste Management in New Developments*, and must be:
 - (i) Provided with a hose tap connected to the water supply.
 - (ii) Paved with impervious floor materials.
 - (iii) Coved at the intersection of the floor and walls.
 - (iv) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
 - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the *Protection of the Environment Operations Act 1997* or a nuisance.
 - (vi) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
 - (vii) Appropriately managed to Council's satisfaction so that it does not attract pests or create litter.

Note: Fitted with appropriate interventions to meet fire safety standards in accordance with the *National Construction Code (previously known as Building Code of Australia)*.

- (b)

Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issuance of any Occupation Certificate.

Reason

To ensure the adequate storage and collection of waste from the food premises.

(113) WASTE ROOMS

- (a) To ensure the adequate storage and collection of waste from the occupation of the building, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area. Waste storage areas must be designed and constructed in accordance with with the *Council Guidelines for Waste Management in New Developments* and the following requirements to minimise odours, deter vermin, and protect surrounding areas:-
 - (i) Provided with a hose tap connected to the water supply.
 - (ii) Paved with impervious floor materials.
 - (iii) Coved at the intersection of the floor and walls.
 - (iv) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water).
 - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act 1997*.
 - (vi) An adequate lighting system must be provided (natural or artificial) to the waste room to aid with cleaning and the detection of pest activity.
 - (vii) Fitted with appropriate interventions to meet fire safety standards in accordance with the *National Construction Code (previously known as Building Code of Australia)*.
- (b) Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate.

Reason

To ensure adequate storage and collection of waste.

(114) REMEDIATION OF DEEP SOIL IN LANDSCAPED AREAS

- (a) Deep soil zones, as nominated on the approved stamped deep soil plan, [Landscape Design Report, page 75, prepared by Arcadia and dated December 2022] must be unencumbered by structures within, above or below the zone, and must be constructed in accordance with the remedial action plan.

(b) Where natural soil areas do not exist in the deep soil area or contaminated lands, clean fill or VENM including subsoil and topsoil layers must be provided in all landscaped areas to minimum depths compliant with Sydney Landscape Code Volume 2.

(c) The placement of clean fill must be confirmed in writing, including photographic evidence, by the NSW EPA accredited site auditor and confirmation provided to Council's Area Planning Manager prior to and the Principal Certifier prior to the issue of any Construction Certificate for above ground works.

Reason

To ensure deep soil zones are suitably installed.

(115) 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 Stantec dated 7 October 2022, referenced 39696 – Trim Ref: 2022/536199 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 join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

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

Reason

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

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

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate.

The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm).

The plan must include but not be limited to the following:-

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

Reason

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

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

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

Reason

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

(118) CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN

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

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>

Reason

To provide for safe operation of the site during construction.

(119) TREES APPROVED FOR REMOVAL

(a) All trees detailed in Table 1 below are approved for removal. Tree removal must not occur until the Construction Certificate has been issued.

Table 1 – Tree Removal:

Tree No	Species Name	Location
5	Celtis sinensis	Site Tree – western boundary
9	Melaleuca quinquenervia	Street Tree - Young Street
10	Fraxinus griffithii	Street Tree - Young Street
32	Celtis sinensis	Site Tree – western boundary
33	Celtis sinensis	Site Tree – western boundary
34	Celtis sinensis	Site Tree – western boundary
38	Celtis sinensis	Site Tree – western boundary
39	Celtis sinensis	Site Tree – western boundary
40	Celtis sinensis	Site Tree – western boundary

Note: reference shall be made to the Arboricultural Impact Assessment prepared by Eco Logical dated 2 November 2021 for tree numbers and locations only.

(b) All tree removal works must be carried out by a qualified Arborist, with a minimum Level 3 AQF in arboriculture and in accordance with WorkCover's Code of Practice – Amenity Tree Industry.

Reason

To specify trees approved for removal.

(120) TREES THAT MUST BE RETAINED

(a) The existing trees detailed in Table 2 below must be retained and protected in accordance with the conditions of consent throughout the construction and development.

Table 2 – Tree Retention:

Tree No	Species Name	Location
4	Jacaranda mimosifolia	Street tree - Young Street frontage
6	Melaleuca quinquenervia	Street tree - Young Street frontage
7	Melaleuca quinquenervia	Street tree - Young Street frontage
11	Melaleuca quinquenervia	Street tree - Young Street frontage
12	Melaleuca quinquenervia	Street tree - Young Street frontage
13	Melaleuca quinquenervia	Street tree - Young Street frontage
14	Melaleuca quinquenervia	Street tree - Young Street frontage
15	Melaleuca quinquenervia	Street tree - Young Street frontage
16	Melaleuca quinquenervia	Street tree - Young Street frontage
17	Melaleuca quinquenervia	Street tree - Young Street frontage
25	Tristaniopsis laurina	Street Tree – Bourke Street frontage
26	Platanus x acerifolia	Street Tree – Bourke Street frontage
27	Platanus x acerifolia	Street Tree – Bourke Street frontage
28	Lophostemon confertus	Street Tree – Bourke Street frontage
29	Tristaniopsis laurina	Street Tree – Bourke Street frontage

30	Platanus x acerifolia	Street Tree – Bourke Street frontage
31	Platanus x acerifolia	Street Tree – Bourke Street frontage

Note: reference must be made to the Arboricultural Impact Assessment prepared by Eco Logical dated 2 November 2021 for tree numbers and locations only.

Reason

To specify trees required to be retained.

(121) TREE PROTECTION PLANS

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

Reason

To specify tree protection.

