

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1 – DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(A) PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(1) REGISTRATION OF EASEMENT ON TITLE FOR UNRESTRICTED PUBLIC ACCESS TO THE POCKET PARK

An easement is to be registered on the title of the land benefitting the City of Sydney Council which provides for unrestricted public access to the pocket park prior to the activation of this consent.

(2) LANDSCAPING OF THE POCKET PARK

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Director City Planning Development & Transport to the satisfaction of Council prior to the activation of this consent. These documents must include:
 - (i) Location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, on structure and in pots.
 - (ii) Location and details of existing and proposed surface materials.
 - (iii) Location and details of existing and proposed structures on the site including, but not limited to paved areas, infill pit lids, furniture, water features, removable bollards, bike racks, light poles, signage, drainage, services, shade structures, other features, and all associated footings.
 - (iv) Coordinated services plan including location and approximate depth of all existing and proposed pits, services (electricity, gas, sewer, potable water), proposed plaza drainage, lights and GPO if applicable, fence footings, sign posts etc.
 - (v) Detailed grading plan with existing and proposed levels, falls, and pits, existing levels at the base of retained trees.
 - (vi) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.

- (vii) 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.
 - (viii) Pocket park landscape maintenance plan. This plan is to be complied with during occupation of the property.
 - (ix) Details of drainage, waterproofing and watering systems.
- (b) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued.
- (3)** Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (4)** The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (5)** Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.

(B) PART B – CONDITIONS OF CONSENT

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2022/614 dated 27 June 2022 and the following architectural drawings prepared by Bates Smart:

Drawing Number	Drawing Name	Date
DA01.01 Rev A	Existing Context Site Plan	10.06.22
DA01.02 Rev A	Existing Site Plan	10.06.22
DA01.03 Rev A	Existing Elevations – Liverpool St	10.06.22
DA01.04 Rev A	Existing Elevations – Clarke St	10.06.22
DA01.05 Rev A	Existing Elevations – Commonwealth St	10.06.22
DA01.06 Rev A	Existing Elevations – Nithsdale St	10.06.22
DA01.07 Rev B	Demolition Plan	08.03.23
DA02.01 Rev D	Context Roof Plan	08.09.23
DA02.02 Rev D	Context Site Plan	08.09.23
DA02.03 Rev D	Lower Ground Precinct Plan	08.09.23
DA02.04 Rev D	Upper Ground Precinct Plan	08.09.23
DA03.00 Rev C	Basement 06	21.07.23
DA03.01 Rev C	Basement 05	21.07.23
DA03.02 Rev C	Basement 04	21.07.23
DA03.03 Rev C	Basement 03	21.07.23
DA03.04 Rev C	Basement 02	21.07.23
DA03.05A Rev C	Basement 01	21.07.23
DA03.05B Rev B	Basement 01 Mezzanine	21.07.23
DA03.06 Rev D	Ground Lower Plan	08.09.23
DA03.07 Rev D	Ground Upper Plan	08.09.23

Drawing Number	Drawing Name	Date
DA03.08 Rev C	Level 01 Commercial	21.07.23
DA03.09 Rev C	Level 02 – 05 Commercial	21.07.23
DA03.10 Rev C	Level 06 – Residential	21.07.23
DA03.11 Rev C	Level 7 – 25 – Residential	21.07.23
DA03.12 Rev B	Level 26 – 28 – Residential	21.07.23
DA03.13 Rev C	Level 29 – Residential	21.07.23
DA03.14 Rev C	Level 30 – Residential	21.07.23
DA03.15 Rev C	Level 31 – Residential	21.07.23
DA03.16 Rev C	Level 32 – Residential	21.07.23
DA03.17 Rev D	Level 33 – Residential	08.09.23
DA03.18 Rev D	Level 34 – Residential	08.09.23
DA03.19 Rev D	Level 35 – Residential	08.09.23
DA03.20 Rev D	Roof Plan	08.09.23
DA09.01 Rev D	Elevation – Liverpool St	08.09.23
DA09.01A Rev B	Elevation – Liverpool St – Memorial Axis	08.09.23
DA09.02 Rev D	Elevation – Clarke St	08.09.23
DA09.03 Rev D	Elevation – Commonwealth St	08.09.23
DA09.04 Rev D	Elevation – TSL	08.09.23
DA09.05 Rev D	Elevation – Nithsdale St	08.09.23
DA09.06 Rev D	Street Elevation – Liverpool St	08.09.23
DA09.07 Rev D	Street Elevation – Clarke St	08.09.23
DA09.08 Rev D	Street Elevation – Commonwealth St	08.09.23
DA09.09 Rev D	Street Elevation – TSL	08.09.23
DA09.10 Rev D	Street Elevation – Nithsdale St	08.09.23
DA10.01 Rev C	Section – East – West	21.07.23

