

Attachment B

Recommended Conditions of Consent
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DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Holdmark NSW Pty Ltd or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including (unless specifically excluded by a condition) but not limited to the carrying out of works for the purposes of the development and erection of buildings and other infrastructure permitted by this consent
Council	City of Sydney Council
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising site establishment and construction, as modified by the conditions of this consent
DIP	Design Integrity Panel
EIS	The Environmental Impact Statement titled <i>4-6 Bligh Street, Sydney – Environmental Impact Statement – SSD 48674209</i> , prepared by Urbis dated February 2023, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement

Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1.
TfNSW	Transport for New South Wales

SCHEDULE 2

PART A DEFERRED COMMENCEMENT CONDITIONS

This consent is not to operate until the following conditions are satisfied, within 24 months of this determination:

Voluntary Planning Agreement and Deed of Variation

- A1. A Deed of Variation between the City of Sydney and the owner of the land must be agreed and placed on public exhibition in accordance with the City of Sydney Community Engagement Strategy and Participation Plan 2023.
- A2. The Voluntary Planning Agreement/Deed of Variation shall be executed and submitted to Council.
- A3. The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

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.

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.

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 Parts B to H below.

PART B ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

B1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

Terms of Consent

B2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) generally in accordance with the EIS and Response to Submissions unless otherwise specified in a condition of consent;
- (c) in accordance with the approved plans in the table below:

Architectural Drawings prepared by Woods Bagot			
Dwg No.	Rev	Name of Plan	Date
DA22B1	B	Basement Level 01	14.07.23
DA22B2	B	Basement Level 02	14.07.23
DA22B3	B	Basement Level 03	14.07.23
DA22B4	B	Basement Level 04	14.07.23
DA22B5	C	Basement Level 05	14.07.23
DA2200	B	Ground Floor	14.07.23
DA2201	B	Level 01 - Events	14.07.23
DA2202	B	Level 02 - Meeting and Co-Working	14.07.23
DA2203	B	Level 03 to 09 - Commercial	14.07.23
DA2210	B	Level 10 - Commercial	14.07.23
DA2211	B	Level 11 - Plant	14.07.23
DA2212	B	Level 12 - Wellness	14.07.23
DA2213	B	Level 13 - Plant	14.07.23
DA2214	B	Level 14-32 - Rooms	14.07.23
DA2233	B	Level 33 - Plant/Rooms	14.07.23
DA2234	B	Level 34-45 - Rooms	14.07.23
DA2246	B	Level 46-53 - Suites	14.07.23
DA2254	B	Level 54 - Plant/Suites	14.07.23
DA2255	B	Level 55 - Penthouse	14.07.23
DA2256	B	Level 56 - Suites	14.07.23
DA2257	B	Level 57 - Restaurant	14.07.23
DA2258	B	Level 58 - Bar	14.07.23
DA2259	B	Level 59 - Plant	14.07.23
DA2260	C	Roof	22.11.23
DA3201	C	North East & North West Elevation	22.11.23
DA3202	C	South East & South West Elevations	22.11.23
DA3301	B	Section A-A and B-B	14.07.23
DA3302	B	Rear Facade Section 01 & 02	14.07.23

Architectural Drawings prepared by Woods Bagot			
Dwg No.	Rev	Name of Plan	Date
DA3303	B	Rear Facade Section 03	14.07.23
DA4201	B	Ground Facade Interface to Sofitel Wentworth	14.07.23
DA4202	B	Ground Steps Details	14.07.23
DA4203	B	Ground Facade Interface to City Mutual	14.07.23
DA4204	B	Level 01 Facade Interface to City Mutual	14.07.23
DA4205	B	Level 01 Entry Awning	14.07.23
DA4206	B	Level 01 Facade Interface to Sofitel Wentworth	14.07.23
DA4207	B	Level 01 to Commercial Facade	14.07.23
DA4208	B	Typical Commercial Façade	14.07.23
DA4209	B	Typical Commercial Facade Lightwell	14.07.23
DA4210	B	Commercial Facade to Pool Edge	14.07.23
DA4211	B	Typical Hotel Façade Type 1A	14.07.23
DA4212	B	Typical Hotel Facade Type 1B	14.07.23
DA4213	B	Typical Hotel Façade Type 2A	14.07.23
DA4214	B	Typical Hotel Façade Type 2B	14.07.23
DA4215	B	Typical Hotel Façade Type 2C	14.07.23
DA4216	B	Typical Hotel Facade Type 3	14.07.23
DA4217	B	Typical Plant Room Facade Type 1	14.07.23
DA4218	B	Typical Plant Room Facade Type 2	14.07.23
DA4219	C	Typical Plant Room Facade Type 3	22.11.23
DA4220	B	Level 12 Canopy	14.07.23
DA4221	A	Public Domain Plan & Elevation	14.07.23
DA4222	A	Public Domain Sections	14.07.23
DA4223	A	Basement 3 Waste Management	14.07.23

- B3. The conditions of this consent prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition B2(b). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition B2(b), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- B4. This consent lapses five years after the date of consent unless work is physically commenced.

Prescribed Conditions

- B5. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Evidence of Consultation

- B6. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

External Walls and Cladding

- B7. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

- B8. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- B9. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, Council may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- B10. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Compliance

- B11. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

- B12. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- B13. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- B14. The City must be notified in writing to council@cityofsydney.nsw.gov.au seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the City in writing to council@cityofsydney.nsw.gov.au seven days after they identify any non-compliance.
- B15. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- B16. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Design Quality Excellence

- B17. In order to ensure the design quality excellence of the development is retained to completion:
- (a) The design architect comprising Woods Bagot 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;

- (b) The design architect is 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;
- (c) Evidence of the design architect's commission must be provided to the Council's Director City Planning, Development & Transport prior to release of the Construction Certificate.
- (d) The design architect of the project is not to be changed without prior notice and approval of the Council's Director City Planning, Development & Transport.