(122) TREE ROOT PROTECTION

(a) Structural Root Zone (SRZ) Schedule;

Tree No.	Species Name	Tree Location	SRZ (m) from Trunk
4	Jacaranda mimosifolia	Street tree - Young Street frontage	2.1
6	Melaleuca quinquenervia	Street tree - Young Street frontage	2.7
7	Melaleuca quinquenervia	Street tree - Young Street frontage	3.3
11	Melaleuca quinquenervia	Street tree - Young Street frontage	2.9
12	Melaleuca quinquenervia	Street tree - Young Street frontage	3.5
13	Melaleuca quinquenervia	Street tree - Young Street frontage	3.5
14	Melaleuca quinquenervia	Street tree - Young Street frontage	2.5
15	Melaleuca quinquenervia	Street tree - Young Street frontage	3.1
16	Melaleuca quinquenervia	Street tree - Young Street frontage	3.1
17	Melaleuca quinquenervia	Street tree - Young Street frontage	2.2
25	Tristaniopsis laurina	Street Tree – Bourke Street frontage	1.7
26	Platanus x acerifolia	Street Tree – Bourke Street frontage	2.6
27	Platanus x acerifolia	Street Tree – Bourke Street frontage	2.7
28	Lophostemon confertus	Street Tree – Bourke Street frontage	2
29	Tristaniopsis laurina	Street Tree – Bourke Street frontage	1.5
30	Platanus x acerifolia	Street Tree – Bourke Street frontage	2.8

31	Platanus x acerifolia	Street Tree – Bourke Street frontage	1.5
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Note: reference must be made to the Arboricultural Impact Assessment prepared by Eco Logical dated 2 November 2021 for tree numbers and locations only.

- (b) Excavation must not occur within the SRZ. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.
- (c) [Without prejudice to clause (a) above] any excavations within the SRZ must be undertaken using non-destructive methods (such as by hand or with an Airspade) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.
- (d) Footings must be relocated / realigned if any tree root greater than 40mm in diameter is encounter during excavations. A minimum of 150mm clearance must be provided between the tree root and footing.
- (e) All excavations located within the TPZ must be supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework.
- (f) All root pruning must be undertaken by a qualified Arborist with a minimum AQF level 3.

Reason

To specify tree protection measures.

(123) SITE SUPERVISION AND REPORTING

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

- (vii) monthly reporting for the duration of construction and development within the site;
- (viii) details of any other works undertaken on any tree to be retained or within TPZ/s; and
- (ix) a final compliance report must be submitted prior to the issuing of the Occupation Certificate.

Reason

To specify tree protection measures.

(124) STREET TREE PROTECTION

All street trees directly outside the site, unless approved for removal in these conditions of consent, must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major branch protection must be undertaken prior to the commencement of any works. The protection must be installed and certified by a qualified Arborist (AQF level 3) and must include:
 - (i) an adequate clearance, minimum 250mm, must be provided between the structure and tree branches and trunks at all times;
 - (ii) tree trunk/s and/or major branches, must be protected by wrapped hessian or similar material to limit damage;
 - (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; and
 - (iv) tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Young street trees must be protection by installing three (3) wooden takes around the edge of the tree pit. Hessian must be wrapped around the stakes. If existing stakes are already in place, these shall suffice as tree protection.
- (d) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (e) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within in any area known to, or suspected of having street tree roots greater than 40mm diameter must be undertaken by hand.

(g) Any trenching works for services / hydraulics / drainage etc must not be undertaken within the Structural Root Zone of any street tree. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services.

(h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.

(i) Any damage sustained to street tree/s as a result of construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of construction activities may result in a prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Reason

To specify tree protection measures.

(125) STREET TREE PRUNING

(a) A 'Pruning Specification Report' prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to and approved by Council's Area Planning Manager prior to the issuing of the Construction Certificate. The report must include:

(i) Number of branches and orientation, branch diameter, percentage of canopy to be pruned/removed.

(ii) Photos with individual branches which are recommended for pruning/removal to be clearly marked. (Please note reports which include photos with a single vertical line as the area recommended for pruning will not be accepted).

(iii) A maximum of 15% canopy removal and maximum of 100mm diameter branches will be permitted by Council.

(iv) Pruning work must be specified in accordance with Australian Standard 4373–2007, Pruning of Amenity Trees.

(v) Tree removal must not be recommended in this report.

(b) All approved tree pruning works must be carried out by a qualified Arborist, with a minimum Level 3 AQF in arboriculture and in accordance with WorkCover's Code of Practice – Amenity Tree Industry.

(c) Any pruning works carried out under this consent must not result in the death of the tree, the creation of a hazard or in excessive or inappropriate amounts of pruning, which result in the overall shape of the tree becoming unbalanced and/or unstable.

(d) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any additional tree pruning works or pruning of any tree roots greater than 40mm in diameter.

Reason

To specify tree protection measures.

(126) PUBLIC DOMAIN STREET TREE PLANTING AND MAINTENANCE

(a) A Tree Planting Plan must be submitted and approved by the City's Public Domain Unit prior to the issuing of any Construction Certificate. The plan must include and be consistent with the following requirements:

(i) Tree species must be consistent with the City's Street Tree Master Plan (refer to relevant precinct plans) or other relevant guidance documents (eg: Urban Forest Strategy, Tree Species List etc).

(ii) Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document.

(iii) Indicate the chosen tree planting arrangement, being a choice of one of two options, being:

Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management.