Drawing Number	Drawing Name	Date
DA10.02 Rev C	Section – TB	21.07.23
DA10.03 Rev D	Section – TSL & Urban Room	08.09.23
DA10.04 Rev D	Section – TA & Pocket Park	08.09.23
DA10.05 Rev D	Section – Pocket Park & Loading Dock	08.09.23
DA10.06A Rev B	Urban Room	21.07.23
DA10.06B Rev B	Urban Room	21.07.23
DA10.07 Rev B	Section – TB Rooftop Terrace 01	21.07.23
DA10.08 Rev B	Section – TB Rooftop Terrace 02	21.07.23
DA10.09 Rev B	Section – TB Rooftop Terrace	21.07.23
DA11.01 Rev C	Façade Type 01 – Tower North	21.07.23
DA11.02 Rev C	Façade Type 02 – Tower South	21.07.23
DA11.03 Rev C	Façade Type 03 – TSL	21.07.23
DA11.04 Rev C	Façade Type 04 – Winter Garden	21.07.23
DA11.05 Rev C	Façade Type 05 – Western Setback	21.07.23
DA11.06 Rev A	Façade Type 06 – Podium	10.06.22
DA11.07 Rev A	Façade Type 07 – Resi Lobby Entrance	08.03.23
DA13.01 Rev C	Apartment Types – 3B	21.07.23
DA13.02 Rev C	Apartment Types – 3B	21.07.23
DA13.03 Rev C	Apartment Types – 2B	21.07.23
DA13.04 Rev C	Apartment Types – 2B	21.07.23
DA13.05 Rev C	Apartment Types – 1B	21.07.23
DA13.06 Rev B	Apartment Types – Penthouses	21.07.23
DA13.07 Rev B	Apartment Types – Penthouses	21.07.23
DA13.08 Rev B	Apartment Types – Penthouses	21.07.23
DA41.01 Rev A	Materials Schedule	10.06.22

and as amended by the conditions of this consent.

- (b) Development must be in accordance with the following landscape drawings prepared by Aspect Studios:

Drawing Number	Drawing Name	Date
LA-001 Rev 6	Legend	11/09/23
LA-101 Rev 2	Concept Plan – Zone 1	11/09/23
LA-103 Rev 7	General Arrangement Level 6- Landscape Terrace	11/09/23
LA-104 Rev 6	General Arrangement Level 29- Landscape Terrace	11/09/23
LA-105 Rev 6	General Arrangement Level 30- Landscape Terrace	11/09/23
LA-106 Rev 6	General Arrangement Level 31- Landscape Terrace	11/09/23
LA-107 Rev 7	General Arrangement Level 32- Landscape Terrace	11/09/23
LA-108 Rev 7	General Arrangement Level 33- Landscape Terrace	11/09/23
LA-109 Rev 7	General Arrangement Level 34- Landscape Terrace	11/09/23
LA-110 Rev 8	General Arrangement Level 35- Landscape Terrace	11/09/23
LA-301 Rev 7	Tree Management Plan	11/09/23
LA-400 Rev 5	Planting Palette – Ground floor	11/09/23
LA-501 Rev 3	Section Sheet 1	11/09/23
LA-601 Rev 5	Typical details - Pool interface	11/09/23
LA-602 Rev 4	Typical details – Urban Room	11/09/23
LA-603 Rev 3	Typical details -Upper Level Terraces	11/09/23

- (c) 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
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) 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 Registered 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 \$7,883,570.10 (indexed at October 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 (15,040sqm) and the equivalent monetary contribution \$10,611.53 multiplied by 1.5% of the total floor area for residential development (44,515sqm).
- (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 = $C \times MDP2 / MDP1$, 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) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The design of the awnings on Clarke Street are to be amended to ensure that the existing street trees on Clarke Street are retained and not damaged.

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

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 146 (AHD) to the top of the tower development and RL 54.1 (AHD) to the top of the podium level.
- (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.

(6) APPROVED DESIGN ROOF - TOP PLANT

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

Reason

To ensure the constructed development complies with the approved height.

(7) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 13.36:1 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 49,945sqm.
- (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 the Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifier.
- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that 9,024.5sqm of heritage floor space was allocated (purchased and transferred) to the development, being that gross floor area in excess 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.

(8) 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 comprising Bates Smart is 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 written approval of the Council's Director Planning, Development and Transport.

The Registered 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.

(9) USE - SEPARATE DA REQUIRED

No consent is granted or implied for the fitout or specific use of lower ground, upper ground or basement tenancies.

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

Reason

To require separate consent to be obtained for a use.

(10) SIGNAGE STRATEGY

(a) A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy is to include:

- (i) Information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.
- (ii) All building identification, all business identification and all wayfinding signage.

(b) No high level, large or highly lit corporate signage to the northern facades of the development is permitted.

Reason

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

(11) 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.

(12) ALLOCATION FOR CAR WASH BAYS

If car wash bays are provided, spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by all tenants.

Reason

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

(13) ALLOCATION FOR VISITOR PARKING

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

All spaces must be clearly marked 'visitor' prior to the issue of any occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

Reason

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

(14) 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.

(15) 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.

(16) SIGNS AT EGRESS

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

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

Reason

To ensure the safety of surrounding pedestrians and cyclists.