B18. 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.

Design Modifications

B19. The design of the building must be modified as follows:

- (a) The Bligh Street footpath awning design is to be amended to accommodate the development and future growth of the existing street trees.

B20. 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.

Compliance With Voluntary Planning Agreement

B21. The terms of the planning agreement entered into between THE COUNCIL OF THE CITY OF SYDNEY and 4TO6 BLIGH STREET TST CO PTY LTD (Council Ref: S128197) executed 24 September 2018 (and as varied) are to be complied with, including but not limited to:

- (a) Payment of a monetary contribution for affordable housing in the local government area.
- (b) Payment of a monetary contribution based on strategic gross floor area as defined in the planning agreement for infrastructure in the local government area.
- (c) Achievement of environmental excellence initiatives including:
 - (i) The achievement of a 5 star Base Building NABERS Energy rating and 4 star NABERS water rating for the commercial office component of the development; and
 - (ii) The achievement of a 4.5 star NABERS every rating for the hotel component of the development.

Section 7.12 Contributions Payable - Submitted and Verified Prior to Issue of Construction Certificate

B22. 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*.

B23. The Section 7.12 levy is determined by the development cost, as per the following table:

Development cost *	Levy
* Refer to Section 2.3 of the <i>Central Sydney Development Contributions Plan 2020</i> for information on determining the development cost.	
Up to and including \$250,000	NIL
More than \$250,000, up to and including \$500,000	1%
More than \$500,000, up to and including \$1,000,000	2%
More than \$1,000,000	3%

B24. The Section 7.12 levy is payable to the City of Sydney in accordance with the following:

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and that the

levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.

- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, one of the following must be submitted:
 - (i) For development between \$250,000 and \$3,000,000 – the City of Sydney Cost Summary Report must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the Cost Summary Report is available from the City's website at www.cityofsydney.nsw.gov.au; or
 - (ii) For development more than \$3,000,000 – The City of Sydney Registered Quantity Surveyor's Detailed Cost Report must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the Registered Quantity Surveyor's Detailed Cost Report is available from the City's website at www.cityofsydney.nsw.gov.au.
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the 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.
- (e) Please contact Council's Planning Administration staff at Planningsystemsadmin@cityofsydney.nsw.gov.au to request a written Statement of Contributions Owing, prior to payment.

Materials And Samples Board – Major Development

B25. A final physical material sample board which specifies all proposed materials, finishes and colours, keyed to each building elevation must be submitted to and approved by Council's Director City Planning, Development and Transport, in consultation with the DIP, prior to a Construction Certificate for above ground structure being issued. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

Compliance With Submitted Materials and Samples Board

B26. The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications as approved in Condition B26 above.

Floor Space Ratio - Central Sydney

B27. The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 22:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 26,781sqm.
- (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 3,974sqm of heritage floor space was allocated (purchased and transferred) to the development, being the additional floor space requiring the allocation

of heritage floor space as specified in clause 6.44(6)-(9) of the *Sydney Local Environmental Plan 2012*.

Building Height

- B28. The height of the building must not exceed RL 226.88 (AHD) to the top of the building.
- B29. Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with Condition B29 above, to the satisfaction of the Principal Certifier.

Use - Separate Consent Required

- B30. No consent is granted or implied for the fit out of each individual food and drink or function space tenancy.
- B31. A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fit out of each individual tenancy prior to that fit out or use commencing.

Intercom For Visitors

- B32. 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*.

Signs At Egress

- B33. 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.

Signal System

- B34. 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.

Security Gates

- B35. 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.

Vehicle Footway Crossing

- B36. 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.
- B37. 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.

Service Vehicle Size Limit

- B38. The size of vehicles servicing the property must be a maximum length of 6.4m

Associated Roadway Costs

B39. 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”.

Cost Of Signposting

B40. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

Changes To Kerb Side Parking Restrictions

B41. 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.

B42. 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.

B43. 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.

Vehicle Access

B44. The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

Mechanical Parking Facilities

B45. The following details being submitted to an approved by the Principal Certifying Authority prior to the issue of the issue of a Construction Certificate:

- (a) A review of the proposed installation by the manufacturer and its suitability for implementation in accordance with the manufacturer’s specifications including but not limited to compliance with AS/NZS 2890.1 2004 and its references to AS/NZS 28590.6.
- (b) Implementation of mechanisms addressing potential safety concerns including but not limited to:
 - (i) Induction/training to the users
 - (ii) Response to system failure and or mechanical breakdown, and
 - (iii) The potential for vehicles affected by the platforms to traverse over the platforms despite activation of the anticollision mechanism such as, for example car reversing over the platforms while on the paths of travel.
- (c) Any further information requested by the Principal Certifying Authority.

Swinging Doors Over Public Way

B46. 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.

Trees That Must Be Retained

B47. The existing trees detailed in Table 1 below be retained and protected in accordance with the conditions throughout construction and development.

B48. Table 1 – 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
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1	<i>Lophostemon confertus</i> (Brush Box)	Street tree – front
2	<i>Celtis australis</i> (Southern hackberry)	Street tree – front
3	<i>Celtis australis</i> (Southern hackberry)	Street tree – front

Tactile Ground Surface Indicators And Handrails

B49. 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.

No Obstructions

B50. 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.

Paving Materials

B51. 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".

Public Art

B52. Public art must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.

B53. The public artwork must be in accordance with the Preliminary Public Art Plan, prepared by Barbara Flynn dated June 2023 the *Sydney DCP 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.

