

Attachment A

<h2>Recommended Conditions of Consent</h2>

SCHEDULE 1

CONDITIONS OF CONSENT

PART A - GENERAL

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2022/481 dated 31 May 2023 and the following drawings prepared by Candalepas Associates:

Drawing Number	Issue	Drawing Name	Date
DA 1101	F	B7 Plan	27 March 2023
DA 1102	F	B6 Plan	27 March 2023
DA 1103	F	B4-5 Typical Plan	27 March 2023
DA 1104	F	B3 Plan	27 March 2023
DA 1105	F	B2 Plan	27 March 2023
DA 1106	F	B1 Plan	27 March 2023
DA 1107	F	Lower Ground Floor Plan	27 March 2023
DA 1108	F	Upper Ground Floor Plan	27 March 2023
DA 1109	F	Level 1 Plan	27 March 2023
DA 1110	F	Level 2 Plan	27 March 2023
DA 1111	F	Level 3 Plan	27 March 2023
DA 1112	F	Level 4 Plan	27 March 2023
DA 1113	F	Level 5 Plan	27 March 2023
DA 1114	F	Level 6-19 (Typical Hotel) Plan	27 March 2023
DA 1115	F	Level 20	27 March 2023
DA 1116	F	Level 21	27 March 2023
DA 1117	F	Level 22	27 March 2023
DA 1118	F	Level 23	27 March 2023
DA 1119	F	Level 24	27 March 2023
DA 1120	F	Level 25-40 (Typical Residential) Plan	27 March 2023
DA 1121	F	Level 41 Plan	27 March 2023
DA 1122	F	Level 42 Plan	27 March 2023
DA 1123	F	Level 43 (Roof Terrace) Plan	27 March 2023
DA 1124	F	Roof Plan	27 March 2023
DA 1201	F	Section A	27 March 2023
DA 1202	F	Section B	27 March 2023
DA 1203	F	Section C	27 March 2023
DA 1210	F	Detail Section B	27 March 2023
DA 1211	F	Albion Place Cross Sections	27 March 2023
DA 1301	F	Elevation South	27 March 2023

DA 1302	F	Elevation West	27 March 2023
DA 1303	F	Elevation North	27 March 2023
DA 1304	F	Elevation East	27 March 2023
DA 1310	F	Albion Place South Elevation	27 March 2023
DA 1311	F	Albion Place South Elevation	27 March 2023

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) SECTION 7.12 CONTRIBUTIONS PAYABLE – SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

A monetary contribution is payable to the City of Sydney pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Central Sydney Development Contributions Plan 2020*.

The Section 7.12 levy is determined by the development cost, as per the following table:

Development cost *	Levy
* Refer to Section 2.3 of the <i>Central Sydney Development Contributions Plan 2020</i> for information on determining the development cost.	
Up to and including \$250,000	NIL
More than \$250,000, up to and including \$500,000	1%
More than \$500,000, up to and including \$1,000,000	2%
More than \$1,000,000	2%

The Section 7.12 levy is payable to the City of Sydney in accordance with the following:

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

- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, one of the following must be submitted:
- (i) **For development between \$250,000 and \$3,000,000** – the City of Sydney *Cost Summary Report* must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Cost Summary Report* is available from the City's website at www.cityofsydney.nsw.gov.au; or
 - (ii) **For development more than \$3,000,000** – The City of Sydney *Registered Quantity Surveyor's Detailed Cost Report* must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Registered Quantity Surveyor's Detailed Cost Report* is available from the City's website at www.cityofsydney.nsw.gov.au.
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Accredited Certifier accordingly.
- (d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.

Please contact Council's Planning Administration staff at Planningsystemsadmin@cityofsydney.nsw.gov.au to request a written Statement of Contributions Owing, prior to payment.

Reason

To ensure development contributions are paid to address the increased demand for public facilities, amenities, and services in Central Sydney by a growing residential and workforce population.

(3) AFFORDABLE HOUSING CONTRIBUTION – RESIDUAL LAND OR CENTRAL SYDNEY – 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 \$4,209,593.51 (indexed at 3 April 2023). This is calculated by establishing the sum of the equivalent monetary contribution \$10,611.53 multiplied by 0.5% of the total floor area for non-residential development (23,216sqm) and the equivalent monetary contribution \$10,611.53 multiplied by 1.5% of the total floor area for residential development (18,708sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being March 2023 to February 2024, 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 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 March 2023 to February 2024.

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.

(4) BUILDING HEIGHT

- (a) The height of the building must not exceed:
 - (i) RL 172.51 (AHD) to the top of the lift over run
 - (ii) RL 166.20 (AHD) to the top of the wall surrounding the roof terrace
- (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.

(5) APPROVED DESIGN ROOF - TOP PLANT

- (a) All roof-top plant and associated equipment must be located within the approved building envelope.
- (b) The plant area located at Level Five must be provided with parapet screening so it is not visible from the adjoining tower development at 505-523 George Street. Details of the location and design of the parapet screening are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

Reason

To ensure the constructed development complies with the approved height.

(6) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 15.24:1 calculated in accordance with the *Sydney Local Environmental Plan 2012*. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 28,283sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the

development, utilising the definition under *Sydney Local Environmental Plan 2012* applicable at the time of development consent, to the satisfaction of the Principal Certifier.

- (c) Prior to any Construction Certificate being issued, Council's written verification must be obtained, confirming that 6,820sqm of heritage floor space was allocated (purchased and transferred) to the development, being that gross floor area in excess of FSR of 8:1 as specified in the *Sydney Local Environmental Plan 2012*.

Reason

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

(7) 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) for the commercial podium and hotel and residential tower, being Candalepas Associates, 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 City 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.

(8) SHARED DRIVEWAY

- (a) Unimpeded vehicular access and egress via the shared driveway is to be made available to the adjoining site to the north 505-523 George Street, Sydney (legally described as Lot 1 in Deposited Plan 573250) at all times for vehicles associated with the operation of the building at 505-523 George Street following issue of the relevant Occupation Certificate. This condition does not require or imply that unimpeded vehicular access and egress is given for construction vehicles associated with the construction of the approved development under Development Application No. D/2019/857.
- (b) Access, egress and design of the basement must be able to accommodate a Council waste collection vehicle which can access both the subject site and 505-523 George Street

- (c) The applicant is to consult and work with the neighbouring property, 505-523 George Street, Sydney, to ensure the implementation of the breakthrough arrangement shown on Drawing DA 1106 Revision F – Basement Level 1 Plan dated 27 March 2023.
- (d) Prior to the issue of a Construction Certificate, a documentary Right of Carriageway and Easement, is to be created and registered on the Title of the development site. The Easement is to be defined over a strip of land within the development site, extending from Kent Street to the point of vehicular access of the land adjoining the development site to the north (505-523 George Street). The Easement is to be created appurtenant to the land adjoining the development site to the north (505-523 George Street) in terms granting unrestricted rights at all times for vehicular access and egress, to Council's satisfaction.

Reason

To ensure vehicular access and egress is provided to 505-523 George Street.

(9) SHARED NORTHERN SIDE BOUNDARY WALL

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

Reason

To ensure any temporary solution provides adequate weather and fire safety protection of the adjacent building.

(10) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

Reason

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

(11) WIND IMPACTS

The use of vertical screens to any outdoor dining within the colonnade and Albion Place is prohibited.

Reason

To ensure the colonnade and Albion Place allows for pedestrian movement along their length.

(12) NATURAL VENTILATION

- (a) A physical prototype of each plenum type and each trickle ventilator type to be used in the development is required to be constructed at 1:1 scale and tested to confirm the plenum design and trickle ventilation design meets the minimum natural ventilation, purge ventilation and pressure loss requirements of the draft City of Sydney Alternative natural ventilation of apartments in noisy environments Performance pathway guideline, available at:

<https://www.cityofsydney.nsw.gov.au/development-guidelines-policies/alternative-natural-ventilation-apartments-noisy-environments-performance-pathway-guideline-dr>

- (b) The results of the prototype testing are to include calculation of the devices pressure loss coefficient and must be submitted to and approved by the City's Director City Planning Development and Transport prior to the issue of any Stage 2 Construction Certificate.
- (c) The acoustic design of the plenums and trickle ventilators must be consistent with the document titled "Natural Ventilation Report Stage 2 Development Application", Revision 6, prepared by ADP Consulting, Ref SYD0640 and dated 3 February 2023 (Council reference: TRIM 2023/066466).
- (d) Prior to the issue of any Occupation Certificate for the residential component of the development, certification prepared by a suitably qualified engineer, must be submitted to Council's Area Planning Manager/Area Coordinator and Principal Certifier which certifies that the natural ventilation plenums and trickle ventilators installed are consistent with the approved physical prototype and the performance is not diminished.
- (e) Prior to the issue of any Occupation Certificate, a maintenance report prepared by a suitably qualified engineer which demonstrates how the plenums will be maintained for the life of the development must be submitted to Council's Area Planning Manager and Principal Certifier. It must include the details for the regular cleaning of the plenums and the maintenance of internal components such as the control damper.
- (f) The plenums must be retained for the life of the development and the maintenance report referred to in (e) above must be registered as a positive covenant on the title of all residential apartments and common property and be included in the strata management plan.