OR

Pay a fee for the City to supply, plant, and maintain each required tree on the applicant's behalf. The fee is consistent with the City's Schedule of Fees and Charges.

(b) If opting to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:

(i) The trees must be a minimum container size of 200 litres, at the time of planting.

(ii) All new trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting.

(iii) Certification from the tree supplier must be submitted to the City's Tree Management Officer and Public Domain Officer, prior to the trees being planted. The certification must confirm the tree(s) have been grown and comply with the requirements of AS2302. Any new trees that do not conform will be rejected by the City.

(iv) The trees must be planted by a qualified Arborist or Horticulturist (AQF Level 3) and be planted before the issuing of the final Occupation Certificate.

(v) All new trees must be inspected and approved by the City's Tree Management Officer (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period.

(vi) All trees planted in accordance with the approved Tree Planting Plan must be maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of six (6) months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.

(vii) At the end of the six (6) month maintenance period, written acceptance of the tree/s must be obtained from the City before release of the public domain bond.

(viii) If a tree fails to thrive and successfully establish during the maintenance period, then City will request payment for a replacement tree and establishment period according to the City's Schedule of Fees and Charges.

Reason

To specify tree protection measures.

(127) LANDSCAPING OF THE SITE (TREES)

(a) Amended landscape plans, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director City Planning, Development & Transport prior to the issue of a Construction Certificate. 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 the relevant Australian Standard;

(iv) the design must provide a minimum 15% canopy cover within the site (excluding public domain areas). This must be provided by 30% of the species having a mature height of 6-8 metres, 30% mature heights of 10-15 metres and 40% mature heights of 20-30 metres;

(v) the design must demonstrate that the public domain areas achieve the minimum canopy cover requirements defined in the City's Urban Forest Strategy;

(vi) the plans must demonstrate that adequate soil volume is provided for trees planted in deep soil that is consistent with the requirements of the City's Landscape Code;

(vii) tree species selection shall include a diverse range of species which must be consistent with the expected mature heights and growth within the Sydney area (mature heights must not solely rely on plant literature);

(viii) any tree planted for the purpose of wind mitigation measures must be an appropriate species that has proven track record of successfully establishing in such harsh conditions. Details must be submitted to Council demonstrating species selection is suitable for wind mitigation;

(ix) details of planting procedure and maintenance; and

(x) details of drainage, waterproofing and watering systems.

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

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

Reason

To specify landscape measures.

(128) ENVIRONMENTAL MANAGEMENT PLAN

(a) Prior to the issue of any Construction Certificate, an Environmental Management Plan (EMP) must be prepared for the site and submitted to Council's Area Planning Manager for written approval.

(b) 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 Construction Environmental Management Plan.

Reason

To ensure that contamination is appropriately managed.

(129) LAND REMEDIATION (Where Site Auditor engaged)

- (a) The site is to be remediated and validated in accordance with the:
- (i) Remediation Action Plan by JBS&G dated 25th November 2021 referenced 50579/140993 rev 0 and Council reference 2022/539244;
 - (ii) Interim Audit Advice Letter no. 3 - review of site development remedial action plan and human health risk assessment, 903-921 Bourke Street, Waterloo NSW by Rowena Salmon, NSW EPA Accredited Site Auditor 1002 dated 26th November 2021, ref: 318001192, Council ref: 2021/534573;
 - (iii) Interim Audit Advice Letter no. 5 - Response to Request for information, 903-921 Bourke Street, Waterloo NSW by Rowena Salmon, NSW EPA Accredited Site Auditor 1002 dated 18th October 2022 - 2022/539258; and
 - (iv) Section B Site Audit Statement, reference RS-127A (early works DA) by Rowena Salmon, NSW EPA Accredited Site Auditor 1002 dated 25th November 2021.
- (b) All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.
- (c) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Area Planning Manager, the Site Auditor and the Principal Certifier.

- (d) Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor and by Council's Area Planning Manager prior to the commencement of such work.

Reason

To ensure that the site is appropriately remediated.

(130) SITE AUDIT STATEMENT

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

hbapplications@cityofsydney.nsw.gov.au

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

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

Reason

To ensure that the site is appropriately remediated.

(131) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

(a) Prior to the issue of any Construction Certificate associated with the built form of the development, 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.

(b) 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*.

Reason

To ensure the mechanical ventilation complies with relevant standards.

(132) SYDNEY WATER SECTION 73 CERTIFICATE

Prior to the issue of a Subdivision Certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

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

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

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to a Subdivision Certificate being issued.

A separate Section 73 certificate will not be required for the Stage 2 subdivision dedicating existing lots as public road.

Reason: For compliance with the *Sydney Water Act 1994*.

(133) LAND SUBDIVISION - SUBDIVISION CERTIFICATE

A separate application must be made for the subdivision online through the Planning Portal, at www.planningportal.nsw.gov.au to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*. Go to the "Post Consent Certificates" section on the website for Subdivision Certificates, and ensure that Sydney City Council is noted as the certifier. It is recommended that the PDF versions of the subdivision, Administration sheets & Section 88B Instrument that are uploaded are between 400 & 600 dpi as these may be digitally signed.

Reason: To ensure separate development consent is sought for land subdivision.

(134) STREET ADDRESSES OF LOTS

In accordance with Clause 60(c) of the *Surveying and Spatial Information Regulation 2017*, the street addresses for each lot must be shown on the Administration Sheet for the plan of subdivision. An application should be made to Council's Spatial Information Unit to obtain the correct street address for each lot, and the addresses provided to the registered surveyor.