B54. 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 & Transport prior to issue of any Construction Certificate for above ground structure works.

B55. Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Director City Planning, Development & Transport prior to the issue of any Occupation Certificate.

B56. 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.

External Lighting

B57. A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

Signs - Separate DA Required

B58. A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

PART C PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Construction Environmental Management Plan

- C1. Prior to the issue of a Construction Certificate a Construction Environmental Management Plan (CEMP) must be prepared by appropriately qualified person for the site and submitted to Council's Area Planning Manager for written approval. The CEMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.
- C2. All works must be undertaken onsite in accordance with the approved Construction Environmental Management Plan.

Construction Traffic Management Plan

- C3. The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- C4. A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.
- C5. The approved plan must be complied with during any demolition and/or construction work.

Compliance With the Acoustic Report Prior To Construction and Or Occupation Certificates

- C6. All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Stantec, dated 22 December 2022, ref 3001351060 REV 2 Final Issue, titled Operational Noise & Vibration Impact Assessment, Council Ref 2023/096478 must be implemented in the development prior to the commencement of its use.
- C7. 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 Condition C6 above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- C8. 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 Conditions C6 and C7 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).

- C9. 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.

Demolition, Excavation and Construction Noise And Vibration Management Plan

- C10. A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:-
 - (a) identification of noise sensitive receivers near to the site.
 - (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property. A

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. 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. 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. What course of action will be undertaken following receipt of a complaint concerning offensive noise. 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. 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.

Parking Design

- C13. 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.

Allocation of Parking

- C14. 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
Hotel parking (parking will be operated by a valet system for hotel guests)	28
Subtotal	28
Service vehicle spaces (B99 van size)	2

Bicycle Parking and End of Trip Facilities

- C15. 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
Staff/employee	67	Spaces must be Class 2 bicycle facilities
Visitor	45	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	8	Male and female to be separated
Personal lockers	80	

- C16. 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: 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.

- C17. 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.

Sites In The Vicinity Of A Heritage Item – Major Development

- C18. A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to the issue of any Construction Certificate. The Strategy is to detail how the proposed works will ensure that the neighbouring heritage buildings including former City Mutual Life Assurance building at 60-66 Hunter Street, the Sofitel Wentworth Hotel at 2 Bligh Street and Qantas House at 1 Chifley Square, are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- C19. Additionally the protection strategy is to include:
- (a) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
 - (b) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
 - (c) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. The report must address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.
 - (d) Details of the proposed protection of party walls (if applicable) from damp and water ingress during the works.

Landscaping Of The Site

- C20. 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 Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
- (a) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
 - (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) The proposed trees on the Level 12 pool deck are directly under the building awning. The proposed *Betula nigra* can grow up 1015m tall and is not appropriate in this location. A smaller substitute species should be proposed.
 - (f) Details of the veil trellis construction, including proposed materials, planter dimensions, fixings and structures. Confirmation of compliance with the fire hazard mitigation measures recommended in the Fire Safety Strategy prepared by Core Engineering Group, dated 14 July 2023, is required.
 - (g) Details of drainage, waterproofing and watering systems.
 - (h) Landscape maintenance plan. This plan is to be complied with during occupation of the property.

- (i) A plan outlining the intended strategy for decommissioning and rectification if planting works fail. This is to ensure green walls and green roofs are maintained throughout its life

C21. All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

Street Tree Pruning

C22. Pruning amounts to Tree 2 and 3 are to be reduced. An amended Pruning Specification plan will be required to indicate these changes. Amended plans are to be submitted to Council for review prior to the issue of a Construction Certificate.

Design For Environmental Performance

C23. Prior to the issue of a Construction Certificate, the Design for Environmental Performance Report prepared by Jasper Riikonen dated 10 February 2023 (Council Ref: 2023/096436) is to be amended as follows:

- (a) Section 4 – Energy Efficiency and Greenhouse Gas Abatement
 - (i) References are to be updated to NCC 2022.

C24. 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:

- (a) Section 4 – Energy Efficiency and Greenhouse Gas Abatement
- (b) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
- (c) Section 6 – On site Renewable Energy Generation and Storage
- (d) Section 7 – Design for Resilience to Climate Change
- (e) Section 8 – Designing for mains potable water savings and water efficiency
- (f) Section 9 – Storm water quality

C25. Changes to any commitments including those required by Condition C23 above 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.

Energy Performance - NABERS Hotel

C26. The development must achieve a NABERS Energy rating of 4.5 Stars in operation for the hotel portion of the development.

C27. A signed NABERS Commitment Agreement for the required star rating, along with an Energy Assessment Report prepared by a suitably qualified person who is also a NABERS accredited assessor, demonstrating the building is capable of achieving the required NABERS Energy rating plus required overperformance in operation, is to be submitted to Council for approval prior to the issue of a Construction Certificate.

Energy Performance - NABERS Commercial Offices

C28. The development must achieve a NABERS Energy rating of 5 Stars in operation for the commercial office portion of the development.

C29. A signed NABERS Commitment Agreement for the required star rating, along with an Energy Assessment Report prepared by a suitably qualified person who is also a NABERS accredited assessor, demonstrating the building is capable of achieving the required NABERS Energy rating plus required overperformance in operation, is to be submitted to Council for approval prior to the issue of a Construction Certificate.

Installation Of Dual-Flush Toilets

C30. 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.

Installation Of Water Efficient Urinals

C31. 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.

Installation Of Water Efficient Taps

C32. 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.

Public Domain Damage Bond

C33. A Public Domain Damage Deposit calculated on the basis of 140 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.

C34. 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.

C35. The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

Protection Of Stone Kerbs

C36. The existing stone kerbs on the Bligh Street frontage of the site are to be retained and properly protected during demolition, excavation and construction works.