Reason

To confirm the plenum design and trickle ventilators meet the minimum natural ventilation, purge ventilation and pressure loss requirements of the draft City of Sydney Alternative natural ventilation of apartments in noisy environments.

(13) 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.

(14) UNDER AWNING LIGHTING

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

- (a) The horizontal luminance level must not exceed 200 lux (including reflectivity from exterior finishes). The lux level may be increased to 220 lux in some areas in Central Sydney;
- (b) The horizontal illuminance uniformity ratio (E_{avg}/E_{min}) must not exceed 4:1 to ensure safe movement of pedestrians;
- (c) The intensity, colour, period of intermittency and hours of illumination must be varied if, at any time in the opinion of the Council, adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting* is being caused to the amenity of the area;
- (d) Where nearby residents are located above the level of the under awning lighting, details are to be provided to show that light is not directed upwards toward such residences; and
- (e) Batten type fluorescent lighting is not permitted to be used for under awning lighting. Luminance should have a colour temperature of around 3,000K.

Reason

To set out lighting standards to create an aesthetic appearance for night-time illumination and lighting infrastructure during daylight hours.

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

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

Reason

To ensure the visual impact of air conditioners is minimised.

(16) SIGNS/GOODS IN THE PUBLIC WAY

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

Reason

To ensure the public domain is kept free from physical obstructions.

(17) SWINGING DOORS OVER PUBLIC WAY

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

Reason

To ensure no element of the development obstructs the use of the public way.

(18) SIGNAGE STRATEGY

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

Reason

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

(19) RESIDENTIAL STORAGE

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

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

Reason

To ensure adequate storage is provided in accordance with the Apartment Design Guide.

(20) 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.

(21) ADAPTABLE HOUSING

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

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

Reason

To ensure the provision of adaptable housing.

(22) TREES APPROVED FOR REMOVAL

All trees detailed in the table below are approved for removal. Tree removal must not occur until the Construction Certificate has been issued.

Tree Number	Species	Location
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Tree Number	Species	Location
1	Populus simonii (Simon's Poplar)	Kent St NW corner boundary

All tree removal works must be carried out by a qualified Arborist, with a minimum AQF Level 3 and in accordance with SafeWork's Code of Practice - Amenity Tree Industry.

Reason

To identify the trees that can be removed.

(23) TREES THAT MUST BE RETAINED

The existing trees detailed in the table below are to be retained and protected in accordance with the conditions throughout construction and development.

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

Tree Number	Species	Location
2	Populus simonii (Simon's Poplar)	Kent St W boundary
3	Populus simonii (Simon's Poplar)	Kent St SW corner boundary

Reason

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

(24) INTERCOM FOR VISITORS

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

Reason

To maintain the orderly operation of vehicle parking areas.

(25) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

Reason

To ensure accessible vehicle parking spaces are allocated to adaptable units.

(26) PARKING ON COMMON PROPERTY

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 future 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 designated areas within the development are maintained as common property.

(27) SIGNS AT EGRESS

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

- Compelling drivers to stop before proceeding onto the public way
- Compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

Reason

To ensure the safety of surrounding pedestrians and cyclists.

(28) SIGNAL SYSTEM

A system of flashing lights and/or mirrors must be installed in the MRV loading dock in the Basement 1 and at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry, and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

The design should include as a minimum, the measures that are outlined in the applicant's traffic report (TRAFFIX ref 18.362r09v02 date 3 February 2023). The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

Reason

To maintain the orderly operation of vehicle movements in the ramp and service vehicle parking in the MRV Loading Dock areas.

(29) SECURITY GATES

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

Reason

To ensure the public domain is kept free from physical obstructions.

(30) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of any Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

Reason

To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.

(31) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 9.25m for this (525-529 George St) site and 12.5m for the neighbouring site (505-523 George St) through this shared driveway for both the properties.

Reason

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

(32) ASSOCIATED ROADWAY COSTS

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

Reason

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

(33) COST OF SIGNPOSTING

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

Reason

To ensure all associated roadway works costs are borne by the developer.

(34) 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.

(35) PUBLIC ART

Public art must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.

The public artwork must be in accordance with 525 George Street Stage 2 DA Public Art Plan, Nov 2022, the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments.

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

Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Director City Planning, Development and Transport prior to the issue of any Occupation Certificate.

Note: Public Art must be reviewed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>. Please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

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

(36) REFLECTIVITY

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

Reason

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

(37) LETTERBOXES

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

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

Reason

To ensure letterboxes are located in an appropriate location on the site to prevent mail theft.

(38) EXTERNAL WALLS AND CLADDING FLAMMABILITY

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

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

Reason

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

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

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause 5.2(1)(e) of the Building Code of Australia must be submitted to the satisfaction of Council (where Council is the Accredited Certifier).

Reason

To ensure structural certification is undertaken.

(40) MINIMISE IMPACT OF POOL ON NEIGHBOURING PROPERTIES

- (a) To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area, the design and construction of the swimming pool/spa and associated equipment and fencing must comply with the following requirements:
 - (i) The *Swimming Pools Act 1992* and Regulations.
 - (ii) The swimming pool must have safety barriers installed in accordance with the requirements of AS 1946.1 - 2007 - 'Safety barriers for swimming pools' and AS 1946.2 - 2007 'Location of safety barriers for swimming pools'.
 - (iii) Australian Standards 1926.3 - Water Recirculation and Filtration; and
 - (iv) Protection of the Environment Operations Act 1997

Reason

To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/ spa area.

(41) SWIMMING POOL - WASTE AND OVERFLOW WATERS

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

Reason

To ensure waste and overflow waters are managed appropriately.

(42) NO CHARCOAL OR SOLID FUEL COOKING

No charcoal or solid fuel cooking is approved as part of this application.

For the purpose of this condition solid fuel cooking should be defined as any solid material

used as a fuel to produce energy and provide heating through combustion for the purpose of cooking. Solid fuels will include but are not limited to wood, charcoal, peat, coal etc.

Reason

To restrict the provision of charcoal or solid fuel cooking on the premises.

(43) DESIGN FOR ENVIRONMENTAL PERFORMANCE

(a) 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 prepared by Zak Nicholson dated 19 May 2022 (Council Ref: <https://record.cityofsydney.nsw.gov.au/2022/307035>) are incorporated into the relevant construction plans and accompanying doctation:

(b) (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 Regula 2000.

(c) (ii) Section 4 – Energy Efficiency and Greenhouse Gaement

(d) (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 wa© quality

(e) (c) Changes to any commitments as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager/Coordinator prior to the issue of any relevant Construction Certificate.

Reason

To ensure the environmental performance of the development.

(44) INSTALLATION OF DUAL-FLUSH TOILETS

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

Reason

To ensure the provision of water efficient toilets.

(45) INSTALLATION OF WATER EFFICIENT TAPS

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

Reason

To ensure the provision of water efficient taps.

(46) INSTALLATION OF WATER EFFICIENT URINALS

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

Reason

To ensure the provision of water efficient urinals.

(47) 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).

(48) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

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

Reason

To ensure separate approval is obtained for approval of the Strata Plan.

(49) LAND SUBDIVISION – SEPARATE DEVELOPMENT APPLICATION REQUIRED

Any proposal for land subdivision will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the Environmental Planning and Assessment Act 1979.

Reason

To ensure separate development consent is sought for land subdivision.

(50) LAND SUBDIVISION – SUBDIVISION CERTIFICATE

A separate application must be made through the Department of Planning's Planning Portal at www.planning.portal.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*.

Reason

To ensure separate development consent is sought for the plan of subdivision and issue of a Subdivision Certificate.

(51) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

Reason

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

(52) TELECOMMUNICATIONS IN NEW DEVELOPMENTS

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

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

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

Reason

To ensure the development adequately provides for telecommunications.