(17) SIGNAL SYSTEM

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

Reason

To maintain the orderly operation of vehicle parking areas.

(18) 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.

(19) 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.

(20) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 9.25m.

Reason

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

(21) 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.

(22) 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.

(23) 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.

(24) 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.

(25) PUBLIC ART

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

- (a) The public artwork must be in accordance with the revised Preliminary Public Art Plan, revision dated 17 July 2023, the *Sydney DCP 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.
- (b) 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.
- (c) 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 Area Planning Manager prior to the issue of any Occupation Certificate.

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

Reason

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

(26) TREES APPROVED FOR REMOVAL

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

Table 1 – Tree Removal:

Tree No	Species:	Location
9-12	Lophostemon confertus	Street trees - Commonwealth Street

Note: Refer to the Arboricultural Impact Assessment prepared by Tree iQ dated 20 June 2022 for tree numbers and locations.

- (b) 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.

(27) TREES THAT MUST BE RETAINED

The existing trees detailed in Table 2 below be retained and protected in accordance with the conditions throughout construction and development.

Table 2 – Tree Retention:

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

Tree No	Species:	Location
6, 7, 8	Ficus microcarpa var. Hillii	Street trees – Clarke Street
13, 14, 15, 16, 17, 18	Liriodendron tulipifera	Street trees – Liverpool Street

Note: Refer to the Arboricultural Impact Assessment prepared by Tree iQ dated 20 June 2022 for tree numbers and locations.

Reason

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

(28) 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.

(29) 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.

(30) 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.

(31) 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.

(32) LAND SUBDIVISION – SEPARATE DA REQUIRED

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

Reason

To ensure separate development consent is sought for land subdivision.

(33) STRATA SUBDIVISION – DEVELOPMENT CONSENT

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

Reason

To ensure separate development consent is sought for strata subdivision.

(34) TELECOMMUNICATIONS PROVISIONS

(a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broadband access by ground or satellite delivery. The details must be submitted for the approval of the Registered Certifier prior to a Construction Certificate being issued.

(b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

Reason

To ensure the development adequately provides for telecommunications.

(35) 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.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(36) 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, that is consistent with the approved Materials schedule (Drawing No. DA41.01 Rev A) 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.

(37) ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant is to be submitted to the Registered 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.

(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*. Prior to the issue of a Construction Certificate and Occupation Certificate the Registered Certifier and the Principal Certifier must:

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

Reason

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

(39) REFLECTIVITY

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

Reason

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

(40) WIND MITIGATION

(a) The wind mitigation strategies recommended in the Environmental Wind Assessment Report Rev 01 prepared by Arup and dated 6 June 2022 and accompanying letter dated 22 February 2023 are to be adopted to address any potential wind impacts.

(b) Despite part (a), any wind mitigation measures that will result in an increased height to the roof top, any protrusion into the sun access plane, and any potential additional shadow impacts, are not approved.

Reason

To ensure the development is appropriately designed to mitigate adverse wind conditions and to protect the amenity of the public domain.

(41) NATURAL VENTILATION – TRICKLE VENTILATION SYSTEM

(a) A physical prototype of each plenum type to be used in the development is required to be constructed at 1:1 scale and tested to confirm the design of the trickle ventilation system 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 Construction Certificate.

(c) The design of the plenums must not result in a floor to ceiling height of less than 2.7 metres in habitable rooms.

(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 and Principal Certifier which certifies that the systems 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 systems will be maintained by the future body corporate for the life of the development must be submitted to Council's Area Planning Manager and Principal Certifier.
- (f) The systems must be retained for the life of the development and the maintenance report referred to in (f) 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 ensure that natural ventilation is achieved.

(42) 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 Arup, dated 21 July 2023, ref 259655-AC06V3, titled 175 Liverpool Street Stage 2 DA Acoustic Report, Council Ref 2023/448527, 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 and must include details of performance of all façade treatments to fully demonstrate how the windows open and windows closed criteria within the State Environmental Planning Policy (Transport and Infrastructure) 2021 2.120 Impact of road noise or vibration on non-road development will be met for all habitable rooms. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

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

Reason

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

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

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

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

Reason

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

(44) PARKING DESIGN

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

Reason

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

(45) ALLOCATION OF PARKING

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

Car Parking Type	Number
Residential spaces	175
Accessible residential spaces	39
Commercial/office and business parking	14
Accessible commercial/office and business parking	1
Accessible retail parking	1
Subtotal	230
Service vehicle spaces	14
Motorcycle parking	18
Medium Rigid Vehicle loading dock(s) (1 x MRV and 1 x 9.25m long Council Waste Collection vehicle)	2
Car share spaces	5
Total	269

Reason

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

(46) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Residential	259	Spaces must be a class 1 bicycle locker [1]
Residential visitor	26	Spaces must be Class 3 bicycle rails
Non-residential	71	Spaces must be Class 2 bicycle facilities
Non-residential visitor	34	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	11	Separate male and female facilities to be provided
Personal lockers	120	

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

Notes:

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

Reason

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

(47) CAR SHARE SPACES

- (a) A minimum of 5 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised plan showing these spaces must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge and be accessible to members of the car share scheme at all times.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.