C37. 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.

C38. Note the following:

- (a) All costs associated with the works are to be borne by the developer.
- (b) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (c) 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.
- (d) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
- (e) Council approval is required before kerbs are removed.
- (f) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
- (g) 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.

Survey Infrastructure – Identification and Recovery

C39. 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.

- C40. 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.
- C41. Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

Public Domain Concept Plan

- C42. 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).

Public Domain Levels and Gradients- Major

- C43. 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>.

- C44. 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.

Stormwater Drainage Design

- C45. 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) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
 - (b) Council's Sydney Streets Technical Specifications, Standard Drawings;
 - (c) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
 - (d) Council's Stormwater Drainage Manual; and
 - (e) All relevant Australian Standards.

- C46. 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.

Stormwater Quality Assessment

- C47. The development must comply with the Stormwater Management Report dated December 2022 submitted with the application and approved with this development application.
- C48. 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.
- C49. 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.

Public Domain Lighting Upgrade

- C50. 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>.
- C51. The lighting upgrade plan must cover all adjacent street frontages, being Bligh Street and shall be designed to include the following requirements:
- Remove redundant galvanised Ausgrid lighting poles/assets and carry out all electrical/civil works to ensure continuity of supply to the remainder of Ausgrid assets on the affected circuits. Following Ausgrid lighting assets must be removed: SY22157, SY22158, SY22159, SY22160, SY27913, and SY22161 (confirm on site).
 - Provide lighting design/simulation for existing and proposed lighting levels achieved along Bligh Street, between Bent Street and Hunter Street. Don't take contribution from Ausgrid Lights into account. Use contributions from existing smartpoles and propose new smartpoles to achieve lighting compliance. Smartpoles should be preferably located on the east side of the street.
 - Install new Type S1B 9.6m smartpoles complete with GE R250 Eco Gen2 160w LEDs to achieve lighting compliance of Category V1 on the roadway and Category PP1 (+ 2.0 lux minimum vertical illuminance) on the footways (both sides) as per the requirements of AS1158. Smartpole type and outreach type must be confirmed on site to match existing Smartpoles on Bligh Street. Luminaire type needs to be confirmed before construction to align with council standard luminaire type at the time. The applicant must confirm this requirement with the City after providing a simulation report of existing light levels.
 - Developers should carry out ASP infield discovery and investigation and propose suitable electricity connection options for the new Smartpoles to either the nearest COS MSB (subject to available capacity and condition assessment), or supply and install a new 3-phase COS MSB on Bligh Street.

Notes:

- Under-awning lighting (if applicable): Provide under-awning lighting in accordance with the COS Awnings Policy and the Sydney DCP. Compliance with AS1158 Category PP1 (plus 2 lux minimum vertical illuminance) is required.*
- Lighting designs certified by a practicing lighting engineer are to be submitted for Council review and approval before a construction certificate is issued for public domain works. Lighting designs must consist of two parts: illumination design and electrical supply reticulation design. COS can only review electrical reticulation design once it receives the final illumination designs.*
- Lighting design submission requirements are specified in the "Sydney Streets Technical Specification A5: Street Lighting Design". For instance:*
 - Lighting plans should show calculation points as per Australian standards.*
 - Calculation plot scale should not be smaller than 1:250 @ A1.*
 - Provide a calculation summary table showing all relevant light technical parameters and compliance.*
 - Highlight all areas of non-compliance (if any).*

- Comply with the requirements of AS4282 to ensure no unwanted obtrusive lighting impacts.
- All works shall comply with the requirements of all applicable standards and guidelines, including (but not limited to) AS1158, AS4282, and the City of Sydney's A5 and Ausgrid NS119 documents.
- Provide a structural and footing design package and design certificate, including pier footing, soil assumption, design data, wind, etc.
- Provide temporary lighting complying with Council public domain lighting specifications prior to the removal of existing public lights.
- Proposals for building exterior lighting, signage lighting, and lighting of landscape features need to be assessed under a separate application.
- 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.

Dilapidation Report - Public Domain

- C52. 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/>
- C53. 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.

Temporary Dewatering During Construction

- C54. 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.
- C55. 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.

Mechanical Ventilation

- C56. The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings.
- C57. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings, the Building Code of Australia and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the Building Code of Australia, to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.
- C58. Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

Microbial Control In Water Systems

- C59. The installation, operation and maintenance of water-cooling or warm water systems installed on the premises must comply with the following:
- AS/NZS 3666:1:2011 - Air-handling and water systems of buildings-Microbial Control Part 1: Design, installation and commissioning.
 - AS/NZS 3666:2:2011 - Air-handling and water systems of building-Microbial Control Part 2: Operation and maintenance.
 - AS/NZS 3666:3:2011 - Air-handling and water systems of buildings-Microbial Control Part 3: Performance based maintenance of cooling water systems.

- (d) AS/NZS 3666:4:2011 – Air-handling and water stems of buildings-Microbial Control Part 4: Performance – based maintenance of air – handling systems (ducts and components).
- (e) Prior to the issue of an Occupation Certificate associated with the Cooling Water System the occupier of the premise at which the system is installed, must notify the Council in writing on the prescribed form, of the installation of all water-cooling tower systems within the premises under the Public Health Act 2010. Warm water systems other than hospitals (hospitals (which also includes nursing homes, declared mental health facilities, private health facilities) are exempt from notifying Council.

C60. Notification forms are available on Council's website www.cityofsydney.nsw.gov.au

Future Food Use - Mechanical Ventilation Provision

C61. 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*.

Waste And Recycling Management - Commercial

C62. The Operational Waste and Recycling Management Plan accompanying this Development Application has been approved by this consent.