(53) OPERATIONAL USE AND FIT OUT - SEPARATE DA REQUIRED

No consent is granted or implied for the fit out or specific use of:

- (a) The restaurant and bar located at lower ground floor level.
- (b) The hotel café located at lower ground floor level.
- (c) The retail tenancies (Retail 01, 02 and 03) located at upper ground floor level.
- (d) The cinema.
- (e) The function centre located on level four.

A development application/s is required to be obtained for the fit out and operational use of the above uses prior to that fit out or use commencing.

Reason

To require separate consent to be obtained for a use.

(54) 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.

(55) 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.

(56) CHANGES TO KERB SIDE PARKING RESTRICTIONS

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

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

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

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

Reason

To require separate consent to be obtained for changes to kerb side parking arrangements.

(57) SWINGING DOORS OVER PUBLIC WAY

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

Reason

To ensure no element of the development obstructs the use of the public way.

(58) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

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

Reason

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

(59) 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 there are no obstructions on public footways and paths of travel.

(60) PAVING MATERIALS

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

Reason

To ensure appropriate and safe paving materials are used.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(61) PARKING DESIGN

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

Reason

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

(62) ALLOCATION OF PARKING

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

Car Parking Type	Number
Residential spaces	44
Accessible residential spaces	11
Valet/hotel parking	31
Accessible valet/hotel parking	1
Subtotal	87
Motorcycle parking	6
Service vehicle spaces (SRV Size)	2
Medium rigid vehicle loading dock(s) (able to accommodate 1X 9.25m Council Garbage Collection vehicle or 2x 8.8m MRV or a combination of 4x SRV/B99 van size vehicle in Tandem as shown in TRAFFIX Traffic Report ref 18.362r09v02 Date 3 Feb 2023.)	1
Hotel drop off and pick up	1
Accessible Hotel drop off and pick up	1
Total	98

Reason

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

(63) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Residential	115	Spaces must be a class 1 bicycle locker [1]
Visitor/ Public bicycle	113	Spaces must be Class 2 bicycle rails
Staff/ Employees	22	Spaces must be Class 2 bicycle facilities
End of Trip Facility Type	Number	
Showers with change area	4	

Bicycle Parking Type	Number	Requirements
Personal lockers	25	

Notes:

If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Accredited Certifier confirming prior to and form part of the Construction Certificate being issued.
- (c) Public Bicycle Parking, Staff Bicycle parking and End of Trip Facilities to be provided in accordance with plan submitted to Council by Candalepas Associate Drawing No DA 1108 Issue D Date 06.02.2023 (trim ref: 2023/066469).

Reason

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

(64) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

Reason

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

(65) 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 ADP, dated 8 February 2022, ref insert Consultant's SYD0640 Revision 04, titled Noise Impact Assessment stage 2, Council Ref 2023/115722 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).

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.

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

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

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

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

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

Reason

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

(67) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan for the site must be submitted to and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to a 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 site, including its long association with cinema industry, 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) Prior to occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager / Area Planning Manager.

Reason

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

(68) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the existing building is to be prepared to Council's satisfaction. The recording is to 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.

The form of the recording is to be as follows:

- (i) The Development Application number must be noted on the submitted information.
- (ii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (iii) 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.
- (iv) 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.
- (v) 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.

(69) SITES IN THE VICINITY OF A HERITAGE ITEM

The approved works must ensure that the neighbouring heritage buildings and places are to be suitably protected during the demolition, excavation and construction process. The contractor or developer must conduct consultations with the stakeholders of the neighbouring heritage site, record and monitor the conditions of the heritage building and take suitable measures to control and minimize any risks to the heritage fabric during construction, including vibration controls and earth retention design. The protection measures must be incorporated into the construction management plan. Details of the protection plan must be submitted to and approved by council's area coordinator planning assessments / area planning manager prior to the issue of any construction certificate.

Reason

To ensure the protection of adjacent/nearby heritage items.

(70) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL

- (a) The Waste and Recycling Management Plan prepared by Elephants Foot Recycling Solutions dated 4 November 2022 (Report No. 3547 Rev G) is approved by this consent.
- (b) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
 - (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste;
 - (ii) Collection points for waste and recycling must be wholly located within the boundary of the development;
 - (iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments 2018*;
 - (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times;
 - (v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading;
 - (vi) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

Note: The building manager/strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's policies, and best practice waste and recycling source separation.

UPON COMPLETION OF THE DEVELOPMENT

- (c) 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 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.

(71) WASTE CHUTE ACOUSTICS

The chutes are to be certified in design by an appropriately qualified acoustic consultant to the satisfaction of the certifying authority to achieve the conditions below that are to be achieved prior to the issue of the occupation certificate:

- (a) An RW + Ctr of not less than 55 if the adjacent rooms are habitable rooms (includes a kitchen, laundry and hallway) and achieve a DnT,w + Ctr of not less than 50 in verification prior to occupation, and
- (b) An LnT,W + Cl of not more than 55 if the adjacent rooms are habitable rooms (includes a kitchen, laundry and hallway) and achieve a L'nT,w + Cl of not more than 55 in verification of the construction methodology prior to occupation.

Reason

To protect residential amenity

(72) SITE AUDIT STATEMENT

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

hbapplications@cityofsydney.nsw.gov.au

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

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building 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.

(73) INACCESSIBLE (GREEN) ROOFS

Note: This condition applies to the Level 5 inaccessible green roofs.

- (a) A detailed green roof plan including plans and details drawn to scale, and technical specification, by a registered landscape architect must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager prior to the issue of a Construction Certificate. These documents 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 a Construction 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 be complete prior to the issue of an Occupation Certificate.

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.

(74) ACCESSIBLE GREEN ROOFS

Note: This condition applies to accessible roof terraces and communal open spaces on structure located on Level 4, 5, and rooftop.

- (a) A detailed green roof plan including plans and details drawn to scale, and technical specification, by a registered landscape architect must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager prior to the issue of a Construction Certificate. These documents 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, balustrades, hard surfaces, furniture, screens and shade structures, fixings 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) Wind study (if applicable) confirming suitability of the roof for intended use.
 - (v) Details of soil types and depth including 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.
 - (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.
 - (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 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.

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.

(75) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE

- (a) One new tree(s) must be planted in Kent St approximately 15m north of the proposed tree removal in association with the development and be included on the Public Domain Plans required to be submitted under condition titled 'Public Domain Plan'.
- (b) Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document.
- (c) The applicant must indicate of 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 Officer.
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.
- (d) If opting to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:
 - (i) The trees must be planted prior to the issuing of the Occupation Certificate.
 - (ii) Trees must be located and planted in accordance with the City's Street Tree Master Plan or other relevant guidance document.

- (iii) The tree species shall be consistent with the City's Street Tree Master Plan (refer to relevant precinct plans) or other relevant guidance document. Species substitutes will not be accepted.
- (iv) The trees must be a minimum container size of 200Lt, and a minimum height of 3.5m at the time of planting.
- (v) 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.
- (vi) 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 trees have been grown and comply with the requirements of AS2302. Any new trees that do not conform will be rejected by the City.
- (vii) 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.
- (viii) 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.
- (ix) 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 twelve (12) months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (x) At the end of the twelve (12) month maintenance period, written acceptance of the tree/s must be obtained from the City before release of the public domain bond.
- (xi) 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 ensure that details of street trees to be planted are approved, the works are carried out in an appropriate manner and the trees are maintained following installation.

(76) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 430 square metres of stone site frontages must be lodged with Council in accordance with the City of Sydney's adopted Schedule of 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 allow for the appropriate management and rectification of damage to the public domain.

(77) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the George Street, Kent Street and Albion Place frontages of the site are to be retained and properly protected during demolition, excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e., those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- (c) Note the following:
 - (i) All costs associated with the works are to be borne by the developer.
 - (ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
 - (iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
 - (iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
 - (v) Council approval is required before kerbs are removed.
 - (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
 - (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

Reason

To ensure the protection of stone kerbs.

(78) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

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

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

- (a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or

- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

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

Reason

To ensure the preservation of existing survey infrastructure.

(79) PUBLIC DOMAIN AND ALBION PLACE COLONNADE CONCEPTION PLAN

A public domain concept plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the road centreline and including Albion Place colonnade, must be prepared in accordance with the City's Public Domain Manual and Sydney Streets Code. It must be submitted to and approved by the City's Public Domain Unit prior to the issue of any Construction Certificate for the development other than for demolition or excavation.