Reason: For compliance with the *Surveying and Spatial Information Regulation 2017*, and to ensure correct addresses are available for emergency service agencies.

(135) BUILDING/STRATA MANAGEMENT STATEMENT

The Building/Strata Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to Council's satisfaction, and be submitted with the subdivision application for the subdivision. The Building/Strata Management Statement must not permit the terms of any easement existing prior to subdivision, or the terms of any easement, restriction or positive covenant required to be registered under this consent to be superseded.

Reason: To ensure the orderly development of land.

(136) EVIDENCE OF COMPLIANCE WITH REGISTERED MEMORANDUM – PRIOR TO CONSTRUCTION CERTIFICATE

(a) Written approval must be obtained from Sydney Water in relation to all structures approved under this consent in accordance with Clauses 4.2, 4.3 and 4.4 of the Memorandum registered as Dealing AE292282 and referenced by the easements and restrictions on title.

(b) The application to Sydney Water must include a plan prepared by a registered surveyor, showing with offsets the position of the proposed buildings, retaining walls, landscaping walls and structures likely to impede vehicular or pedestrian access in relation to the existing easements. Diagrams shall be provided for the areas of Lot 2 containing many easements.

(c) Written approval from Sydney Water referencing the above Memorandum and indicating compliance with the terms of the Memorandum must be provided to the Principal Certifier prior to the issue of any Construction Certificate.

Reason: To ensure the orderly development of land.

(137) DESIGN MODIFICATION – PLAN OF PROPOSED SUBDIVISION

The Plan of Proposed Subdivision prepared by registered surveyor Damian Maguire dated 25/10/2022 reference 51740 001DP-A shall be amended as follows and submitted to Council's Area Planning Manager for approval prior to the issue of any Construction Certificate. Evidence of approval must be submitted to the Principal Certifier:

- i. Lot 6 is to be shown as three separate lots, with the western component numbered as Lot 6, the central component numbered as Lot 12, and the eastern component numbered as Lot 13.
- ii. The amended Lot 6 shall be created by extending its eastern boundary to the point of intersection with the northern boundary of the existing Lot 102.
- iii. The new Lot 12 shall be created by drawing a new line across Lot 6 that matches the line of the eastern boundary of Lot 7.

Reason: To ensure the orderly development of land.

- iv. The proposed boundary between Lots 7, 12 & 13 is to be amended to provide for part of a new 6 metre future splay corner, in accordance with Proposed Plan of Subdivision by Sydney City Council Reference S5-19-1438, and Green Square Unit Proposed Subdivision Boundaries for Danks Street South Precinct Central Open Space, dated 23/01/2023 Revision 1. These plans are available from the City's Urban Design Team upon request.

Reason: To facilitate the dedication of Lot 6 and the transfer of Lots 12 & 13.

(138) DESIGN MODIFICATION – ENCROACHING COMPONENTS OF BUILDINGS – PRIOR TO CONSTRUCTION CERTIFICATE

(a) The CAD file for the Construction Certificate drawings must be provided to the registered surveyor engaged for the project in DWG or other preferred format, as well as in PDF format.

(b) The registered surveyor shall overlay and position the relevant linework from the above file in relation to the surveyed boundaries for the site, determined to sufficient accuracy for the final subdivision.

(c) The registered surveyor shall liaise with the project architect to advise where encroachments occur so these may be rectified and the plans resubmitted to the surveyor for checking and certification.

(d) No steps, landings, footings, columns or embellishments are to encroach over boundaries or easement sites unless written approval has been first obtained from Council's Area Planning Manager. Written approval for encroachment upon easement sites must be first obtained from the registered proprietor(s) or authority benefiting from the easement.

(e) When the buildings have been sufficiently modified to fit wholly within the existing and future boundaries of the site, other than encroachments first approved in writing by Council's Area Planning Manager, the registered surveyor shall provide written certification confirming the above.

(f) The written certification by the registered surveyor, and any approvals by Council's Area Planning Manager and Public Domain unit as described above must be provided to the Principal Certifier prior to the issue of a Construction Certificate and a copy provided to Council's Area Planning Manager.

Reason: To rectify encroachments in the drawings and facilitate orderly development.

(139) ADDITIONAL EASEMENTS

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

(140) LAND DEDICATION AND LAND TRANSFER – IN CONJUNCTION WITH SUBDIVISION CERTIFICATE

(a) Land dedicated as public road, road widening or public reserve must be dedicated in compliance with the registered Planning Agreement(s) for the site and must not be encumbered by any Long Term Environmental Management Plan.

(b) Public domain works within the land to be dedicated must be sufficiently complete to the satisfaction of Council's Public Domain unit prior to the issue of the subdivision certificate.

(c) Where there is a dedication in stratum, the lower limit of the dedication shall be 0.05 metres above the upper surface of the waterproofing membrane for the concrete roof of the basement structure below.

(d) Where an awning is of primarily concrete or masonry construction, and an integral structure to the building, not a separate attached structure, the boundary for dedications shall step around the awning in stratum so that the awning is contained wholly within the boundary of the lot. In this situation, a positive covenant shall be created burdening the lot, and benefiting the City of Sydney Council, requiring the boundary to be adjusted within six months of demolition of either the awning or the building façade, to remove that component of the boundary stepping around the awning and establish a conventional vertical boundary.

(e) Lots 5 and 8 must be dedicated to the public as public reserve with the subdivision.

(f) Lots 6, 9 and 11 must be dedicated to the public as public road with the subdivision.