C63. A Construction and Demolition 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.

C64. All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:

- (a) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.
- (b) Collection points for waste and recycling must be wholly located within the boundary of the development.
- (c) 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*.
- (d) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.
- (e) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading.
- (f) 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.

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.

C65. 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*.

PART D PRIOR TO COMMENCEMENT OF WORKS

Notification of Commencement

- D1. The Applicant must notify the City of Sydney Council in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- D2. If the construction or operation of the development is to be staged, the City of Sydney Council must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- D3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

External Walls and Cladding

- D4. Prior to the commencement of construction for above ground structure, the Applicant must provide the Certifier with documented evidence 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 requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to Council within seven days after the Certifier accepts it.

Tree Protection Zone

- D5. Before the commencement of works, Tree Protection Zone/s (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below and in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.
- D6. Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and with the following schedule:

TPZ Schedule

Tree No.	Species Name	Location	Radius (m) From Trunk
1	<i>Lophostemon confertus</i> (Brush Box)	Street tree – front	2.0
2	<i>Celtis australis</i> (Southern Hackberry)	Street tree – front	3.5
3	<i>Celtis australis</i> (Southern Hackberry)	Street tree – front	3.3

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

- D7. Ground surface protection must be installed if construction access is required through any TPZ of this condition where hard surface / paving is not existing. The ground protection must be:
- Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
 - The protective boarding must be left in place for the duration of the construction and development.
- D8. The following works must be excluded from within any TPZs:
- Excavation except for the localised siting of piers / demolition of the concrete slab;
 - Soil cut or fill including trenching;
 - Soil cultivation, disturbance or compaction;
 - Stockpiling, storage or mixing of materials;
 - The parking (except existing on street parking), storing, washing and repairing of tools, equipment and machinery;
 - The disposal of liquids and refuelling;
 - The disposal of building materials;

- (h) The siting of offices or sheds;
 - (i) Any action leading to the impact on tree health or structure.
- D9. Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.
- D10. All work undertaken within or above the TPZ must be:
- (a) Carried out in accordance with a work methodology statement prepared by an Arborist (minimum AQF Level 5) and written approval is obtained from Council's Tree Management Officer before its implementation; and
 - (b) Supervised by a Project Arborist (minimum AQF Level 5).

Street Tree Pruning And Removal

- D11. 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.
- D12. 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'.

Public Domain Work – Construction Approval Under Section 138 Roads Act 1993

- D13. 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.

Dilapidation Report – Major Excavation/Demolition

- D14. Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of the following properties (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 the commencement of demolition/excavation works:
- (a) Sofitel Wentworth building - 2 Bligh Street, Sydney/ 61-101 Phillip Street, Sydney
 - (b) City Mutual Life Assurance building - 66 Hunter Street, Sydney
 - (c) Qantas House – 68-96 Hunter Street, Sydney/ 1 Chifley Square
- D15. 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.
- D16. 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.
- D17. 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.

Application For Hoardings And Scaffolding Installed On Or Above A Public Road And Operating Hoisting Devices Including Building Maintenance Units Over A Public Road

- D18. 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.

- D19. 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:
- (a) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (b) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (c) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (d) 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);
 - (e) 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);
 - (f) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
 - (g) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
 - (h) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
 - (i) 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).
- D20. 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).

Other Approvals

- D21. 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.

PART E DURING CONSTRUCTION

Operation of Plant and Equipment

- E1. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Air Quality

- E2. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- E3. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Emergency Management

- E4. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

Compliance With Demolition, Excavation & Construction Noise and Vibration Management Plan

- E5. 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 prepared in accordance with Condition C10-C12 above.
- E6. 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.

Archaeological Discovery During Excavation

- E7. 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.
- E8. 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*.
- E9. 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.
- E10. If the discovery is on Council's land, Council must be informed.

Street Tree Protection

- E11. All street trees located directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

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

Public Domain Works Security Bond

- E12. 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.
- E13. 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.
- E14. 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.

Drainage And Service Pit Lids

- E15. 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.

Public Domain Plan Detailed Documentation for Construction

- E16. 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.
- E17. 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>.
- E18. 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.

Hold Points

- E19. 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.
- E20. 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.

Stormwater Drainage Connection

- E21. 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.

Public Domain Lighting Reticulation

- E22. 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*.

- E23. 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>.
- E24. 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.

Hours Of Work and Noise – CBD

- E25. The hours of construction and work on the development must be as follows:
- 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.
 - 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.
 - 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.

Site Notice of Projects Details And Approvals

- E26. 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:
- 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;
 - The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - 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;
 - 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;
 - 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.
 - All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

Notification Of Excavation Works or Use Of High Noise Emission Appliances/Plant

E27. 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.

Loading And Unloading During Construction

E28. 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.

No Obstruction of Public Way

E29. 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.

Access Driveways to Be Constructed

E30. 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.

Use Of Mobile Cranes

E31. 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.

Covering Of Loads

E32. All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

PART F PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

PHYSICAL MODELS

- F1. 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.*

SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

- F2. 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.

- F3. The data required to be submitted within the surveyed location must include and identify:
- (a) building design above and below ground in accordance with the development consent;
 - (b) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (c) 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.

- F4. 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.

Plan of Management

- F5. A revised Plan of Management must be prepared and submitted to Council's Area Planning Manager prior to the issue of an Occupation Certificate. The revised Plan of Management must be prepared in accordance with Schedule 3.2 of the Sydney Development Control Plan 2012.
- F6. The use must always be operated / managed in accordance with the Plan of Management, approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

External Walls and Cladding

- F7. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- F8. The Applicant must provide a copy of the documentation given to the Certifier to Council within seven days after the Certifier accepts it.