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

Reason

To ensure public domain works comply with Council's requirements.

(80) PUBLIC DOMIAN LEVELS AND GRADIENTS

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

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

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

Reason

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

(81) STORMWATER DRAINAGE DESIGN

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

A certified stormwater drainage design complying with:

- (i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;

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

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

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

Reason

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

(82) STORMWATER ON-SITE DETENTION

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

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

Reason

To ensure the requirements of Sydney Water are complied with.

(83) STORMWATER QUALITY ASSESSMENT

The development must comply with the Stormwater Management Plan report dated October 2022 approved with this development application.

Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NPER) 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 reports.

Reason

To ensure appropriate stormwater quality on the site.

(84) PUBLIC DOMAIN LIGHTING UPGRADE

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

The lighting upgrade plan must cover all adjacent street frontages, being George Street, Kent Street and Albion Place and shall be designed to include the following requirements: existing illuminance levels calculations for all frontages to enable review of lighting requirements, and City standard wall mounted lighting for Albion Place.

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

Reason

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

(85) DILAPIDATION REPORT – PUBLIC DOMAIN

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

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

Reason

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

(86) TEMPORARY DEWATERING DURING CONSTRUCTION

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

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

Reason

To ensure dewatering is managed appropriately.

(87) REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL APARTMENTS)

(a) Prior to a Construction Certificate being issued, an acoustic assessment report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Accredited Certifier demonstrating compliance with the requirements of the Sydney DCP 2012 in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.

(b) In the preparation of the report:

- (i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.
- (c) Prior to any Occupation Certificate being issued, a Compliance Certificate from a qualified, practising acoustic engineer must be submitted to the satisfaction of the Principal Certifier, certifying compliance with the condition.

Reason

To ensure an appropriate level of acoustic amenity inside apartments.

(88) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the *National Construction Code (previously known as Building Code of Australia)* and AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings, the *National Construction Code (previously known as Building Code of Australia)* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *National Construction Code (previously known as Building Code of Australia)*, to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.
- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *National Construction Code (previously known as Building Code of Australia)*, must be submitted to the Principal Certifier.

Reason

To ensure the ventilation complies with relevant standards.

(89) 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.

(90) FUTURE FOOD USE – MECHANICAL VENTILATION PROVISION

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

Reason

To ensure the mechanical ventilation complies with relevant standards.

(91) SYDNEY AIRPORT CORPORATION APPROVAL

An approval for the proposed height of the development must be obtained from Sydney Airport Corporation Limited in accordance with the Civil Aviation (Building Control) Regulations 1988 prior to the issue of a Construction Certificate.

Reason

To ensure the required approval is obtained from Sydney Airport Corporation Limited.

(92) DEMOLITION/SITE RECTIFICATION

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
- (i) A bank guarantee to be provided in the sum of \$464,025 dollars as security for the costs of such works provided that:
- a. the maximum liability under the Deed must not exceed \$464,025 dollars; and

- b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the erection of the structure has commenced;
 - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - a. make the building safe and of an appearance acceptable to Council at ground level;
 - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

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

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
 - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
 - (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
 - (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.

- (iii) Stage 3 – Issue of the Occupation Certificate.
- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
 - (i) Certification (from the principal certifier) that the relevant stage is complete;
 - (ii) Detailed schedule of completed works carried out in the relevant stage;
 - (iii) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

Reason

To allow for the appropriate management of sites where development (demolition/excavation/construction) has commenced and there is a suspension in activity resulting in a building site which has an unacceptable appearance.

(93) 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.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

(94) REDEFINITION PLAN – SOME COMPONENTS PRIOR TO CONSTRUCTION CERTIFICATE

- (a) Prior to the issue of any approval for demolition or Construction Certificate, the initial boundary definition survey work necessary for the preparation of a redefinition plan, redefining the boundaries of the subject site, shall be carried out by a surveyor registered under the *Surveying and Spatial Information Act, 2002*. The registered surveyor shall provide a letter or email to the Principal Certifier, certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate. The surveyor must first contact Council's Survey Division, and obtain copies of street alignment information, relevant field books and Sydney City permanent mark information.
- (b) The registered surveyor must obtain written approval of the street alignment definition from Council's Survey Division prior to finalising their determination of the boundaries.
- (c) When the approval noted in b) above has been received, a plan or CAD file showing the redefined boundaries shall be provided to the project architect, who shall certify in writing or by email that the proposed building as designed will fit within the redefined boundaries, without causing any further encroachment of the proposed building. This written confirmation shall be provided to the Principal Certifier prior to the issue of a Construction Certificate.

Advisory note: It is recommended that the Construction Certificate plans provide for the external walls of the building to be set back a minimum of 20 millimetres from the redefined boundaries to allow for construction tolerances and minimise risk of encroachment and consequent delays and expenses.

Reason

As the subject DP is old, and three of the boundaries defined by the City's alignments, and the building has no clearances to any boundaries, a redefinition plan should be registered.

(95) EROSION AND SEDIMENT CONTROL – BETWEEN 250 AND 2500SQM

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

- (a) Conform to the specifications and standards contained in *Managing Urban Stormwater: Soils and Construction (Landcom, 2004)*; the *Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004)*; and the *NSW Protection of the Environment Operations Act 1997*.
- (b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas
 - (v) existing and proposed drainage patterns with stormwater discharge points
 - (vi) north point and scale

- (c) Specify how soil conservation measures will be conducted on site including:
- (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
 - (viii) frequency and nature of any maintenance program
 - (ix) other site-specific soil or water conservation structures.

Reason

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

(96) DILAPIDATION REPORT – MAJOR EXCAVATION / DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 505-523 George Street (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by a structural engineer registered with the National Engineering Register prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Accredited Certifier and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

Reason

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

(97) HAZARDOUS MATERIALS SURVEY REQUIRED

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

Reason

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

(98) DECOMMISSIONING OF UNDERGROUND PETROLEUM STORAGE TANKS

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

- NSW EPA Technical Note: Decommissioning, Abandonment and Removal of UPSS (January 2010),
- NSW EPA Technical Note: Investigation of Service Station Sites (April 2014),
- AS 1940 –2004: Storage and handling of flammable and combustible liquids,
- AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks.

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

Subsequent remediation of the site must be undertaken in accordance with the Managing Land Contamination – Planning Guidelines (Department of Urban Affairs and Planning 1998), and the State Environmental Planning Policy (Resilience and Hazards 2021) including notification to Council's Area Planning Manager at the start and completion of land remediation.

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

Reason

To ensure the removal of underground petroleum storage tanks is appropriately managed.

(99) UNDERGROUND PETROLEUM STORAGE SYSTEM – DECOMMISSIONING REPORT

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

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

The decommissioning report must contain:

- (a) A description of the scale and nature of any contamination originally present,
- (b) A description of the remedial methods used, including objectives, where applicable,
- (c) A statement about the site's ongoing or future use,
- (d) A description of the extent of any remaining contamination and how this was assessed,
- (e) A site plan delineating the area being validated and any contamination remaining after site works,
- (f) A clear conclusion on the suitability of the site for its ongoing or future use.

Reason

To ensure the removal of underground petroleum storage tanks and contamination of the site is appropriately managed.

(100) TREE PROTECTION ZONE

- (a) Before the commencement of works, Tree Protection Zone/s (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below.
- (b) Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and with the following schedule"

Tree Number	Species Name	Location	Radius (m) from trunk
2	<i>Populus simonii</i> (Simon's Poplar)	Street tree – Kent St W boundary	2.0
3	<i>Populus simonii</i> (Simon's Poplar)	Street tree – Kent St SW corner boundary	2.0

Note: Only applies to the TPZ within the subject development site and the public domain.

- (c) Ground surface protection must be installed if construction access is required through any TPZ of this condition where hard surface/paving is not existing. The ground protection must be::
 - (i) Protected with boarding (i.e. scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric
 - (ii) The protective boarding must be left in place for the duration of the construction and development
- (d) The following works must be excluded from within any TPZs:

- (i) Excavation except for the localised siting of piers/demolition of the concrete slab
 - (ii) Soil cut or fill including trenching
 - (iii) Soil cultivation, disturbance or compaction
 - (iv) Stockpiling, storage or mixing of materials
 - (v) The parking (except existing on street parking), storing, washing and repairing of tools, equipment and machinery
 - (vi) The disposal of liquids and refuelling
 - (vii) The disposal of building materials
 - (viii) The siting of offices or sheds
 - (ix) Any action leading to the impact on tree health or structure
- (e) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.
- (f) All work undertaken within or above the TPZ must be:
- (i) Carried out in accordance with a work methodology statement prepared by an Arborist (minimum AQF Level 5) and written approval is obtained from Council's Tree Management Officer before its implementation; and
 - (ii) Supervised by a Project Arborist (minimum AQF Level 5).