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

Reason

To ensure car share spaces are provided within the development are maintained as common property.

(48) 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.

(49) 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:

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

Reason

To ensure appropriate archival documentation of the building.

(50) 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.

(51) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE

- (a) A Tree Planting Plan must be submitted and endorsed by the City's Public Domain Unit prior to the issuing of any Construction Certificate. The plan must include and be consistent with the following requirements:
 - (i) The plan must include new street trees on Commonwealth Street and Nithsdale Street frontages.
 - (ii) 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.
 - (iii) (Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document.

- (iv) The tree pit design must include structural soils or structural cells to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines).
- (v) Indicate the chosen tree planting arrangement, being a choice of one of two options, being:

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

OR

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

- (b) If opting to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:
 - (i) The trees must be a minimum container size of 200 litres at the time of planting.
 - (ii) All new trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting.
 - (iii) Certification from the tree supplier must be submitted to the City's Tree Management Officer and Public Domain Officer, prior to the trees being planted. The certification must confirm the tree(s) have been grown and comply with the requirements of AS2302. Any new trees that do not conform will be rejected by the City.
 - (iv) The trees must be planted by a qualified Arborist or Horticulturist (AQF Level 3) and be planted before the issuing of the final Occupation Certificate.
 - (v) All new trees must be inspected and approved by the City's Tree Management Officer (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period.
 - (vi) All trees planted in accordance with the approved Tree Planting Plan must be maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of six (6) months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
 - (vii) At the end of the six (6) month maintenance period, written acceptance of the tree/s must be obtained from the City before release of the public domain bond.

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

Reason

To 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.

(52) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:
 - (i) The installation of tree protection measures prior to the commencement of any construction works;
 - (ii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
 - (iii) During any excavation and trenching within the TPZ which has been approved by Council;
 - (iv) During any Landscape works within the TPZ which has been approved by Council.
- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by Council's Area Planning Coordinator | Area Planning Manager at each hold point listed below:
 - (i) Certification that tree protection measures have been installed in accordance with these consent conditions;
 - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
 - (iii) Monthly reporting for the duration of construction and development works within the site;
 - (iv) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
- (c) A final compliance report must be submitted to and approved by Council's Area Planning Coordinator | Area Planning Manager prior to the issue of any Occupation Certificate.

Reason

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

(53) 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.

(54) ENERGY EFFICIENCY OF BUILDINGS

The design of the building and its services must achieve a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 5.5 stars as per the Department of Planning, Industry and Environment (DPIE). This is to be demonstrated by:

- (a) Entering into a Commitment Agreement with DPIE, to deliver this star rating for the base building:

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

- (b) Providing a copy of the independent energy assessment report to NABERS administration and submitting the same report with the Construction Certificate application. This report must be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to above are as follows:

- (i) Commitment Agreement means an agreement that is set out in accordance with DPIE. The NABERS Commitment Agreement, which is signed between DPIE and the applicant/building owner/building manager, to design, build and commission the premises to achieve an agreed star rating.
- (ii) Star rating refers to the benchmarking system applied by DPIE for measuring the energy efficiency of a building and known as NABERS the National Australian Built Environment Rating System.
- (iii) Base Building means central services and common areas of a building, as defined under NABERS.

Reason

To ensure the building is designed to meet an appropriate energy efficiency standard.

(55) INSTALLATION OF DUAL-FLUSH TOILETS

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

Reason

To ensure the provision of water efficient toilets.

(56) INSTALLATION OF WATER EFFICIENT URINALS

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

Reason

To ensure the provision of water efficient urinals.

(57) INSTALLATION OF WATER EFFICIENT TAPS

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

Reason

To ensure the provision of water efficient taps.

(58) DESIGN FOR ENVIRONMENTAL PERFORMANCE

(a) Prior to the issue of a Construction Certificate, the Design for Environmental Performance Report prepared by Ella Coleman dated Tuesday, May 2, 2023, (Council Ref: 2022/348051) to be amended as follows:

(i) Section 3 – BASIX

a. BASIX certificate is to be amended, with gas removed as an energy source for appliances and systems. This is to reflect the developments commitment to electrification.

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

a. Responses are to be emended to remove reference to gas fired condensing hot water heaters. This is to reflect the developments commitment to electrification.