Works as Executed Plans

- F9. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Structural Inspection Certificate

- F10. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Guest Pick-up/Drop-off and Coach Management Plan

- F11. A Guest Pick-Up/Drop-off Management Plan and Coach parking plan is to be submitted demonstrating management of all vehicles associated with guest arrivals, departures and tours and its potential impacts on surrounding streets. The Guest Pick-Up and Drop-off Management Plan is to include the following and shall be submitted to and approved by Council prior to the issue of an Occupation Certificate for the site/use:
- (a) An outline of the quantity and frequency of visits per day, including time of day, of vehicles likely to be received for guest drop-off and pick-up and tour groups/services.
 - (b) Details of coach/vehicle sizes likely to be used to accommodate guest arrivals, departures and tours.
 - (c) All changes proposed to be sought to street parking restrictions to accommodate guest drop-off and pickup, including locations and proposed restrictions. Contact should be made with Traffic Operations Manager (North) of the Council.
 - (d) Details of how guest arrivals and departures would be managed if changes to street parking restrictions are not supported.
 - (e) Management of guests, luggage and/or trollies to ensure the public footpath remains unobstructed for use of pedestrians.

Transport Access Guide

- F12. A Transport Access Guide (TAG) for visitors/guests to the premise must be prepared and approved by the Certifier prior to the issue of an Occupation Certificate. The TAG must be implemented and maintained by the operator/s of the premise. The TAG must inform guests:
- (a) How they can access the premise by walking, cycling and public transport (or combination of these and other modes).
 - (b) That the site provides onsite bicycle parking for guests and include how guests can access this.
 - (c) That the site provides limited onsite car parking and how they can access this (including location of the valet drop off and pick up).
 - (d) The locations of on street drop off and pick up within the vicinity of the site.
 - (e) Any other access arrangements deemed necessary by the operator/s for inclusion.

Loading, Service and Valet Management Plan

- F13. A Loading Servicing and Valet Management Plan must be submitted to and approved by Council prior to the issue of an Occupation Certificate. The Plan will include a strategy for the management of all servicing of the site including bus, minibus, taxis and other delivery 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.
- F14. The Plan must include (but is not limited to) how the following matters are addressed:
- (a) The plan must identify how the loading area will be managed and used by all building tenants including hotel, retail premises, commercial uses (such as for removal vehicles), waste collection, bulky good deliveries and similar.

- (b) Details of management of conflicts between tenant use (i.e. hotel, retail premises, commercial uses and waste collection).
- (c) Details of anticipated service vehicle movements during the day for all tenants of the site.
- (d) Management of conflicts between cars accessing the hotel and commercial car parking areas and vehicle movements to and from the loading dock.
- (e) Management of conflicts between heavy vehicles accessing the site and pedestrian movements.
- (f) Details of access to the goods lift and arrangements in place to cater for all uses of the site.
- (g) The plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site.
- (h) The plan must be managed either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants to reserve a time period for their deliveries. Once approved, this management plan must be provided to all tenants and external users of the loading area.
- (i) Details about valet operation and management.

F15. The Plan should be generally in accordance with the Preliminary Loading and Servicing Management Plan 14 July 2023 by TTPP Consultant submitted as part of the application and revised accordingly to the above requirements.

F16. Once approved, this management plan must be provided to all tenants and external users.

Bicycle Parking Signage and Wayfinding Plan

F17. 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. Signage is to be generally in accordance with signage shown in *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*. 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.

Waste And Recycling Collection Contract

F18. 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.

Public Domain Works Completion

F19. 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*.

F20. 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.

Public Domain Completion – Work as Executed Documentation

F21. 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.

Stormwater Completion Deed of Agreement And Positive Covenant

F22. 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.

Survey Infrastructure – Restoration

F23. 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:

- (a) 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; and
- (b) 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.

PART G OCCUPATION AND ONGOING USE

Operation of Plant and Equipment

- G1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

- G2. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Energy Performance Certification - NABERS

- G3. Within 24 months from the day on which an occupation certificate is issued (if the development requires an occupation certificate), or the day on which the building may be occupied or used (if the development does not require an occupation certificate), an assessment of the NABERS rating for energy use achieved by the development that is prepared by an assessor accredited under NABERS is to be submitted to Council.
- G4. The assessment must specify the following:
- (a) The rated annual electricity use,
 - (b) If the development will not achieve the energy use standards – the difference between the rated annual electricity use and the energy use standards, calculated for the first 5 years of operation,
 - (c) The rated use of on-site fossil fuels and the associated amount of carbon dioxide measured as carbon dioxide equivalent or CO₂e, calculated for the first 10 years of operation.

Unobstructed Driveways and Parking Areas

- G5. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Landscaping

- G6. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition C20 for the duration of occupation of the development.

Use of Hotel Amenities

- G7. The use of hotel amenities on Level 12 must only be used by hotel guests and their guests.

Hours of Operation

- G8. The hours of operation are regulated as follows:
- (a) The hours of operation for the function and food and drink premises are restricted as follows:
 - (i) Ground Floor Lobby bar/café – 6.00am to midnight Monday to Sunday, inclusive.
 - (ii) Level 1 Function space – 6.00am to midnight Monday to Sunday, inclusive.
 - (iii) Level 57 All day dining restaurant – 6.00am to midnight Monday to Sunday, inclusive.
 - (iv) Level 58 Rooftop bar – 6.00am to midnight Monday to Sunday, inclusive.
 - (b) Notwithstanding (a) above, the use may operate as follows for a trial period of one year from the issue of the Occupation Certificate:
 - (i) Lobby bar/café – 6.00am to 1.00am the following day Monday to Sunday, inclusive.