Reason

To ensure the protection and ongoing health of trees.

(101) STREET TREE PRUNING AND REMOVAL

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

Reason

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

(102) 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.

(103) PUBLIC DOMAIN WORKS – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993

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

Reason

To ensure relevant approvals for public domain work are obtained.

(104) SYDNEY WATER CERTIFICATE (TAP-IN)

- (a) The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's "Tap-in" online service is available at www.sydneywater.com.au, (see Plumbing, Building & Development and then Sydney Water "Tap-in").
- (b) The Consent Authority or a Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

Reason

To ensure the development satisfies Sydney Waters requirements.

(105) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

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

Reason

To ensure wastewater is managed appropriate.

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

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

Reason

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

(107) 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.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

(108) HOURS OF WORK AND NOISE – CBD

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

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a 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.

(109) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

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

Reason

To protect the amenity of the public domain.

(110) 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.

(111) 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.

Reason

To allow adequate vehicular access to the site.

(112) USE OF MOBILE CRANES

The following requirements apply:

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

Reason

To ensure mobile cranes are used appropriately.

(113) 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.

(114) 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.

(115) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately, and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

Reason

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

(116) FLASHINGS TO BOUNDARY WALLS

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

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

Reason

To prevent water entering between the walls of adjoining properties.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan prepared by ADP within the Noise Impact Assessment Stage 2 reference SYD0640, Revision 04 dated 8 February 2023 Council reference 2023/115722.
- (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

Reason

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

(118) 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.

(119) LAND REMEDIATION (WHERE SITE AUDITOR ENGAGED)

The site is to be remediated and validated in accordance with the recommendations and contingency measures within section 13 of the Revised Detailed Site Investigation prepared by Douglas Partners dated 17 February 2022, reference number 2023/089855 and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor Julie Evans of Envirocene dated 2 March 2023 reference 2023/113294.

All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997.

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

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

Reason

To ensure that the site is appropriately remediated.

(120) 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 and/or Acid Sulfate Soils.

Reason

To ensure that the site is appropriately remediated.

(121) 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.

(122) CLASSIFICATION OF WASTE

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

Reason

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

(123) 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.

(124) PUBLIC DOMAIN WORKS SECURITY BOND

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

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

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

Reason

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

(125) DRAINAGE AND SERVICE PIT LIDS

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

Reason

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

(126) PUBLIC DOMAIN AND ALBION PLACE COLONNADE PLAN – DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain and Albion Place colonnade plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain and Albion Place colonnade complies with the City of Sydney's Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights Design Code and Sydney Streets Technical Specification. The documentation must be checked, accurate, and comply with specified requirements. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be For Construction issue and will be approved under Section 138 of the Roads Act.

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

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

Reason

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

(127) HOLD POINTS

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

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

Reason

To ensure hold points are adhered to during construction works.

(128) STORMWATER DRAINAGE CONNECTION

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

Reason

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

(129) PUBLIC DOMAIN LIGHTING RETICULATION

Prior to the issue of any relevant approval for the construction of public domain works, a detailed Public Domain Lighting Reticulation Plan for pedestrian and street lighting in the public domain must be submitted to and approved by the City's Public Domain Unit in accordance with the City's Sydney Lights 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>.

If applicable, this public domain lighting documentation must 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 the public domain lighting documentation complies with Council requirements.

(130) 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.

(131) STREET TREE PROTECTION

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

- (a) Tree trunk and major limb protection must be undertaken prior to the commencement of any works (including demolition). 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 trucks at all times;
 - (ii) Tree trunks and major branches must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy or
 - (ii) within two (2) metres of tree trunks or branches or any street trees
- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand;
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within 5 metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services;
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer;
- (i) Any damage sustained to street tree/s as a result of any construction activities (including demolition), must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Reason

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

(132) TREE PRUNING – FURTHER APPROVAL REQUIRED

The consent from Council's Tree Management Officer must be obtained prior to the any tree pruning work being undertaken, including tree roots greater than 40mm in diameter, for any trees located within or adjacent to the site. Only minor pruning works will be approved by Council.

Reason

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

(133) PROTECTION OF NATIVE WILDLIFE

- (a) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself. In regards to tree pruning, works may only proceed if the animals will not come into direct harm.
- (b) In the event that the tree has nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

Reason

To ensure that wildlife is adequately protected during tree removal/pruning works.

(134) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

Reason

Prescribed condition EP&A Regulation, clauses 98A (2) and (3)

(135) USE OF HIGH EMISSIONS/ 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 9am to 12pm and 2pm to 5pm Mondays to Fridays and 9am to 1pm Saturdays.
- (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.

(136) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

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

Reason

To protect the amenity of the surrounding area.

(137) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLICANCES/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.

(138) SURVEY

- (a) All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction, when the Basement 7 & Basement 6 walls are one metre in height, a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier within 5 days indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work, or written consent obtained from Council's Property Services division in the case of roads. If the encroachment is upon 505-523 George Street, written consent for the encroachment must be obtained from the registered proprietor before building work can continue. The consent must include agreement to sign documentation for the creation of an easement for support.
- (b) Prior to the concrete pour of the main slab at each level up to Level 5, 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 within the existing and proposed boundaries of the site, and is compliant with the setbacks approved under this consent.

Reason

To ensure the development does not encroach onto neighbouring properties, or that suitable easements are created.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

(139) 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 97A(2) EP&A Regulation).

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

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

Reason

To ensure that no banned products are used in the development.

(141) BICYCLE DIRECTIONAL SIGNAGE AND WAYFINDING PLAN

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

Reason

To ensure adequate bicycle wayfinding signage is provided.

(142) 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.

(143) WASTE AND RECYCLING COLLECTION CONTRACT

- (a) 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.

(144) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building 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) A restriction on the use of land is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential accommodation as defined in Sydney Local Environmental Plan 2012. The restriction is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier. The restriction must contain terms reasonably required by Council.
- (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 ACCOMMODATION

The following conditions apply to car parking associated with the residential accommodation:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated. 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 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part lots in the strata plan.

Reason

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

(146) RESTRICTION ON USE OF CAR SPACES - HOTEL

The following conditions apply to car parking associated with the hotel use:

- (a) The on-site car parking spaces are not to be used other than by hotel guests, function patrons and staff of the subject building.
- (b) Car parking spaces used in connection with hotel function areas are to be available only to patrons while using the function facilities and must not be used for public car parking.
- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant is to be registered on the Title of the

development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a), above. The covenant is to be created appurtenant to Council, at no cost to Council.

Reason

To ensure the on-site car parking spaces are not to be used other hotel guests, function patrons and staff of the building.

(147) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report (prepared by insert, Ref. insert, dated insert), as approved must be complied with.

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

Reason

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

(148) SURVEY CERTIFICATE AT COMPLETION AND LODGEMENT OF REDEFINITION PLAN

- (a) A Survey Certificate prepared by a Registered Surveyor must be submitted to the Principal Certifier at the completion of the building work certifying the location of the building by means of offsets in relation to the boundaries of the allotment. Any encroachments upon private property must be formalised by registered easements. In this case, a copy of the title and easement terms must be provided to the Principal certifier prior to the issue of any Occupation Certificate for the building.
- (b) The Redefinition Plan must show the completed building and be lodged with the office of NSW Land Registry Services. Evidence of lodgement or registration must be provided to the Principal Certifier prior to the issue of any Occupation Certificate for the building.

Reason

To ensure the development does not encroach onto neighbouring properties, or encroachments are covered by appropriate easements.

(149) PHYSICAL MODELS

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

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.

- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

Reason

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

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

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

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

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

Reason

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

(151) PUBLIC DOMAIN WORKS COMPLETION

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

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

Reason

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

(152) PUBLIC DOMAIN COMPLETION – WORKS AS EXECUTED DOCUMENTATION

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

Reason

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

(153) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate:

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

Reason

To protect underground drainage systems.

(154) SURVEY INFRASTRUCTURE

- (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 / Coordinator. 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 all requirements for survey mark removal are complied with.

PART F – OCCUPATION AND ONGOING USE

(155) 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.