- (iii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
 - a. Responses are to be amended to reference latest Section J report.
 - (iv) Section 6 – On site Renewable Energy Generation and Storage
 - a. Responses are to be amended upon the finalisation of Solar PV design.
 - (v) Section 7 – Design for Resilience to Climate Change
 - a. Responses are to be amended and be consistent with submitted climate adaptation plan.
 - (vi) Section 8 – Designing for mains potable water savings and water efficiency
 - a. Responses are to be amended upon the finalisation of onsite water balance and completion of detailed design.
- (b) Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report are incorporated into the relevant construction plans and accompanying documentation:
- (i) Section 3 – BASIX

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

Note: Any requirement detailed in the accompanying BASIX Certificate must be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.
 - (ii) Section 4 – Energy Efficiency and Greenhouse Gas Abatement
 - (iii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
 - (iv) Section 6 – On site Renewable Energy Generation and Storage
 - (v) Section 7 – Design for Resilience to Climate Change
 - (vi) Section 8 – Designing for mains potable water savings and water efficiency
 - (vii) Section 9 – Storm water quality

- (c) Changes to any commitments including those required by part (a) of this condition and 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.

(59) REMOVAL OF ON-SITE FOSSIL FUELS

The development application must include evidence that all land uses on the site will not use on-site fossil fuels after the occupation and use of the development commences.

Note: This provision does not include use of back-up electricity generators.

Reason

To ensure that future land uses on site will not use on-site fossil fuels.

(60) LANDSCAPING OF THE SITE

This condition relates to trees and planters in the 'Urban Room' and stairs to Clarke Street.

- (a) Plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Director City Planning Development & Transport prior to the issue of any Construction Certificate for any above ground works. These documents must be in accordance with the approved landscape drawings in Deferred Commencement Condition 2 of this consent and be prepared by ASPECT Studios. These documents must include:
 - (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
 - (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving, walls, services, furniture, shade structures, lighting and other features.
 - (iii) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
 - (iv) 'Urban Room' tree pit details over structure with strata cell.
 - (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) Details of drainage, waterproofing and watering systems.
 - (vii) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) All landscaping in the approved plan is to be complete prior to an Occupation Certificate being issued.

Reason

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

(61) INACCESSIBLE GREEN ROOFS

This condition relates to inaccessible roof terraces on the podium and tower levels.

- (a) 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 any Construction Certificate for any above ground works. These documents must be in accordance with the approved landscape drawings in condition 1 of this consent and be prepared by ASPECT Studios.
- (b) The drawing set must demonstrate full coordination with plans prepared by the architect, engineers and specialist safety experts. These documents must include:
 - (i) Location and details of existing and proposed services, walls, timber decking, pavements, furniture, pool fencing, balustrades, gates, 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.
- (c) 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.
- (d) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.
- (e) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

Reason

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

(62) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 430 square metres of stone and 660 square metres of asphalt site frontage 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.

(63) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Liverpool Street, Nithsdale Street, Commonwealth Street, Alberta Street and Nithsdale Lane 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.

(64) 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.

(65) PUBLIC DOMAIN CONCEPT 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, 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.

(66) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

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

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

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

Reason

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

(67) STORMWATER DRAINAGE DESIGN

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professional 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.

(68) 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.

(69) STORMWATER QUALITY ASSESSMENT

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.

(70) FLOOD PLANNING LEVELS

The development must be constructed to comply with the following flood planning levels:

- (a) Liverpool Street – All entry points to the retail areas, lobbies and through site link are to be a minimum of 300mm above the adjacent gutter invert when measured from the high side of the opening/entry.
- (b) Commonwealth Street – All entry points to habitable areas are to be a minimum of 300mm above the adjacent gutter invert when measured from the high side of the opening/entry.
- (c) Nithsdale Street – All entry points to habitable areas, lift entries and fire stairs are to be a minimum of 300mm above the adjacent gutter invert when measured from the high side of the opening/entry.
- (d) Clarke Street – The basement car park entry is to be a minimum of 300mm above the adjacent gutter invert when measured from the high side of the car park entry.

Entries to the remaining retail areas, lobbies, lift entries and fire stairs are to be a minimum of 250mm above the adjacent gutter invert when measured from the high side of the opening/entry.

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

Reason

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

(71) 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 Liverpool Street, Commonwealth Street, Nithsdale Street, Clarke Street, Alberta Street and Nithsdale Lane and shall be designed to include the following requirements: review of public domain lighting on Liverpool Street and Nithsdale Street, and upgrade of lighting to City standards on Commonwealth Street, Clarke Street, Alberta Street and Nithsdale Lane.

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.

(72) 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.

(73) 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.

(74) FOOTPATH AWNINGS

- (a) Footpath Awnings which are proposed to be constructed above the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the Local Government Act 1993 and/or Section 138/139 of the Roads Act 1993 prior to any Construction Certificate for the building.
- (b) Documentation must be submitted to the City's Construction and Building Certification Services Unit with the application demonstrating that the awning height complies with Development Control Plan 2012. Plans are to include dimensions confirming the awning width and setback from the kerb. Awning gutters are to be concealed from the public domain and plans are to confirm downpipes are located within or recessed into the ground floor frontage of the building.

Reason

To ensure that awnings are designed to Council requirements.

(75) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan, which meets the requirements as set out in Council's *Guidelines for Waste Management in New Developments 2018*, is to be approved by the Principal Certifying Authority prior to a Construction Certificate being issued.
- (c) 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

- (d) 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.