- (ii) Function space – 6.00am to 2.00am the following day Monday to Sunday, inclusive.
- (iii) Rooftop bar – 6.00am to 2.00am the following day Monday to Sunday, inclusive.
- (c) Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to liquor@cityofsydney.nsw.gov.au
- (d) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received, and any views expressed by the Police.

Maximum Capacity of Persons

- G9. The maximum number of persons permitted in the food and drink premises and function spaces the premises at any one time is as follows:
- (a) Ground Floor Lobby bar/café – 70 persons
 - (b) Level 1 Function space – 350 persons
 - (c) Level 57 All day dining restaurant – 140 persons
 - (d) Level 58 Rooftop bar – 70 persons
- G10. The capacity for each area must not exceed the maximum numbers at any given time.
- G11. The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- G12. A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details are to be provided to the satisfaction of the Accredited Certifier prior to issue of a Construction Certificate and the Principal Certifier is to confirm compliance prior to the issue of an Occupation Certificate.

Note: Clause 73 of the Environmental Planning and Assessment Regulation 2021 requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- (i) *entertainment venue,*
- (ii) *function centre,*
- (iii) *pub,*
- (iv) *registered club,*
- (v) *restaurant.*

No Spruiking Noise

- G13. No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

No Speakers or Music Outside

- G14. Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain, unless otherwise permitted in the approved acoustic report. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

Copies Of Consents And Management Plans

- G15. A full and current copy of all current development consents for the operation of the licensed premises, and the Plan of Management must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

Surveillance Cameras

- G16. CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:
- (a) principal entrance/s and exits;
 - (b) all areas within the premise occupied by the public (excluding toilets);
 - (c) staircases in multilevel premises; and
 - (d) the area within a 10m radius external to the public entrance(s) to the premise.
- G17. Suitable and clearly visible signage must be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- G18. All CCTV recording equipment and cameras must be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera must be capable of recording a minimum rate of 10 frames per second and at high resolution.
- G19. CCTV recording discs or hard drive recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be auto recorded on the disc or hard drive. The CCTV recording equipment must be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Stored digital copies of CCTV recordings must be handed to Council, Police Officer or Special Inspectors as required.
- G20. All CCTV recording devices and cameras must be checked daily to ensure the equipment is operating correctly. The Licensee must record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.
- G21. All CCTV recording devices and cameras must be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- G22. The CCTV recording device must be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- G23. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

Removal Of Glass

- G24. Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises (except from any approved bottle shop area) or approved outdoor dining area included in the boundaries of the licensed premises.

Noise From Glass Removal

- G25. Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

Neighbourhood Amenity

- G26. Signs must be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage must be in bold letters not less than 25mm in height on a contrasting background.
- G27. The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

Queuing

- G28. No persons are to be permitted to drink or queue outside the premises at any time. Security officers are to ensure that there is no queue for the premises and take all reasonable steps to ensure compliance with this condition.

Incidents – Recording And Notification

- G29. The manager/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

Noise - Entertainment

- G30. The $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- G31. The $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- G32. Notwithstanding (a) above, the $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:
- The existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
 - If the $L_{Z90, 15 \text{ minute}}$ background level is below the hearing threshold curve (T_f - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (L_p) of the T_f curve in that octave band shall become that octave's $L_{Zeq, 15 \text{ minute}}$ noise criteria level.
- G33. Notwithstanding (b) above, the $L_{A1, 15 \text{ minute}}$ noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:
- The existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,
 - If the $L_{Z90, 15 \text{ minute}}$ minus 10 dB level is below the hearing threshold curve (T_f - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (L_p) of the T_f curve in that octave band shall become that octave's $L_{Z1, 15 \text{ minute}}$ noise criteria level.

Note: L_{eq} , L_{01} , and L_{90} , metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal L_{A90} level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External L_{A90} levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

Noise – Commercial Plant / Industrial Development

- G34. 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:

- (a) 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.
 - (b) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- G35. 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:
- (a) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
 - (b) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- G36. 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.

On Site Loading Areas and Operation

- G37. 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.
- G38. 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.

Waste/Recycling Collection - Commercial

- G39. 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.
- G40. 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.
- G41. 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.

Maintenance Of Trees on Site

- G42. Tree maintenance must be implemented and complied with immediately following the tree planting, and until the tree reaches the required minimum height limit of 6 metres in height and 3 metres canopy width.
- G43. The newly planted tree on site must be appropriately maintained on an on-going basis.
- G44. Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.
- G45. If the newly planted tree fails to establish or does not reach a height of 6 metres and canopy spread width of 3 metres it must be replaced with a tree of comparable qualities and container size of 100 litres.
- G46. The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

Defects Liability Period – Public Domain Works

- G47. 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.

Encroachments – Public Way

G48. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

PART H GOVERNMENT AGENCY CONDITIONS

AUSGRID

- H1. Ausgrid Underground Cables are in the vicinity of the development
- H2. Care should be taken to ensure that construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways. It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).
- H3. The following points should be taken into consideration:
- (a) Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
 - (b) Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.
 - (c) In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:
 - (i) SafeWork Australia – Excavation Code of Practice.
 - (ii) Ausgrid’s Network Standard NS156 which outlines the minimum requirements for working around Ausgrid’s underground cables. This document can be found by visiting the Ausgrid website via www.ausgrid.com.au.
 - (iii) The Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can also be found by visiting the Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

DPE – Water

- H4. As groundwater will be intercepted, a Water Access Licence (WAL) must be obtained prior to any water take occurring unless an exemption applies.
- H5. The proponent has committed to preparing a Dewatering Management Plan (DMP). The DMP should be prepared prior to the commencement of construction in consultation with DPE Water and should:
- (a) describe the baseline groundwater conditions at the site prior to construction, including:
 - (i) groundwater levels on or around the site measured from at least 3 bore locations over a minimum period of three months to establish the range of water levels and direction of hydraulic flow; and
 - (ii) groundwater quality, including electrical conductivity, temperature, pH and redox potential from site field measurements;
 - (b) include an estimate of the maximum annual volume of groundwater that would be taken during the construction phase and following construction, to determine the volume of water that must be licensed;
 - (c) include an estimate of staged (e.g. weekly or monthly) cumulative water take;
 - (d) provide an assessment against the ‘minimal impact considerations’ of the Aquifer Interference Policy, including a description of mitigation and remediation options and appropriate scientific studies to demonstrate that the impacts would not prevent the long-term viability of dependent ecosystems or significant sites if the level 1 minimal impact considerations are exceeded;
 - (e) describe how actual water take would be measured and reported;
 - (f) include a trigger action and response procedure (TARP), inclusive of agency notification, that:
 - (i) establishes trigger levels based on predicted take for each stage identified in (b) above;
 - (ii) describes the response actions if groundwater take reaches or exceeds the trigger levels. This should include:

- identifying requirements for obtaining additional licenced water entitlement;
 - re-estimating water take for both the construction and post construction phases if the volume of water extracted during the first 28 days of construction exceeds the predicted take for that period;
 - an assessment of the impacts against the Aquifer Interference Policy and mitigation options if impacts would exceed the level 1 minimal impact considerations of the Aquifer Interference Policy; and
 - documenting and reporting procedures.
- (iii) describe how the design and construction of the building/s will:
- prevent obstruction to groundwater flow by using sufficient permanent drainage beneath and around the outside of the structure to ensure that any groundwater mounding shall not be greater than 10% above the pre-development level; and
 - prevent any elevated water table from rising to within 1.0m below the natural ground surface;
- (iv) if the Applicant intends to rely on an exemption under section 21(6) of the Water Management (General) Regulation 2018, the Dewatering Management Plan must also detail mitigation measures to limit post construction groundwater take to less than or equal to 3 ML/year. This may require the structure to be fully watertight for the anticipated life of the building (including when the water table is unusually elevated).
- (v) details how dewatering volumes would be reported to DPE Water during and following the cessation of dewatering activities.

Sydney Airport

- H6. At the completion of the construction of the building, a certified surveyor is to notify (in writing) the Sydney Airport Manager, Airfield Spatial & Technical Planning of the finished height of the building.
- H7. With reference to CASA's requirements for obstacle lighting, Sydney Airport notes that the owner of the controlled activity is required to - ensure that the obstacle lighting is monitored and Bankstown Airport is advised of any outage.
- H8. Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations, therefore Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

- H9. The building must not exceed a maximum height of 225.9 metres AHO, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- H10. Separate approval must be sought under the Regulations for any equipment (e.g. cranes, concrete pumps) required to construct the building. Construction cranes or concrete pumps may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (e.g. cranes, concrete pumps) be obtained prior to any commitment to construct.
- H11. The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-773.
- H12. On completion of construction of the building, the Proponent must provide SACL with a written report from a certified surveyor on the finished height of the building.
- H13. A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.

Sydney Water

H14. Section 73 Compliance Certificate

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.
- (b) The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.
- (c) Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

H15. Building Plan Approval

- (a) The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.
- (b) The Tap in™ service provides 24/7 access to a range of services, including:
 - (i) building plan approvals
 - (ii) connection and disconnection approvals
 - (iii) diagrams
 - (iv) trade waste approvals
 - (v) pressure information
 - (vi) water meter installations
 - (vii) pressure boosting and pump approvals
 - (viii) changes to an existing service or asset, e.g. relocating or moving an asset.
- (c) Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>
- (d) Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

H16. Out of Scope Building Plan Approval

- (a) Sydney Water will need to undertake a detailed review of building plans:
 - (i) That affect or are likely to affect any of the following:
 - Wastewater pipes larger than 300mm in size
 - Pressure wastewater pipes
 - Drinking water or recycled water pipes
 - Our property boundary
 - An easement in our favour
 - Stormwater infrastructure within 10m of the property boundary.
 - (ii) Where the building plan includes:
 - Construction of a retaining wall over, or within the zone of influence of our assets
 - Excavation of a basement or building over, or adjacent to, one of our assets
 - Dewatering – removing water from solid material or soil.
- (b) The detailed review is to ensure that:
 - (i) our assets will not be damaged during, or because of the construction of the development
 - (ii) we can access our assets for operation and maintenance
 - (iii) your building will be protected if we need to work on our assets in the future.

- (c) The developer will be required to pay Sydney Water for the costs associated with the detailed review.

H17. Tree Planting

- (a) Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and Diagram 5 – Planting Trees within our Technical guidelines – Building over and adjacent to pipe assets. Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.
- (b) If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

H18. Trade Wastewater Requirements

- (a) If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.
- (b) The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au
- (c) A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

H19. Backflow Prevention Requirements

- (a) Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.
- (b) All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.
- (c) Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.
- (d) Before you install a backflow prevention device:
 - (i) Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
 - (ii) Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.
- (e) For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website: <https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

H20. Water Efficiency Recommendations

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

- (i) Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- (ii) Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- (iii) Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- (iv) Develop a water efficiency plan for your business.
- (c) It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

H21. Contingency Plan Recommendations

- (a) Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.
- (b) Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.
- (c) Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.
- (d) Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.
- (e) For further information please visit the Sydney Water website at: <https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

APPENDIX 1 ADVISORY NOTES

General

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

Long Service Levy

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Utilities and Services

AN3. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN4. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

SafeWork Requirements

AN5. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Fire Safety Certificate

AN6. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.