(156) AWNING MAINTENANCE

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

Reason

To ensure that awnings are appropriately maintained.

(157) ON-SITE LOADING AREAS AND OPERATION

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

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

Reason

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

(158) STACKED PARKING EMPLOYEES OR TENANTS ONLY

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

Reason

To maintain the orderly operation of vehicle parking areas.

(159) TRANSPORT ACCESS GUIDE

A Transport Access Guide must be implemented and maintained by the operators of the hotel, cinema and function centre uses and must be made available to staff, clients, customers and visitors at all times. The following information shall be submitted to and approved by the City's Area Planning Manager prior to the issue of an Occupation Certificate for the site. The Transport Access Guide is to include (but not limited to) the following:

- (a) A Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes.

- (b) Information regarding lack of off-street car parking and passenger pick-up and set-down areas at the development site.
- (c) Suitable nearby drop-off/pick-up locations.
- (d) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas.
- (e) Suitable nearby Taxi Zones.
- (f) Public Transport options adjacent to the site.
- (g) Pedestrian access to the site.
- (h) Bicycle Parking and cycleway networks to the site.
- (i) Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

[Note: Transport Access Guide requirements are detailed in section 7.7 of the DCP.]

Reason

To enable staff and visitors to know how to get to the subject development by walking, cycling or public transport (as well as by car).

(160) LOADING AND SERVICE MANAGEMENT PLAN

A Loading Management Plan demonstrating the management of all delivery and servicing activities and vehicles and its impact on surrounding streets is required to be submitted and approved by the City's Area Planning Manager. The Loading Management Plan is to include the following:

- (i) A detailed outline all delivery and servicing activities to be carried out for all uses onsite (residents, theatre/ cinema, hotel, bars, kitchen, dining, etc)
- (ii) A detailed outline of vehicle types required to conduct activities in point (a) above
- (iii) A detailed outline of the frequency of visits per day and/or week of vehicles outlined in point (b) above
- (iv) Details of how activities and vehicles outlined in points (a), (b) and (c) above will be managed to optimise use of the onsite loading dock and minimise use of public streets for loading, parking or circulating while waiting to access on the onsite loading dock. Both inhouse consolidation and consolidation with the neighbouring sites/business to get deliveries will help to reduce traffic on road and such practice is highly encouraged
- (v) The proposed MRV loading dock must not be reserved for the hotel, or any other single tenancy, and must be available to all users within the site. A management plan, loading dock manager, loading schedule or similar must be prepared so all users are aware of their entitlements and to avoid too many deliveries being at the dock at any one time
- (vi) Detail and management of tandem service vehicle spaces

The details must be submitted to and approved by the City's Area Planning Manager prior to the Occupation Certificate for the site/use being granted. Once approved, this management plan must be provided to all tenants and external users.

Reason

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

(161) MECHANICAL PARKING FACILITIES (VEHICLE TURNTABLE)

The following details being submitted to an approved by the Principal Certifying Authority prior to the issue of the issue of a Construction Certificate:

- (a) A review of the proposed installation by the manufacturer and its suitability for implementation in accordance with the manufacturer's specifications including but not limited to compliance with AS/NZS 2890.1 2004 and its references to AS/NZS 28590.6.
- (b) Implementation of mechanisms addressing potential safety concerns including but not limited to:
 - (i) Queuing potential and the need for onsite waiting space/s
 - (ii) Management measures in system failures and or mechanical break down
 - (iii) The potential trip hazard posed by the platforms to pedestrians walking within the car parking areas, and
- c) Any further information requested by the Principal Certifying Authority.

Reason

To ensure the vehicle turntable is safely managed.

(162) EMISSIONS

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- (c) Uses that produce airborne particulate matter must incorporate an effective dust collection system.

Reason

To protect the amenity of the surrounding area.

(163) CAR WASH BAYS

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

Reason

To ensure the premises has access to water and sewer and to that runoff is discharged appropriately.

(164) COACH PARKING AND PASSENGER PICK-UP AND SET-DOWN MANAGEMENT

The site must maintain and comply to the Coach Parking and Passenger Pick-up and Set-down Management Plan that has endorsed by the Council and TfNSW (Prepared by TRAFFIX ref: 18.362r06v01 date November 2023). Any changes to this approved Coach Parking and Passenger Pick-up and Set-down Management plan must be submitted to the Council and for consultation and endorsement from TfNSW.

Reason

To ensure the operation of the development will have minimal impact on the operation of the surrounding transport network.

(165) WASTE AND 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 or as a wheel-out/wheel-back service.
- (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.

Reason

To ensure that waste and recycling is appropriately managed.

(166) WASTE AND RECYCLING COLLECTION – RESIDENTIAL

- (a) The maximum travel distance between the storage point and collection point for all waste and recycling bins and bulky waste shall be no more than 10 meters.
- (b) Clearance height for access by collection vehicle must be no less than 4m at any point if vehicle is required to enter site to service bins.
- (c) Unimpeded access must be provided for collection from the waste and recycling storage location(s) at all times.
- (d) Unimpeded access shall be provided for collection vehicles to set down within 10 meters of waste storage area(s) between 6am and 6pm on collection day(s).
- (e) The applicant 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).
- (f) The development must have a residential rating or applied for a residential rating prior to a City of Sydney waste service commencing.

Reason

To ensure that waste and recycling is appropriately managed.

(167) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of completion will

be nominated by Council on the Public Domain Works - Letter of Completion Operational Acceptance.

Reason

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

(168) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:
 - (i) principal entrance/s and exits;
 - (ii) all areas within the premise occupied by the public (excluding toilets);
 - (iii) staircases in multilevel premises; and
 - (iv) the area within a 10m radius external to the public entrance(s) to the premise.
- (b) Suitable and clearly visible signage must be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- (c) All CCTV recording equipment and cameras must be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera must be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be auto recorded on the disc or hard drive. The CCTV recording equipment must be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Stored digital copies of CCTV recordings must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras must be checked daily to ensure the equipment is operating correctly. The Licensee must record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.
- (f) All CCTV recording devices and cameras must be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- (g) The CCTV recording device must be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

Reason

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

(169) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI) unless agreed to by the City's Area Planning Manager. Further:
 - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.
 - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 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 premises.
- (c) Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.

(170) CAR PARK VENTILATION

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

Reason

To ensure car park ventilation complies with relevant standards.

(171) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

(172) ENCROACHMENTS – PUBLIC WAY

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

Reason

To protect the public way.

PART G – OPERATIONAL HOTEL CONDITIONS – HOTEL USE

These conditions relate to the hotel use only.

(173) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION

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

Reason

To ensure the development operates as a tourist and visitor accommodation use.

(174) NUMBER OF ADULTS PER ROOM

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

Reason

To prevent overcrowding.

(175) PICK-UP AND DROP-OFF MANAGEMENT

A Hotel/Guest Pick-Up and Drop-off Management including Valet management Plan is to be submitted demonstrating management of all vehicles associated with guest arrivals, departures and tours and its potential impacts on surrounding streets. The Management Plan is to include the details of the valet parking operation/ procedures including reservation options etc. for Hotel guests.

The Pick Up and Drop Off management plan shall be submitted to and approved by the area manager of the Council prior to the issue of an Occupation Certificate for the site.

Reason

To ensure the safe pick-up and drop-off of guests arriving and departing the site.

(176) NO SPRUICKING NOISE

No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(177) NO MUSIC OR SPEAKERS OUTSIDE

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the hotel premises including the public domain and level five pool deck area. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(178) PLAN OF MANAGEMENT

- (a) An updated Plan of Management is to be submitted to and approved by the area manager of the Council prior to the issue of an Occupation Certificate for the site. The updated Plan of Management is to be generally consistent with the Plan of Management prepared by Planning Lab dated 30 March 2023 and is to relate to the hotel use only.
- (b) The hotel must always be operated / managed in accordance with the updated Plan of Management as outlined in (a) above which has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Reason

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

(179) HOURS OF OPERATION – HOTEL ACCOMMODATION

- (a) The hours of operation of the hotel accommodation are 24 hours, seven days a week.
- (b) The use of the pool and outdoor terrace is restricted to hotel guests only and must be restricted to between the hours of 7am and 10pm, seven days a week.
- (c) The use of the gym is restricted to hotel guests only and is to operate 24 hours, seven days a week.

Reason

To ensure the premises operates within the approved hours of operation.