(76) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan including demolition and construction waste and recycling details, is to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*.

- (c) The Waste and Recycling Management Plan must include:
- (i) 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.
 - (ii) All nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by Council's *Guidelines for Waste Management in New Developments 2018*.

UPON COMPLETION OF THE DEVELOPMENT

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

Reason

To ensure that waste and recycling is appropriately managed.

(77) WASTE COLLECTION AND LOADING

The loading dock must accommodate a 9.25 m waste collection vehicle and provide 2 meters clearance at the back of the vehicle for access and loading of waste bins.

Reason

To ensure appropriate space for servicing residential waste collection vehicles.

(78) 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.

(79) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS

A qualified practising registered structural engineer must provide structural certification to the Registered Certifier verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of the *Building Code of Australia* prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

Reason

To ensure the existing structure can support the new loads.

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

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to 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 \$934,250 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$934,250 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or

- c. the site has been excavated; or
 - d. the erection of the structure has commenced;
- (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
- a. make the building safe and of an appearance acceptable to Council at ground level;
 - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenantable stage;

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

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
- (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
 - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
- (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
 - (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.
 - (iii) Stage 3 – Issue of the 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.

(81) 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.

(82) 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.

(83) ELECTRICITY SUBSTATION

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

Reason

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

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

(84) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

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

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

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.

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

- (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

Reason

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

(85) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of the following properties:
 - (i) 147-167 Liverpool Street, Sydney,
 - (ii) 130 Elizabeth Street, Sydney,
 - (iii) 185-211 Liverpool Street, Sydney,
 - (iv) 5-11 Wentworth Avenue, Sydney,
 - (v) 13-15 Wentworth Avenue, Sydney,
 - (vi) 9-25 Commonwealth Street, Sydney,
 - (vii) 11 Alberta Street, Sydney,
 - (viii) 17-19 Alberta Street, Sydney,
 - (ix) 26 Nithsdale Street, Sydney,
 - (x) 136-140 Elizabeth Street, Sydney,
 - (xi) 148 Elizabeth Street, Sydney,
 - (xii) and any other properties identified by the qualified structural engineer engaged to undertake the report.

are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

Reason

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

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

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

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
 - (i) existing site contours;
 - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
 - (iii) location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

Reason

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

(87) 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.

(88) OTHER APPROVALS

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

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

Reason

To ensure use of a public place is managed appropriately.

(89) 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.

(90) DECOMMISSIONING OF ABOVE GROUND PETROLEUM STORAGE TANKS

- (a) The removal of above 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:
 - (i) NSW EPA Technical Note: Decommissioning, Abandonment and Removal of UPSS (January 2010),
 - (ii) NSW EPA Technical Note: Investigation of Service Station Sites (April 2014),
 - (iii) AS 1940 –2004: Storage and handling of flammable and combustible liquids,
 - (iv) AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks.
- (b) 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.
- (c) 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.
- (d) The removal or in-situ decommissioning of the above ground 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 above petroleum storage tanks is appropriately managed.

(91) ABOVE GROUND PETROLEUM STORAGE SYSTEM

- (a) The above ground 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.
- (b) 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).
- (c) The decommissioning report must contain:
 - (i) A description of the scale and nature of any contamination originally present,
 - (ii) A description of the remedial methods used, including objectives, where applicable,
 - (iii) A statement about the site's ongoing or future use,
 - (iv) A description of the extent of any remaining contamination and how this was assessed,
 - (v) A site plan delineating the area being validated and any contamination remaining after site works,
 - (vi) A clear conclusion on the suitability of the site for its ongoing or future use.

Reason

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

(92) 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'.

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.

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

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

Reason

To ensure relevant approvals for public domain work are obtained.

(94) 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.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

(95) 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.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the approved Demolition, Excavation and Construction Management Plan.

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

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

Reason

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

(97) 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)).

(98) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

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

(99) 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.

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

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

Reason

To protect the amenity of the surrounding area.

(101) 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.

(102) 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.

(103) 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.

(104) 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.

(105) 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.

(106) 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.

(107) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Senversa dated 27 June 2023, reference number RAP V1 (2023/454489) including any identified contingency measures and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor Douglas Partners dated 30 June 2023 and reference R.001.Rev 2 (2023/454491). 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.

(108) NOTIFICATION – NEW CONTAMINATION EVIDENCE

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

Reason

To ensure that the site is appropriately remediated.

(109) 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.

(110) 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.

(111) 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.

(112) 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.

(113) STREET TREE PROTECTION

All street trees (unless approved by these conditions of consent) 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 (AQR 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 trunk/s, must be protected by wrapped thick underlay carpet or similar padding material to limit damage.
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within 2 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 the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Reason

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

(114) PUBLIC DOMAIN WORKS SECURITY BOND

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

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

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

Reason

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

(115) 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.

(116) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

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

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

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

Reason

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

(117) 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.

(118) 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.

(119) 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.

(120) 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.

(121) SURVEY

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

Reason

To ensure the development does not encroach onto neighbouring properties.