(g) Lots 7, 12 and 13 are to be transferred to the City of Sydney and classified as Operational land. The land within these lots must be prepared to a standard acceptable to Council's Public Domain unit prior to the issue of the subdivision certificate.

(h) Land must be dedicated unencumbered. All leases, restrictions, covenants, easements and planning agreements must be extinguished prior to, or with the dedication of land, other than those designated as permitted encumbrances in the registered VPA for the site.

Reason

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

(141) SURVEY SETOUT PRIOR TO COMMENCEMENT

PRIOR TO FOUNDATION STAGE - All footings and walls adjacent to a boundary or setback line must be set out by a surveyor registered under the *Surveying & Spatial Information Act, 2002*, and a copy of the survey report provided to the Principal Certifier within 5 days of the survey.

It is recommended that the plans for the construction certificate provide for walls to be set back a minimum of 20mm from existing and proposed boundaries to allow for construction tolerances and to minimise the risk of encroachment and the consequent delays and costs.

Reason: To minimise the risk of costly errors and encroachment.

(142) CHECK SURVEY DURING CONSTRUCTION

a) AT FOUNDATION STAGE - Upon commencement of wall construction, by the time the perimeter wall has reached one metre in height, all work on the site shall cease unless a survey and report prepared by a registered surveyor has been submitted to the Principal Certifier within 5 days of the survey indicating by means of offsets the position of external walls in relation to the existing and proposed boundaries of the site, and the setbacks. Any encroachments of the subject building over the side boundaries or existing or future roads must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain. Encroachments on public roads or future public reserves or public roads must be approved by Council's Area Planning Manager, if supported, otherwise the encroachments must be removed.

b) Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the *Surveying & Spatial Information Act, 2002*, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries and is in accordance with approved setbacks. This survey shall be provided to the Principal Certifier **prior to** the concrete pour. The concrete pour must not take place until the Principal Certifier receives a survey proving that the formwork has been constructed in a position where the external face of the

building will be wholly within the existing and proposed boundaries of the site, and will be compliant with the setbacks approved under this consent.

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

(143) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

AT COMPLETION – Prior to the issue of any staged or Final Occupation Certificate, a Final Identification Survey prepared and signed by a Surveyor registered under the *Surveying & Spatial Information Act, 2002* must be submitted to the Principal Certifier at the completion of the building work certifying the location of the building and showing offsets in relation to the existing and proposed boundaries of the site and where over easements. Any encroachments of the building (other than approved awnings) including gutters and downpipes over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the *Conveyancing Act, 1919*, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to the issue of any staged or Final Occupation Certificate. Where the buildings encroach upon an existing or proposed road, written approval must be obtained from Council's Area Planning Manager and provided to the Principal Certifier prior to the issue of any Occupation Certificate for the buildings, or the encroachment removed.

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

(144) RESTRICTION ON THE USE OF LAND - RESIDENTIAL DEVELOPMENT

A restriction on the use of land must be created pursuant to Section 88B of the *Conveyancing Act, 1919* with the future strata plan, in the following terms burdening Lot 1 and to the satisfaction of Council:

- (a) The residential apartment lots must be used as permanent residential accommodation only and not for the purpose of a boarding house or hostel, hotel or motel accommodation, serviced apartments, tourist and visitor accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan 2012*.
- (b) No change of use of those strata lots from "residential" as defined in *Sydney Local Environmental Plan 2012* is permissible. The restriction is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier.
- (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.

Reason: To ensure the residential accommodation portion of the site is used for permanent residential purposes.

(145) RESTRICTION ON USE OF CAR SPACES – RESIDENTIAL

A restriction on the use of land must be created on future strata plans:

- (a) The on-site car parking spaces are not to be used other than resident or tenant of the subject building for parking of vehicles related to a residence in the unit with which the space is associated, or retail unit including parking spaces. No storage should take place for commercial businesses in car parking spaces.
- (b) The future strata subdivision of the site is to include a restriction on user pursuant to Section 88B of the *Conveyancing Act, 1919*, burdening all strata lots incorporating car spaces.

Reason: To ensure the on-site car parking spaces are not to be used other than by a resident of the building.

(146) STRATA TITLE PARKING SPACES

All parking spaces other than visitor parking or service spaces must form part of a residential strata unit in any future strata subdivision. No parking spaces or storage spaces are to have their own individual strata title.

Reason: To prevent the sale of individual car parking spaces.

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

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);

- (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

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

Reason

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

(148) 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.

Reason

To minimise adverse visual impacts on the locality.

(149) 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.

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation).

SCHEDULE 1C

(150) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to any Occupation Certificate being issued, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. Waste is to be stored and collected from within the curtilage of the site at all times.

Reason

To ensure that waste and recycling is appropriately managed.

(151) STOCKPILES

- (a) No stockpiles of soil or other materials must 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 must 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 must be covered.
- (d) All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours.

Reason

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

(152) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

(a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 207-229 Young Street, 887-893 Bourke, 895-899 Bourke Street and 901 Bourke Street (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works.

(b) 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

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

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

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

Reason

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

(153) 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).

Reason

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

(154) ROAD OPENING APPLICATION

A separate road opening application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by 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).

Reason

To ensure that approval under the Roads Act is obtained.

(155) OTHER APPROVALS

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

- (a) installation of construction-related temporary structures including hoardings/scaffolding;
- (b) installation and/or alterations to advertising/business signs;
- (c) installation and/or alterations to street awnings;
- (d) crane operation and other hoisting activities;
- (e) temporary works (e.g. barricading, road openings, mobile hoisting devices);
- (f) works zones (for loading and unloading from the roadway); and
- (g) temporary ground anchoring and shoring to support a roadway when excavating; and
- (h) any other structure or encroachment including facade elements/architectural features.

Reason

To ensure use of a public place is managed appropriately.

(156) 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 Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council.

Reason

To ensure that approval under the Roads Act is obtained.

SCHEDULE 1D

(157) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

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

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

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

Reason

To protect the amenity of the surrounding area.

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

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

Reason

To protect the amenity of the surrounding area.

(159) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

(a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of:

- (i) Monday to Friday, 8am – 12pm and 1:30 pm to 4:30pm;
- (ii) Saturdays, 8am to 1pm; and
- (iii) No work on Sundays or 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.

Reason

To protect the amenity of the surrounding area.

(160) CLASSIFICATION OF WASTE

(a) 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.

(b) 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.

Reason

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

(161) DISCHARGE OF CONTAMINATED GROUNDWATER

Contaminated groundwater must not be discharged into the City's stormwater drainage system.

Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

To ensure that the discharge of ground water is appropriately managed.

(162) IMPORTED FILL MATERIALS

All fill imported onto the site must 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.

Reason

To ensure that imported fill is not contaminated.

(163) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Council's Area Planning Manager and the Principal Certifier must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.

Reason

To ensure that the site is appropriately remediated.

(164) STOCKPILES

- (a) No stockpiles of soil or other materials must 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 must 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 must be covered.

(165) NO OBSTRUCTION OF PUBLIC WAY

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

Reason

To protect the amenity of the public domain.

(166) 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.

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(167) 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.

Reason

To ensure sediment is not tracked onto the roadway.

SCHEDULE 1E

(168) PHYSICAL MODELS

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

Note:

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

Reason

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

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

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

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

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

Reason

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

(170) LOADING DOCK MANAGEMENT PLAN

The Loading Dock Management Plan (LDMP) provided for assessment is not approved. A Loading Dock Management Plan (LDMP) must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being granted.

This LDMP must include the strategy for the management of all servicing of the site including delivery vehicles, waste collection, service vehicles, residential removals and should include information such as arrivals to the site, the anticipated numbers of arrivals per week, time of day of the arrivals, length of stay, vehicle type etc. along with how these will be managed to prevent disruption to public streets. The management of the plan needs to be able to respond to changes in the surrounding road environment and be updated accordingly.

The Plan should be generally in accordance with the *Loading Dock & Basement Management Plan* (Appendix A) prepared as part of the *Transport Impact Assessment* report, dated 22 December 2022, submitted as part of the application.

Once approved, this management plan must be provided to all tenants and external users.

Reason

To ensure suitable strategies are implemented for the management of all servicing of the site including delivery vehicles, waste collection, service vehicles, residential removals.

(171) REGISTRATION OF COVENANT

Prior to the issue of any Occupation Certificate, a covenant must be registered on the title of the land and a copy of the title submitted to the Council's Area Planning Manager and the Principal Certifier.

This covenant must be registered on the title of the land binding the owners and future owners with the responsibility for the ongoing maintenance and rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority.

A copy of the revised certificate of land title recording the covenant must be submitted to Council's Area Planning Manager and the Principal Certifier prior to the issue of any Occupation Certificate.

Reason

To ensure that contamination is appropriately managed.

(172) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN

Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite, the EMP must be approved by the Site Auditor and Council's Area Planning Manager prior to the issue of the final Site Audit Statement.

The owner of the land is required to comply with the ongoing obligations of any EMP which form part of the final Site Audit Statement for the site.

A covenant must be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority

A copy of the revised certificate of land title recording the covenant must be submitted to Council's Area Planning Manager and the Principal Certifier prior to the issue of any Occupation Certificate.

Reason

To ensure that contamination is appropriately managed.

(173) 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).
- (e) Prior to the issue of an Occupation Certificate associated with the Cooling Water System, the occupier of the premise at which the 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 under the Public Health Act 2010. Warm water systems other than hospitals (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

Reason

To ensure water systems comply with relevant standards.

(174) BASIX

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

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 EP&A Regulation 2021).

(175) 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.

Reason

To ensure shops can be easily identified.

SCHEDULE 1F

(176) OCCUPATION CERTIFICATE TO BE SUBMITTED

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

Reason

To ensure the site is authorised for occupation.

(177) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfl) unless agreed to by the City's Area Planning Manager. Further:
- (i) Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfl unless otherwise agreed by the City's Area Planning Manager.
 - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (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 must both be measured with all external doors and windows of the affected residence closed.
 - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- (c) Corrections in Fact Sheet C of the NPfl are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.

(178) CONSTRUCTION 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.

(179) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (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) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(180) 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 operations warranting the on-street use of mobile cranes (such as delivery of materials, hoisting of plant/equipment, erection and dismantling of onsite tower cranes, etc), permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

(181) ONGOING WASTE MANAGEMENT - ALL

- (a) Ongoing use and management of residential and commercial components of the development must be in accordance with the approved Operational Waste Management Plan, approved Loading Dock Management Plan, Council's Guidelines for Waste Management in New Developments, relevant provisions of the Sydney DCP, this consent and the City's Local Approvals Policy for waste management. In the event of any inconsistency, the conditions of this consent will prevail over the operational waste management plan.
- (b) As per the approved waste management plan, waste and recycling bins are to be stored and collected on site at all times.
- (c) The designated on-site collection point is to be kept clear of obstructions at all times so not to restrict the collection of waste and recycling bins.
- (d) All waste and recycling storage areas must only be used for the purposes of storing waste and recycling.
- (e) Contracts with cleaners, building managers and tenants must clearly outline the waste management and collection system identify each party's role and responsibility.
- (f) The building manager and body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.
- (g) City supplied bins are not suitable to be used with compaction devices. Residential developments that utilise in-bin compaction units will be responsible for any ongoing maintenance, repair and replacement costs of the bins.
- (h) Commercial waste and recycling receptacles must be stored in a separate area to residential waste and recycling receptacles and commercial tenants must not have access to residential bins or waste rooms.

(182) WASTE/RECYCLING COLLECTION – RESIDENTIAL

- (a) The maximum travel distance between the storage point and collection point for all waste and recycling bins and bulky waste must be no more than 10 meters.
- (b) Clearance height for access by collection vehicle must be no less than 4m clear of services at any point if vehicle is required to enter site to service bins.
- (c) Unimpeded access must be provided for residential collection vehicles to set down within 10 meters of waste storage area(s) between 6am and 6pm on collection day(s).
- (d) Building management must contact Council's Waste Services unit for information on installation of a compatible (GAR) key system to allow for the City's staff to collect residential waste and recycling receptacles and bulky waste directly from the nominated waste holding room(s).
- (e) Waste and recycling containers will not be supplied until construction in developments is completed unless otherwise organised with waste services.
- (f) The development must have a residential rating or applied for a residential rating prior to a City Of Sydney waste service commencing.

(g) Residential waste service collections and waste storage arrangements must be conducted in accordance with the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places (2017).

(183) WASTE/RECYCLING COLLECTION - COMMERCIAL

(a) Waste storage and 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) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary.

(c) Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

(d) Commercial collection must be scheduled on alternate days to residential waste collection to minimise conflict.

Reason

To ensure that waste and recycling is appropriately managed.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with *National Construction Code* (previously known as *Building Code of Australia*) and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 2 conditions of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3

TERMS OF APPROVAL

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

(184) WATER NSW - DEWATERING

(a) Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

(b) Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity. **Advisory Note:** 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

(c) A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. **Advisory Notes:** 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

(d) If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via

(e) email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

(f) All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

(g) The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.

(h) Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.

(i) Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

(j) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering

(k) The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface

conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

(l) Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

(m) This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

(n) The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.

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

(185) HERITAGE NSW – GENERAL TERMS OF APPROVAL

(a) Adjoining excavation and construction works:

(i) A dilapidation report for the SHR item shall be prepared prior to the issue of a Construction Certificate.

(ii) Potential vibration and subsidence impacts created by the proposed excavation and construction works shall be monitored by a structural engineer to ensure that the SHR item is adequately protected from potential damage.

(iii) If damage occurs to the SHR item during the works, works must cease immediately, and remedial action undertaken prior to any further works being undertaken. The Heritage Council of NSW must be notified and additional assessment and approval may be required prior to works continuing based on the extent of remedial works required.

Reason: To ensure the condition of the SHR item is adequately recorded prior to the works. To ensure any damage caused by adjoining works is adequately remediated.

(b) Signage

(i) This application does not include any signage works to the Valve House. Details of any new signage must be submitted with the s.60 Application for approval by the Heritage Council (or its Delegate) prior to installation.

Reason: To ensure new signage is appropriate to the heritage context and minimises visual impacts. The Landscape Design Report includes 'wayfinding signage' on/near the Valve House, however no details have been provided.

(c) Use of a heritage consultant

(i) A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

(d) Site Protection

- (i) Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

(e) Unexpected historical archaeological relics

- (i) The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

(f) Compliance

- (i) If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

(g) section 60 Application

- (i) An application under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

SCHEDULE 4

EXTERNAL REFERRAL CONDITIONS

(186) Ausgrid conditions

(a) Method of Electricity Connection

(i) The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.

(b) Conduit Installation

(i) The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

(c) Streetlighting

(i) The developer is to consider the impact that existing streetlighting and any future replacement streetlighting and maintenance may have on the development. Should the developer determine that any existing streetlighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the streetlighting. The relocating of any streetlighting will generally be at the developers cost. In many cases is not possible to relocate streetlighting due to its strategic positioning.

(d) Service Mains

(i) It appears the existing overhead electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW".

(ii) It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.

(e) Proximity to Existing Network Assets Overhead Powerlines

(i) There are existing overhead electricity network assets in Mcevoy St, Bourke Rd and Young St.

(ii) Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

(iii) The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

(iv) The proposed development may encroach the statutory clearances of nearby powerlines as per the requirements set out in AS7000 and Ausgrid Standard NS220. The developer is required to either:

a. Engage an Accredited Service Provider Level 3 (ASP3) to confirm that the development does maintain the statutory clearances to the powerlines (this must include wind impacts). If the ASP3 determines that the proposed structure does encroach the statutory clearances, suitable arrangements must be made to ensure that the structure will not encroach the powerline statutory clearance either by redesign of the encroaching structure or relocation of the powerlines away from the proposed structure.

b. Make suitable arrangements to have powerlines relocated prior to the commencement of construction so that statutory clearances are not encroached.

(v) Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

(vi) It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

(f) Underground Cables

(i) There are existing underground electricity network assets within 903-921 BOURKE STREET.

(ii) Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

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

(iv) Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

(g) Substation

(i) There are existing electricity substation assets S5216 and S775 within 903-921 BOURKE STREET.

(ii) The existing electricity chamber substation may be impacted by the proposed construction. This type of building is susceptible to damage from subsidence or vibration due to nearby excavation or piling, and also due to building materials and machinery coming into contact with the facade of the building. The use of ground anchors under a substation building is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

(iii) The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards

including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

(iv) In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

(v) Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

(vi) The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

(vii) For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.