(180) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE RESIDENTIAL PREMISES

- (a) Structure borne noise emanating from the hotel premises is not to exceed the following criterion when measured within any separate residential accommodation:
 - (i) LA1, Slow 15 minute \leq LA90, 15 minute dB(A).

Reason

To protect the amenity of surrounding properties.

(181) STRUCTURE BORNE IMPACT ON SEPARATE COMMERCIAL PREMISE

- (a) Structure borne noise emanating from the hotel premises is not to exceed the following criterion when measured within any separate commercial premise:
 - (i) LA1, Slow 15 minute \leq LA90, 15 minute +3 dB(A)

Reason

To protect the acoustic amenity of surrounding properties.

(182) VIBRATION

Operation of the hotel use is not to result in the transmission of any perceptible vibration to an occupiable area within a separate premises.

Reason

To protect the amenity of surrounding properties.

(183) OLYMPIC AND POWERLIFTING WEIGHTS PROHIBITED

Olympic and or powerlifting weights must not be kept or used on the premises.

For the purpose of this condition, Olympic and or Powerlifting weights means:

- (a) In reference to 'Olympic weights', equipment described by and or reasonably equivalent to Regulation 3.3.3 describing barbels, discs and collars of the IWF (International Weightlifting) 2020 Technical and Competition Rules & Regulations, published by the IWF, dated 2020.
- (b) In reference to 'powerlifting weights', equipment described by or reasonably equivalent to that described by the Bars and Discs and Collars subsection of the Equipment and Specifications section of the IPF (International Powerlifting Federation) Technical Rules Book 2021, updated on December 31, 2021.

Reason

To protect the acoustic amenity of surrounding properties.

PART F – OPERATIONAL CONDITIONS – RESIDENTIAL ACCOMMODATION

These conditions relate to the residential accommodation use only.

(184) USE OF COMMON AREAS AND FACILITIES

The rooftop terrace located on Level 43 and the indoor communal rooms located on Levels 23 and 24 must be available for the use all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

Reason

To ensure designated areas within the residential development are maintained as common property.

(185) NO MUSIC OR SPEAKERS OUTSIDE

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain and the rooftop terrace located on Level 43. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

Reason

To safeguard the amenity of the surrounding neighbourhood.

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 development consent of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3

AGENCY CONDITIONS

(186) SYDNEY TRAINS CONDITION

Prior to the issue of the Construction Certificate

- (a) The applicant should consult with Sydney Trains to confirm the timing of each construction certificate and associated documentation and activities prior to preparation of requested documentation. The Certifier is not to issue the relevant Construction Certificate until written confirmation from Sydney Trains is received that the following conditions have been complied with.
- (b) Prior to the issuing of any Construction Certificate and prior to any excavation taking place (whichever occurs first), the Applicant shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version rail specific items in compliance with the relevant AMB Standards <https://www.transport.nsw.gov.au/industry/asset-management-branch>):
 - (i) 1. Geotechnical and Structural Reports that meet Sydney Trains' requirements.
 - (ii) Cross Sectional Drawings showing the rail property boundaries, easements, and reserve zones in relation to the proposed development. All measurements are to be verified by a Registered Surveyor.
- (c) The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (d) A tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Certifier is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the tunnel monitoring plan, and if required, that it has been endorsed.
- (e) Prior to the issue of a Construction Certificate, an Excavation Works Management Plan, including scheduling and construction sequencing, is to be submitted to Sydney Trains. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (f) Prior to the issue of a Construction Certificate, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (g) Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (h) The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the

report. A copy of the report is to be provided to the Certifier and Council prior to the issuing of a Construction Certificate. The Certifier must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

- (i) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- (j) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Certifier must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.
- (k) If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- (l) No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Prior to the issue of the Occupation Certificate

- (a) Prior to the issuing of the Occupation Certificate, the Applicant is to submit as-built structural and foundation plans by a qualified person to Sydney Trains and Council. The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (b) Prior to the issuing of the Occupation Certificate, the Applicant is to submit as-built drawings for ground anchors and other support details near the tunnels by a qualified person to Sydney Trains and Council. The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (c) The as-built drawings are to be endorsed by a Registered Surveyor and signed by a qualified person confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements or reserve zones, unless agreed to by TAHE (Transport Asset Holding Entity). The Certifier is not to issue the

final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (d) Prior to the issuing of the Occupation Certificate, the Applicant is to submit a Monitoring Summary Report to Sydney Trains. The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (e) If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

General Conditions

- (a) Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- (b) Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- (c) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - (i) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - (ii) acts as the authorised representative of the Applicant; and
 - (iii) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- (d) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- (e) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface, and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

(187) TRANSPORT FOR NSW CONDITION - PROTECTION OF CBD RAIL LINK (CBDRL) CORRIDOR

General Conditions

- (a) All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development that have a potential impact on the CBD Rail Link (CBDRL) must be designed, constructed and maintained in accordance with design criteria specified by the Transport for NSW (TfNSW);
- (b) The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW;
- (c) The applicant must make allowances that are to be agreed with TfNSW in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
- (d) The design and construction of the foundations and ground anchors (if any) for the approved development are to be completed to the satisfaction of TfNSW. An accurate plan/CAD model should be included for the proposed foundations, to enable verification against the CBDRL alignment model. The foundation design and any encroachment into Exclusion Zone 4 and beyond must comply with the limitations of the Structure Exclusion Zones as required by TfNSW;
- (e) No modifications may be made to the approved design without the consent of TfNSW;
- (f) The applicant must provide access by representatives of TfNSW upon request to the site of the approved development and all structures on that site during all stages of the development;
- (g) TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought;
- (h) Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records; and
- (i) All TfNSW costs associated with review of plans, designs and legal must be borne by the applicant.

Prior to the Issue of the Construction Certificate

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

- (j) Prior to issue of any Construction Certificate, the applicant shall address the adverse effects of the approved development on the CBD Rail Link (CBDRL) identified in State Environmental Planning Policy (Transport & Infrastructure) 2021 (T&ISEPP). The applicant must:
 - (i) Provide the following for TfNSW review and endorsement:
 - a. Geotechnical Report – An updated Geotechnical Report with an engineering assessment of the ground/structure interaction, associated with the future tunnel construction shall be required. A detailed geotechnical and hydrological analysis shall be undertaken to the

satisfaction of TfNSW to demonstrate likely movements of the ground due to the future CBDRL;

- b. Structural Assessment - Structural Report shall be updated with final structural foundation design and associated drawings and to confirm the appropriate consideration of the future CBDRL to enable verification of compliance to TfNSW requirements in relation to the foundation loadings and layout, bearing pressures, settlement value allowance, soil /structure interaction stresses and movements in the protection zone. Structural drawings should show offsets to the CBDRL including protection zones in both plan and elevation sections;
 - c. Noise and Vibration – Acoustics Report shall be updated in accordance with the TfNSW Corridor Protection requirements such as all structures must be designed, constructed and maintained so as to avoid any damage or other interference which may occur as a result of noise and vibration from railway operations, on the assumption that source vibration level from trains as a result of attenuation provided by the track structure; and
 - d. Electrolysis Report - All Structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of stray electrical currents, electromagnetic effects and the like from future railway operations. An updated Electrolysis Report shall be submitted to TfNSW demonstrating the Electrolysis Risk to the development. The applicant must incorporate in the development all the measures recommended in the report to control that risk.
- (ii) Make allowances that are to be agreed with TfNSW in the design for the future construction of railway tunnels in the vicinity of the approved development;
 - (iii) Consult with TfNSW including preparation of a detailed regime for consultation with and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW;
 - (iv) Provide detailed survey information to TfNSW, to confirm the property boundaries are consistent with the setting out on the CBDRL drawings;
 - (v) Provide to TfNSW drawings, reports and other information related to the design, construction and maintenance of the approved development; and
 - (vi) Address such other matters that TfNSW considers is appropriate.
- (k) The applicant is to submit a report to TfNSW demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads -Interim Guideline". All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of air-borne noise, ground-borne noise and vibration that may emanate from the (future) rail corridor construction and rail operations to the proposed development. The applicant must incorporate in the development all the measures recommended in the report.

Prior to the Issue of the Occupation Certificate

- (l) Prior to the issue of any Occupation Certificate, as-built drawings certified by a Registered Surveyor shall be submitted to TfNSW and Council by the applicant. The Principal Certifying Authority is not to issue the Occupation Certificate until the written confirmation received from TfNSW that this condition has been satisfied.