(122) SYDNEY WATER CERTIFICATE

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

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

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

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

Reason

To ensure the requirements of Sydney Water are met.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

(123) 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.

(124) 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.

(125) RIGHT OF PUBLIC ACCESS – PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to the issue of any Occupation Certificate for the building, an easement for public access (24 hour access) created in stratum over the area of the approved through site link must be registered on the title of the land, pursuant to Section 88B of the Conveyancing Act, 1919.
- (b) The plan for the easement for public access must show surveyed offsets to structures located within a metre of the easement, in accordance with the requirements of NSW Land Registry Services
- (c) In addition to the above easement, a positive covenant to ensure maintenance, lighting and adequate public liability insurance in respect of the through site link must be registered on title

The terms of the above easement and covenant must be to the satisfaction of Council and may be obtained from Council's Director City Planning Development & Transport.

Reason

To protect the public interest and ensure the orderly development of the land.

(126) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels 6 and above) 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 restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential accommodation as defined in the Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier. The covenant must contain terms reasonably required by Council and will be drafted by Council's solicitor, at the cost of the applicant, in accordance with the City's Fees and Charges.
- (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.

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

The following conditions apply to car parking:

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

Reason

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

(128) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (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 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.

(129) REQUIREMENT FOR A CURTAIN STRATEGY

- (a) A consistent curtain strategy is to be implemented across the northern facade of the development. No blinds are to be used.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms. The covenant is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier. The covenant must contain terms reasonably required by Council and will be drafted by Council's solicitor, at the cost of the applicant, in accordance with the City's Fees and Charges.
- (c) Any future strata subdivision shall provide for the above restriction to be created, burdening all residential lots in the strata plan.
- (d) A restriction burdening common property in a future strata plan only, shall not satisfy this condition.

Reason

To ensure that the facade appears cohesive when viewed from Hyde Park for the life of the development.

(130) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

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

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

Reason

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

(131) WASTE AND RECYCLING COLLECTION CONTRACT

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

Reason

To ensure that waste and recycling is appropriately managed.

(132) 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.

(133) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION

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

Reason

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

(134) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate:

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

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

Reason

To protect underground drainage system.

(135) SURVEY INFRASTRUCTURE – RESTORATION

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

(136) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner engineer (NER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with condition "Flood Planning Levels" within this Notice of Determination.

Reason

To ensure the development achieves the required floor levels.

(137) FLOOD RISK MANAGEMENT

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

Reason

To ensure flood risk management measures are complied with.

(138) 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.

PART F – OCCUPATION AND ONGOING USE

(139) 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.

(140) USE OF COMMON AREAS AND FACILITIES

The level 6 communal indoor and outdoor spaces 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.

(141) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

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

(142) 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.

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

(143) ON-SITE LOADING AREAS AND OPERATION

- (a) 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.
- (b) 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.

(144) VEHICLES ACCESS

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

Reason:

To ensure vehicles can enter and exit the site in a forward direction.

(145) LOADING AND SERVICING MANAGEMENT PLAN

- (a) A Loading and Servicing Management Plan must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being granted.
- (b) The Loading and Servicing Management Plan must include the strategy for the management of all servicing of the site including delivery vehicles, garbage collection, service vehicles and should include information such as arrivals to the site, the anticipated numbers of arrivals per week, time of day of the arrivals, length of stay, vehicle type etc. along with how these will be managed to prevent disruption to public streets. The management of the plan needs to be able to respond to changes in the surrounding road environment and be updated accordingly.

- (c) The plan will aim to distribute large truck movements outside the peak hours and must demonstrate how safety will be maintained and manage truck movements in the dock area and entry/exit movements to and from the basements from Clarke Street. The plan will also show the tenants/residents move in/out paths from both the towers to the loading dock. The plan will have a strategy to consolidate (both within the building and external) loading/delivery so that it minimises number of service vehicle trips from and to the development.
- (d) The Plan should be generally in accordance with the Loading and Servicing Management Plan prepared by ARUP F03.2, 08 March 2023 that has submitted as part of the application and revised to address the above matters.
- (e) Once approved, this management plan must be provided to all tenants and external users.

Reason

To ensure loading and servicing is appropriately managed on site.

(146) BICYCLE PARKING SIGNAGE AND WAYFINDING PLAN

- (a) Signage directing users 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 bike parking and End of Trip facilities.
- (b) Signage is to be generally in accordance with signage shown in Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities.
- (c) The signage plan must be submitted to and approved by Council prior to the Occupation Certificate for the site being granted. Signage is to be installed before the issue of any Occupation Certificate.

Reason

To clearly indicate where bicycle parking is located on site.