(viii) Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

(ix) For further details refer to Ausgrid's Network Standard 143.

(h) For Activities Within or Near to the Electricity Easement: Purpose Of Easement

(i) This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

(i) The Following Conditions Apply for any Activities Within the Electricity Easement:

(i) Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

(ii) Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.

(iii) Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne.

(iv) Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement.

(v) Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets.

- (vi) All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq. mm stranded copper, insulated earthwire bonded to a copper-clad earth- stake driven at least 1.6 metres into the ground.
- (vii) Metallic fencing is generally not permitted to extend away from the easement site unless an insulating section is installed, at least 3 metres wide. This requirement maybe relaxed upon assessment of a supplied fencing design.
- (viii) No buildings/structures or parts thereof constructed may encroach the easement. No machine excavation is permitted within the easement without Ausgrid's express permission.
- (ix) During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.
- (x) Bulk solids (e.g sand and gravels) are not to be stored within the easement area.
- (xi) The proposed finished ground levels within the easement must provide a minimum of 600mm cover to the 11kV Distribution Cables.
- (xii) The proposed finished ground levels within the easement must provide a minimum of 500mm cover to the Low Voltage Cables.
- (xiii) Ausgrid is to be indemnified from all actions, suits, claims and demands of whatsoever nature, which Ausgrid may incur as a result of the encroachment/s.
- (xiv) Ausgrid reserves the right, by written notice, to require the owner of the property, at the owner's expense, to implement further safety measures, removal or modification of any encroachments not specifically approved by Ausgrid should this be necessary in the future for the safe and continued operation or upgrade of the network asset.

(187) Sydney Water conditions

- (a) Section 73 Compliance Certificate
 - (i) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.
 - (ii) The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.
 - (iii) Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.
- (b) Building Plan Approval
 - (i) The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.
 - (ii) The Tap in™ service provides 24/7 access to a range of services, including:
 - a. building plan approvals

- b. connection and disconnection approvals
 - c. diagrams
 - d. trade waste approvals
 - e. pressure information
 - f. water meter installations
 - g. pressure boosting and pump approvals
 - h. changes to an existing service or asset, e.g. relocating or moving an asset.
- (iii) Sydney Water's Tap in™ online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>
- (iv) Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.
- (c) Out of Scope Building Plan Approval
- (i) Sydney Water will need to undertake a detailed review of building plans:
 - a. That affect or are likely to affect any of the following:
 - b. Wastewater pipes larger than 300mm in size
 - c. Pressure wastewater pipes
 - d. Drinking water or recycled water pipes
 - e. Our property boundary
 - f. An easement in our favour
 - g. Stormwater infrastructure within 10m of the property boundary.
 - (ii) Where the building plan includes:
 - a. Construction of a retaining wall over, or within the zone of influence of our assets
 - b. Excavation of a basement or building over, or adjacent to, one of our assets
 - c. Dewatering – removing water from solid material or soil.
 - (iii) The detailed review is to ensure that:
 - a. our assets will not be damaged during, or because of the construction of the development
 - b. we can access our assets for operation and maintenance
 - c. your building will be protected if we need to work on our assets in the future.

d. The developer will be required to pay Sydney Water for the costs associated with the detailed review.

(d) Tree Planting

(i) Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and Diagram 5 – Planting Trees within our Technical guidelines – Building over and adjacent to pipe assets. Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

(e) Trade Wastewater Requirements

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

(ii) The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

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

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

(f) Backflow Prevention Requirements

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

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

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

(iv) Before you install a backflow prevention device:

a. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.

b. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

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

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

(g) Water Efficiency Recommendations

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

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

a. Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>

b. Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>

c. Install water-monitoring devices on your meter to identify water usage patterns and leaks.

d. Develop a water efficiency plan for your business.

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

(h) Contingency Plan Recommendations

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

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

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

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

(v) For further information please visit the Sydney Water website at: <https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

(188) Transport for NSW Conditions

(a) TfNSW notes that the subject property is affected by a road proposal associated with the proposed Alexandria to Moore Park Project (including McEvoy and Bourke Street).

(i) TfNSW would raise no objections to the proposed development provided any new building or structures, together with any improvements integral to the future use of the site are erected clear of the land required for road (unlimited in height or depth).

(b) Prior to the release of a construction certificate for any building structures on the site, an application shall be made to TfNSW under the Road Transport Act for the proposed shared zones. The shared zone shall be designed in accordance with TfNSW Technical Direction TTD 2016/001 – Design and implementation of shared zones including provision of parking. This Technical Direction can be found via

(i) https://roads-waterways.transport.nsw.gov.au/trafficinformation/downloads/ttd_2016-001.pdf

(c) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on McEvoy Street are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au

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

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

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

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

(e) A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre for any works that may impact on traffic flows on McEvoy and Bourke Streets during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

(f) The layout of the proposed car parking areas associated with the subject development shall be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2018.

(189) Flysafe Conditions

(a) The building must not exceed a maximum height of 99.65 metres AHD, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.

(b) Separate approval must be sought under the Regulations for any equipment (e.g. cranes, concrete pumps) required to construct the building. Construction cranes or concrete

pumps 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 (e.g. cranes, concrete pumps) be obtained prior to any commitment to construct.

(c) 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-606 P2.

(d) On completion of construction of the building, the Proponent must provide SACL with a written report from a certified surveyor on the finished height of the building.

(e) A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.