(188) TRANSPORT FOR NSW CONDITION - PROTECTION OF LIGHT RAIL INFRASTRUCTURE AND OPERATIONS

General Conditions

- (a) The applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor;
- (b) The applicant must comply with the requirements of ASA standards T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines;
- (c) Activities of the applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator;
- (d) The applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion;
- (e) The applicant shall provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times;
- (f) TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought; and
- (g) All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.

Prior to the Issue of the Construction Certificate

Process of Endorsement of Conditions

- (h) Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall:
 - (i) Consult with TfNSW, Altrac and the Sydney Light Rail Operator to ascertain requirements in relation to the protection of TfNSW's infrastructure and to confirm the timing of the each construction certificate and associated documentation and activities prior to preparation of requested documentation;
 - (ii) Sign Infrastructure Assess Deed Poll, Safety Interface Agreement and Works Deed with TfNSW and/or the Sydney Light Rail Operator;
 - (iii) Confirm in writing with TfNSW what each Construction Certificate stage will involve; and
 - (iv) Submit all relevant documentation to TfNSW as requested by TfNSW and obtain its written endorsement for each construction stage. A summary report

for each construction stage shall also be provided to TfNSW to demonstrate the following:

- a. No adverse impacts to the light rail corridor and light rail operation by clearly identifying impacts and mitigation measures; and
 - b. Submitted documentation has satisfied the relevant conditions.
- (v) The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until received written confirmation from TfNSW that the relevant conditions have been complied with for each Construction Certificate.

Review and Endorsement of Documents

- (i) Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the following documentation shall be provided for the review and endorsement of TfNSW:
- (i) Final geo-technical and structural report / drawings. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site, easement and substratum;
 - (ii) Final construction methodology with construction details pertaining to structural support during excavation or ground penetration. Any temporary components, for example, shoring systems, formwork and falsework, that are located such that their failure has the potential to affect rail infrastructure facilities or operations shall have a minimum service life of 10 years;
 - (iii) Details of the vibration and movement monitoring system that will be in place before excavation commences;
 - (iv) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor located adjacent to the subject development site. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor; and
 - (v) Detailed survey plan with location of services.

Pre-construction Work Dilapidation Report

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

Acoustic Assessment

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

Electrolysis Analysis

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

Reflectivity Report

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

Balconies and Windows

- (n) Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of TfNSW (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.

Consultation Regime

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

Insurance Requirements

- (p) Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard public liability insurance requirement for this type of development adjacent to a rail corridor is minimum of \$250M. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

Works Deed / Agreements

- (q) Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, if required by TfNSW, Works Deed (s) between the applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed and executed by the parties. These agreements may deal with matters including, but not limited to, the following:
 - (i) Sydney Light Rail Operational requirements;
 - (ii) Sydney Light Rail access requirements;
 - (iii) Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;

- (iv) Indemnities and releases;
- (v) Security of costs;
- (vi) Insurance requirements and conditions;
- (vii) TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
- (viii) Interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface;
 - a. Infrastructure Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:
 - i. Pre and post construction dilapidation reports;
 - ii. The need for track possessions;
 - iii. Review of the machinery to be used during excavation/ground penetration / construction works;
 - iv. The need for track monitoring;
 - v. Design and installation of lights, signs and reflective material;
 - vi. Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);
 - vii. Endorsement of plans regarding proposed craneage and other aerial operations;
 - viii. Erection of scaffolding/hoarding;
 - ix. Light Rail Operator's rules and procedures; and
 - x. Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.
- (ix) Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;
- (x) Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor;
- (r) Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
- (s) Sydney Light Rail site works access approval and access permit to work.

During Construction

- (t) Construction vehicles shall not be stopped or parked on George Street at any time without prior approval of TfNSW;
- (u) All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects;
- (v) No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor without approval from TfNSW;
- (w) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;
- (x) During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;
- (y) The applicant must mitigate all noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits;
- (z) Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority); and
- (aa) No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

Prior to the Issue of the Occupation Certificate

Post - construction Dilapidation Report

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

Reflectivity Report

- (cc) Prior to the Issue of the Occupation Certificate, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting

glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

(189) TRANSPORT FOR NSW CONDITION – NON-CONCURRENCE ITEMS

General

Bicycle Facilities

- (a) The applicant shall provide bicycle facilities in accordance with Australian Standards AS 2890.3.

Prior to the Issue of the Construction Certificate

Construction Pedestrian and Traffic Management

- (b) Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall:
- (i) Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:
- a. A description of the development;
 - b. Location of any proposed work zone(s)
 - c. Details of crane arrangements including location of any crane(s);
 - d. Haulage routes;
 - e. Proposed construction hours;
 - f. Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
 - g. Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads;
 - h. Details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site;
 - i. Pedestrian and traffic management measures;
 - j. Construction program and construction methodology;
 - k. A detailed plan of any proposed hoarding and/or scaffolding;
 - l. Measures to avoid construction worker vehicle movements within the CBD;
 - m. Consultation strategy for liaison with surrounding stakeholders, including other developments under construction;
 - n. Cumulative construction impacts of projects including Sydney Metro City and South West. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the surrounding road network; and

- o. Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.
- (ii) Submit a copy of the final plan to development.sco@transport.nsw.gov.au for TfNSW endorsement; and
- (iii) Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and TfNSW (via development.sco@transport.nsw.gov.au) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

Coach Management

- (c) Prior to the issue of any Construction Certificate, the applicant shall prepare a Coach Management Plan in consultation with TfNSW and City of Sydney. This Plan shall ensure the operation of the proposed development would have minimal impact on the operation of the surrounding transport network and to provide safe and orderly movement of people and luggage between the site and suggested coach bays. This Plan shall demonstrate that the proposed coach parking areas have spare capacity to accommodate the forecast coach demand generated by the proposed development.

Loading and Servicing Management

- (d) Prior to the issue of any Construction Certificate, the applicant shall prepare a detailed Loading and Servicing Management Plan in consultation with TfNSW. This plan shall ensure that any potential traffic and safety impacts associated with the loading dock operation are mitigated. The applicant shall submit a copy of the final plan for TfNSW endorsement. The Plan needs to specify, but not be limited to, the following:
 - (i) Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
 - (ii) Details of loading and servicing facilities within the subject site which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business;
 - (iii) Management of queuing along Kent Street as a result of the proposed loading dock arrangement;
 - (iv) The details of alternate loading zones to redirect vehicles due to extensive queuing at the access to loading dock;
 - (v) Management of incidents at the access to the loading dock;
 - (vi) Loading dock management details including measures to minimise freight and service vehicle movements during peak periods; and
 - (vii) Management of conflicts between cars accessing the car park and vehicle movements to/from the loading docks.

The Loading and Servicing Management Plan shall be implemented by the applicant following the issue of the Occupation Certificate. During Construction No construction work zone is permitted adjacent to the development on George Street without prior approval of TfNSW.

Prior to the issue of the Occupation Certificate

Green Travel Plan

- (e) Prior to the issue of the Occupation Certificate, the applicant shall update Green Travel Plan in consultation with TfNSW, to increase the mode share of public transport and active transport for all staff and visitors. The plan shall be prepared in consultation with TfNSW. This plan shall include a mechanism to monitor the effectiveness of the measures of the plan. The applicant shall submit a copy of the updated Green Travel Plan for the endorsement of TfNSW via development.sco@transport.nsw.gov.au, prior to the issue of the Occupation Certificate.

The plan shall be reviewed and updated annually in consultation with the aforementioned stakeholders and provide an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes.

The plan (as reviewed and updated as agreed with TfNSW) shall be implemented by the applicant for the life of the development.

Transport Access Guide

- (f) The applicant shall prepare a Transport Access Guide in consultation with TfNSW, to be implemented and maintained by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times. The following information shall be submitted to and approved by Council prior to the issue of an Occupation Certificate for the site/use:
- (g) The Transport Access Guide is to include (but not be limited to) the following:
- (i) Information regarding the constrained nature of the availability of off-street car parking and passenger pick-up and set-down areas in proximity of the development site;
 - (ii) Suitable nearby drop-off/pick-up locations;
 - (iii) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and
 - (iv) Suitable nearby Taxi Zones.

(190) SYDNEY AIRPORT CONDITIONS

- (a) At the completion of the construction of the building, a certified surveyor is to notify (in writing) the Sydney Airport Manager, Airfield Spatial & Technical Planning of the finished height of the building.
- (b) Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations, therefore Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

(191) AUSGRID CONDITIONS

- (a) Overhead Powerlines

Safe work 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.

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

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

"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.

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."

(b) Underground Cables

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.

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