(147) TRANSPORT ACCESS GUIDE

- (a) A Transport Access Guide (TAG) must be implemented and maintained by the operator/s of the premises to inform patrons about accessing the site by sustainable transport options including public transport, taxis, cycling and walking or a combination of these modes. A Transport Access Guide (TAG) Implementation Plan including the following shall be submitted to and approved by Council prior to the issue of any Occupation Certificate for the site/use:
 - (b) An outline of all components and communication methods of the Transport Access Guide including but not limited to website/digital information, promotion by staff such as with phone bookings, printed material such as media or letterbox advertising, etc. Copies of any relevant printed material should be submitted with the Implementation Plan, and

- (c) Methods by which the various components of the Transport Access Guide will be communicated to staff and made available to customers.

Reason

To ensure sustainable modes of transport are encouraged on site.

(148) LOADING DOCK SCHEDULE/REGISTER

The on-site medium rigid vehicle loading dock is also to be available for all residents for use by removal vehicles, bulky good deliveries and similar. This shall be managed either by a schedule showing residents when they can use the dock, or by a register managed on site to allow residents to reserve a time period for their deliveries. This information is to be made available to all residents/tenants of the building.

Reason

To ensure that the management of the loading dock allows for use by residents for removal vehicles, bulky good deliveries and similar.

(149) 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.

(150) WASTE/RECYCLING COLLECTION - COMMERCIAL

- (a) Waste storage and the collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary 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.

(151) 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.

(152) ENCROACHMENTS – PUBLIC WAY

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

Reason

To protect the public way.

(153) EASEMENTS FOR PUBLIC ACCESS

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Easement for Public Access, limited in stratum if so desired, is to be created and registered on the Title(s) of the development site at Ground Floor level. The Easement is to be defined over:
 - (i) The strip of lands measured from the outside face of the building wall to the property boundary, extending along the frontages of Liverpool Street, Nithsdale Street, Commonwealth Street and Clarke shown on the approved plans for the development.
- (b) Easements are to be created appurtenant to Council in terms granting rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council’s satisfaction.
- (c) Prior to the issue of an Occupation Certificate for the development or the commencement of the use, whichever occurs earlier, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Easement for Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy to which Council is a named party and is to require the maintenance, upkeep, repair and lighting of the Easement for Public Access in accordance with Council’s requirements and to the satisfaction of Council.

Reason

To ensure the orderly public safety and access along the site’s street frontages.

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 OF CONSENT

The following conditions have been recommended by NSW State agencies:

AUSGRID

(154) OVERHEAD POWERLINES

There are existing overhead electricity network assets on Liverpool ST, Clarke St , Nithsdale St and Commonwealth St.

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

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.

Based on the design of the development provided, it is expected that the “as constructed” minimum clearances will not be encroached by the building development. However 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.

(155) UNDERGROUND CABLES

There are existing underground electricity network assets on Liverpool St, Clarke St, Nithsdale St and Commonwealth St.

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.

(156) SUBSTATION

There are existing electricity substation S4091 within 175 Liverpool Street, Sydney.

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

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

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

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

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

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143

TRANSPORT FOR NSW

(157) LOADING AND SERVICING MANAGEMENT PLAN

- (a) The Loading and Servicing Management Plan is to be updated in consultation with TfNSW and endorsed by the Agency prior to the issue of an Occupation Certificate. The plan should 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 the 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 over height vans and utes to unload over height equipment before accessing the spaces on Basement 01 level and vice versa; and
 - (iv) Measures to reduce any impact to on-street kerbside restrictions and the operation of the traffic and transport network within the vicinity of the site from the development's freight and servicing traffic.

(158) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- (a) A Construction Pedestrian and Traffic Management Plan (CPTMP) is required to be prepared in consultation with TfNSW. A copy of the final (CPTMP) should be submitted to development.sco@transport.nsw.gov.au for endorsement, prior to the issue of any Construction Certificate or any preparatory, demolition or excavation works, whichever is earlier.

IMPORTANT ADDITIONAL INFORMATION

Advisory notes:

1. It is advised that the City of Sydney Neighbourhood Parking Policy may apply to this development. Eligibility for parking permits for residents or users of the development will be determined by the terms of this policy or subsequent future policies.

The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.

1. ***It is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to Council's website for any further information about digital requirements and electronic files.***

Note: All applications must be lodged via the NSW Planning Portal.

2. Nominate a **Principal Certifier** which may be either Council or a registered certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement. Appointment must be made through the Planning Portal <https://www.planningportal.nsw.gov.au/>.
3. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
4. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

You may also need to:

5. Obtain approval through the lodgement of an application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* for an activity which is proposed to be undertaken in, on or above a road reservation (including footways). Such activities include:
 - (a) building elements/façade features;
 - (b) installation of hoardings/scaffolding;
 - (c) installation and/or alterations to advertising/business signs and street awnings;
 - (d) crane operation and other hoisting activities;
 - (e) temporary works (e.g.: barricading, road openings, mobile hoisting devices);
 - (f) works zone (for loading and unloading from the roadway); and
 - (g) temporary ground anchoring and shoring to support a roadway when excavating.

Application forms are available on the City's website.

6. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act if strata title of the development is proposed.
7. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
8. Contact Sydney Water regarding the water and sewerage services to this development. For further information go to www.sydneywater.com.au.
9. Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 61, 63 and 65 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation.