

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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**SCHEDULE 1**  
**CONDITIONS OF CONSENT**  
**PART A - GENERAL**

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2023/453 dated 30 May 2023 and the following drawings prepared by Bates Smart:

<b>Drawing Number</b>	<b>Drawing Name</b>	<b>Date</b>
DA00.000, Revision B	DA Drawing Index	4 October 2023
DA01.00, Revision B	DA Site Plan	4 October 2023
DA01.1B1, Revision B	Demolition Plans – Basement B01	4 October 2023
DA01.1B2, Revision B	Demolition Plans – Basement B02	4 October 2023
DA01.1B3, Revision B	Demolition Plans – Basement B03	4 October 2023
DA01.1B4, Revision B	Demolition Plans – Basement B04	4 October 2023
DA01.1LG, Revision B	Demolition Plans – Lower Ground Level	4 October 2023
DA01.1UG, Revision B	Demolition Plans – Upper Ground Level	4 October 2023
DA01.101, Revision B	Demolition Plans – Level 01	4 October 2023
DA01.102, Revision B	Demolition Plans – Level 02	4 October 2023
DA01.103, Revision B	Demolition Plans – Level 03	4 October 2023

<b>Drawing Number</b>	<b>Drawing Name</b>	<b>Date</b>
DA01.104, Revision B	Demolition Plans – Level 04	4 October 2023
DA03.0B1, Revision C	DA Basement B01 Plan	4 October 2023
DA03.0B2, Revision C	DA Basement B02 Plan	4 October 2023
DA03.0B3, Revision C	DA Basement B03 Plan	4 October 2023
DA03.0B4, Revision C	DA Basement B04 Plan	4 October 2023
DA03.0LG, Revision C	DA Ground Plan	4 October 2023
DA03.0UG, Revision C	DA Upper Ground Plan	4 October 2023
DA03.001, Revision C	DA Level 01 Plan - Podium	4 October 2023
DA03.002, Revision C	DA Level 02 Plan - Podium	4 October 2023
DA03.003, Revision C	DA Level 03 Plan - Podium	4 October 2023
DA03.004, Revision C	DA Level 04 Plan - Podium	4 October 2023
DA03.005, Revision C	DA Level 05 Plan – Podium (Terrace)	4 October 2023
DA03.006, Revision C	DA Level 06 Plan - Plant	4 October 2023
DA03.007, Revision C	DA Level 07-12 Plan – Mid Rise (Typical)	4 October 2023
DA03.013, Revision C	DA Level 13 – Mid Rise	4 October 2023

<b>Drawing Number</b>	<b>Drawing Name</b>	<b>Date</b>
DA03.014, Revision C	DA Level 14-20 Plan – Mid Rise (Typical)	4 October 2023
DA03.021, Revision C	DA Level 21 Plan – Mid Rise (Lift Transfer Level)	4 October 2023
DA03.022, Revision C	DA Level 22 Plan – High Rise (MR Lift O/R)	4 October 2023
DA03.023, Revision C	DA Level 23 Plan – High Rise (MR LMR)	4 October 2023
DA03.024, Revision C	DA Level 24 Plan – High Rise (MR LMR)	4 October 2023
DA03.025, Revision C	DA Level 25-29 Plan – High Rise (Typical)	4 October 2023
DA03.030, Revision C	DA Level 30-34 Plan – Skyrise (Typical)	4 October 2023
DA03.035, Revision C	DA Level 35 Plan – Sky Rise (Terrace)	4 October 2023
DA03.036, Revision C	DA Level 36 Plan – Sky Rise (Terrace)	4 October 2023
DA03.037, Revision C	DA Level 37 Plan – Sky Rise (Terrace)	4 October 2023
DA03.038, Revision C	DA Level 38 Plan – Plant	4 October 2023
DA03.039, Revision C	DA Level 39 Plan – Plant	4 October 2023
DA03.040, Revision C	DA Roof Plan	4 October 2023
DA09.000, Revision C	DA North Elevation	4 October 2023
DA09.001, Revision C	DA South Elevation	4 October 2023

<b>Drawing Number</b>	<b>Drawing Name</b>	<b>Date</b>
DA09.002, Revision C	DA East Elevation	4 October 2023
DA09.003, Revision C	DA West Elevation	4 October 2023
DA09.004, Revision C	DA Laneway Elevation	4 October 2023
DA09.100, Revision B	DA Podium Elevation – West Elevation	4 October 2023
DA09.101, Revision B	DA Podium Elevation – South Elevation	4 October 2023
DA10.000, Revision C	DA Section A-A East/West	4 October 2023
DA10.001, Revision B	DA Section B-B North/South	4 October 2023
DA10.100, Revision B	DA Podium Sections	4 October 2023
DA10.101, Revision A	DA Podium Sections 2	4 October 2023
DA10.102, Revision A	DA Podium Sections 3	4 October 2023
DA11.100, Revision A	Tower Façade Details – Masonry (South)	12 May 2023
DA11.101, Revision A	Tower Façade Details – Masonry (North)	12 May 2023
DA11.102, Revision A	Tower Façade Details – Glass (East & West)	12 May 2023
DA11.103, Revision A	Tower Façade Details – Mixed Mode	12 May 2023
DA11.104, Revision A	DA Tower Façade Detail	4 October 2023

and as amended by the conditions of this consent.

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

**Reason**

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

**(2) STAGED CONSTRUCTION CERTIFICATES**

- (a) The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate for each stage as follows:

<b>Stage</b>	<b>Works</b>
CC Stage 1	Demolition Works
CC Stage 2	Structure
CC Stage 3	Finishes and Fit Out
CC Stage 4	Façade
CC Stage 5	Landscaping, external works and public domain

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

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

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

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

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

- (a) Prior to any Construction Certificate being issued, evidence must be provided of Council’s written verification of the amount of the contribution as required in (b) below, and 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](http://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](http://www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Registered Certifier accordingly.
- (d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.

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

#### **Reason**

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

#### **(4) AFFORDABLE HOUSING CONTRIBUTION –CENTRAL SYDNEY – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE**

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of any Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- (b) The contribution is \$8,021,786.10 (indexed at 1 March 2023). This is calculated by establishing the sum of the equivalent monetary contribution \$10,611.53 multiplied by 1% of the total floor area for non-residential development (75,595sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being [insert month] [insert year] to [insert month] [insert year] (insert months and year of quarterly range applicable at time of consent), the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment =  $C \times MDP2 / MDP1$ , where:
  - (i) C is the original total contribution amount payable to the City of Sydney as shown above;



- (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
- (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being [insert month] [insert year] to [insert month] [insert year] (insert months and year of quarterly range applicable at time of consent).

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

**Reason**

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

**(5) MATTERS NOT APPROVED – AWNINGS ON CHIFLEY SQUARE**

- (a) The awnings located on the western podium elevation fronting Chifley Square on the ground floor are not approved.

**Reason**

To ensure the proposed development maintains the character of the area.

**(6) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 193.8 metres (AHD) to the top of the building and RL 61.1 metres (AHD) to the podium.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

**Reason**

To ensure the constructed development complies with the approved height.

**(7) FLOOR SPACE RATIO - CENTRAL SYDNEY**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 20.41:1 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 131,816sqm.

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney LEP 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifier.
- (c) Prior to any Construction Certificate being issued, Council's written verification must be obtained, confirming that 5569sqm of heritage floor space was allocated (purchased and transferred) to the development as specified in the Sydney Local Environmental Plan 2012.

**Reason**

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

**(8) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT**

The terms of the planning agreement entered into in accordance between **The Council of the City Sydney** and **The Trust Company (Australia) Limited** ABN 21 000 000 993 in its capacity as trustee for the 167 Macquarie Street Trust and **The Trust Company (Australia) Limited** ABN 21 000 000 993 in its capacity as custodian of the DVP2 Chifley Investment Trust, executed in June 2022 (reference X085141|VPA/2021/13) are to be complied with, including but not limited to the following:

- (a) Monetary contribution – infrastructure
- (b) Monetary contribution – Chifley Square Public Domain upgrade
- (c) Provision of right of carriageway and breakthrough works and instrument
- (d) Sustainability commitments, including:
  - (i) 6-star green star buildings v1 certified rating
  - (ii) 5.5-star NABERS energy rating (commitment agreement)
  - (iii) 4-star NABERS water rating (target)
  - (iv) 5-star NABERS waste rating (target)
  - (v) Climate active carbon neutral building certification
- (e) Public art
- (f) Developer's works

**Reason**

To ensure the development complies with all terms of the planning agreement.

**(9) DESIGN QUALITY EXCELLENCE**

- (a) As the proposal has been awarded bonus floor space for achieving design excellence and in order to ensure the design quality excellence of the development is retained to completion:
  - (i) The design architect(s), Bates Smart, are to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages;
  - (ii) The design architect(s) is/are to have full access to the site and is/are to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;
  - (iii) Evidence of the design architect's commission must be provided to the Council prior to release of the Construction Certificate for CC1.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director Planning, Development and Transport.

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

**Reason**

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

**(10) USE - SEPARATE DA REQUIRED**

No consent is granted or implied for the fit out or specific use of individual retail tenancies.

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

**Reason**

To require separate consent to be obtained for a use.

**(11) USE – WELLNESS CENTRE STUDIOS**

- (a) The studios located in the Wellness Centre in the Level 1 podium are not approved to be used as a commercial gymnasium.
- (b) The studios must be ancillary to the commercial office use of the site.

**Reason**

To ensure the appropriate use of the site.

**(12) EXTERNAL LIGHTING – SEPARATE DA REQUIRED**

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

**Reason**

To require separate consent to be obtained for external lighting.

**(13) FOOTWAY SEATING NOT APPROVED**

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

**Reason**

To ensure outdoor dining areas are appropriately assessed and determined.

**(14) APPROVED DESIGN ROOF – TOP PLANT**

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

**Reason**

To ensure the constructed development complies with the approved height.

**(15) SIGNAGE GENERAL REQUIREMENTS**

The design of the approved signage must comply with the following:-

- (a) The signage is not to contain highly reflective materials, colours and finishes.
- (b) The signage is not to incorporate sound, vibration, odour and other emissions.

**Reason**

To ensure signage is designed in accordance with Council's DCP.

**(16) SIGNAGE STRATEGY**

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

All future signage shall be consistent with this strategy.

**Reason**

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

**(17) SIGNS – SEPARATE DA REQUIRED**

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.

**Reason**

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

**(18) SIGNS/GOODS IN THE PUBLIC WAY**

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

**Reason**

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

**(19) ALLOCATION FOR CAR WASH BAYS**

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

**Reason**

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

**(20) ALLOCATION FOR VISITOR PARKING**

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

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

**Reason**

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

## **(21) INTERCOM FOR VISITORS**

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

### **Reason**

To maintain the orderly operation of vehicle parking areas.

## **(22) SIGNS AT EGRESS**

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

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

### **Reason**

To ensure the safety of surrounding pedestrians and cyclists.

## **(23) SECURITY GATES**

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

### **Reason**

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

## **(24) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 8.8 metres.

### **Reason**

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

## **(25) ASSOCIATED ROADWAY COSTS**

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

**Reason**

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

**(26) COST OF SIGNPOSTING**

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

**Reason**

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

**(27) BREAK THROUGH PANELS**

- (a) The basement is to include break through panels and the necessary easements to the adjoining site known as 167 Macquarie Street, Sydney.
- (b) Details are the provided and approved to the satisfaction of Council's Area Planning Manager prior to the issue of a Construction Certificate for CC2.

**Reason**

To ensure the development provides basement access to adjoining sites in accordance with Sydney DCP 2012.

**(28) SWINGING DOORS OVER PUBLIC WAY**

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

**Reason**

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

**(29) WASTE AND RECYCLING MANAGEMENT - GENERAL**

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

**Reason**

To ensure that waste and recycling is appropriately managed.

**(30) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

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

**Reason**

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

**(31) NO OBSTRUCTIONS**

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

**Reason**

To ensure there are no obstructions on public footways and paths of travel.

**(32) PAVING MATERIALS**

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

**Reason**

To ensure appropriate and safe paving materials are used.

**(33) PUBLIC ART**

- (a) The Preliminary Public Art Strategy Chifley South, prepared by UAP, dated October 2023, is not approved and must be updated to indicate the budget of public art to the satisfaction of Council's Director City Planning, Development and Transport. The updated Strategy is to be submitted and approved prior to the issue of a Construction Certificate for CC1.
- (b) The public artwork must be in accordance with the updated Preliminary Public Art Plan approved in part (a) above.
- (c) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Director City Planning, Development and Transport prior to issue of any Construction Certificate for above ground works (CC2).
- (d) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Director City Planning, Development and Transport prior to the issue of any Occupation Certificate.



Note: Public Art must be reviewed 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](mailto:publicartreferrals@cityofsydney.nsw.gov.au) for further information.

**Reason**

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

**(34) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD**

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 indicated on the DA Elevation Drawings (Drawing nos. DA09.000-DA09.004 and DA09.100-DA09.101) prepared by Bates Smart, dated 4 October 2023.

**Reason**

To ensure all parties are aware of the approved materials and finishes that apply to the development.

**(35) WASTE AND RECYCLING MANAGEMENT - GENERAL**

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

**Reason**

To ensure that waste and recycling is appropriately managed.

## **PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **(36) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES**

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Floth, dated 21 April 2023, ref Project No-23025, Doc No ANIA001 Issue No A, titled Noise and Vibration Impact Assessment Report 2 Chifley Square, Sydney, Council Ref 2023/264425, must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant\* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant\* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

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

#### **Reason**

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

### **(37) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate for CC1. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site.

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

**Reason**

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

**(38) PARKING DESIGN**

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate for CC3 being issued.

**Reason**

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

### **(39) ALLOCATION OF PARKING**

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate for CC3.

Car Parking Type	Number
Office and business parking (existing)	Maximum 190
Accessible office and business parking (existing)	4
<b>Subtotal</b>	<b>194</b>
Motorcycle parking	16
Service Vehicle Spaces (Courier Spaces B99 size)	11
Small Rigid Vehicle Loading Dock(s) – height restricted to 3.1 metres maximum	7
Medium Rigid Vehicle Loading Dock(s) – height restricted to 3.1 metres maximum	2
Compactor	2
<b>Total</b>	<b>233</b>

#### **Reason**

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

### **(40) BICYCLE PARKING AND END OF TRIP FACILITIES**

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

Bicycle Parking Type	Number	Requirements
Non-residential	378	Spaces must be Class 2 bicycle facilities
Non-residential visitor	173	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	40	Male and Female must be separated
Personal lockers	400	Male and Female must be separated

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

Notes:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate for CC3 being issued.
- (c) The building manager will monitor the demand and usage of the bicycle spaces and will add the required spaces up to 38 spaces in addition to the Table above in the future once the demand increases.

**Reason**

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

**(41) MECHANICAL PARKING FACILITIES (VEHICLE TURNTABLE)**

The following details must be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate for CC3:

- (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/NZ 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) The potential trip hazard posed by the platforms to pedestrians walking within the car parking/loading dock areas.
  - (ii) The requirements for addressing system failure and/or mechanical breakdown.
- (c) Any further information requested by the Principal Certifying Authority.

**Reason**

To ensure mechanical parking facilities are installed in accordance with the relevant standards.

**(42) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)**

Prior to a Construction Certificate for CC1 being issued, an archival photographic recording of the existing podium and its internal spaces is to be prepared to Council's satisfaction. The recording is to be in digital form and prepared in accordance with the NSW Heritage Division guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

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

**Reason**

To ensure appropriate archival documentation of the building.

**(43) SITES IN THE VICINITY OF A HERITAGE ITEM**

The approved works must ensure that heritage items in the vicinity, including Chifley Square, Wyoming at 175-181 Macquarie Street, Sydney and Horbury House at 171-173 Macquarie Street, Sydney is to be suitably protected during the construction process. The contractor or developer must conduct consultations with the stakeholders of the neighbouring heritage site, record and monitor the conditions of the heritage building and take suitable measures to control and minimize any risks to the heritage fabric during construction. The protection measures must be incorporated into the construction management plan. Details of the protection plan must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate for CC1.

**Reason**

To ensure the protection of adjacent/nearby heritage items.

**(44) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued for CC1.
- (b) The approved plan must be complied with during any demolition and/or construction work.

**Reason**

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

**(45) SITE AUDIT STATEMENT**

Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation) at CC2, a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:-

[hbapplications@cityofsydney.nsw.gov.au](mailto:hbapplications@cityofsydney.nsw.gov.au)

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

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.

- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).
- (c) **No Occupation Certificate is to be issued** by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

**Reason**

To ensure that the site is appropriately remediated.

**(46) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT**

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate for CC2 being issued. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

**Reason**

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

**(47) LANDSCAPING OF THE SITE**

This condition applies to all planting and landscape on structure on Levels UG, 01, 05, 06, 13 and levels 35-37.

- (a) A detailed landscape design, including plans and details drawn to scale, and technical specification, by a qualified 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 for CC2. These documents must include:
  - (i) A reconfigured arrangement positioning the Levels 35-37 planters inside the balustrade, to remove issues of safe maintenance and give terrace users direct access to the planting.
  - (ii) Location and details of existing and proposed services, walls, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (iii) Engineers report confirming structural capacity of building for proposed loads for planting on structure.
  - (iv) Details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for ground covers, excluding mulch and drainage layers.



- (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (vi) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
  - (vii) Planting maintenance plan. This plan is to be compiled with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates and transport of materials and green waste.
- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted and approved by the Principal Certifying Authority.
  - (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

**Reason**

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

**(48) WESTERN FAÇADE PLANTERS – LEVELS 7 TO 37**

- (a) A detailed design for the façade planters including plans and details drawn to scale and technical specification by a qualified architect, landscape designer or green wall specialist. The following information must be submitted and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager prior to the issue of a Construction Certificate for CC2:
  - (i) Analysis of the detailed site conditions, including access, light availability, sun, and wind impacts;
  - (ii) Details of the planter construction, including proposed materials, planter dimensions, fixings, and structures;
  - (iii) Details of the proposed growing medium, including soil depth and type;
  - (iv) Location, numbers, types and size of plant species selected on the basis of the site conditions, and species that contribute to habitat and diversity.
  - (v) Details of drainage, irrigation, and waterproofing;
  - (vi) Details of ongoing maintenance, including methodology for safe working at height, access requirements, location of any anchor points, gates, and transport of materials such as green waste removal, and a detailed planting maintenance schedule and fully coordinated with the architectural plans;

- (vii) Consideration of treatment to the glazing behind these planters to reduce reflectivity and minimise bird strike; and
- (viii) A plan outlining the intended strategy for decommissioning and rectification if planting works fail. This is to ensure green walls are maintained throughout its life.

**Reason**

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

**(49) TRANSPLANTING PALMS IN CHIFLEY SQUARE**

- (a) The transplanting of the 16 *Livistona australis* (cabbage tree palms) shown in Figure 32 of the Construction Management Plan, Revision 6, prepared by Essence dated May 2023 is approved subject to the following:
- (b) The Transplant Assessment and Method Report prepared by Mark Hartley dated 20 August 2023 (report no. CD2500) shall be amended prior to the issuing of a Construction Certificate for CC1 and submitted to Council's Area Planning Manager for approval as follows:
  - (i) Tree numbering shall be consistent with the Construction Management Plan referred to above.
  - (ii) The report shall reflect transplanting of only 16 *Livistona australis* required for the work zone.
- (c) A Transplanting Compliance Statement prepared by a qualified Arborist (minimum AQF Level 5) which includes photographic evidence and details of the health and condition of the transplanted palms, must be submitted to Council's Area Planning Manager at each hold-point listed below:
  - (i) A pre-transplanting statement outlining the health and condition of the 16 palms prior to transplanting.
  - (ii) Quarterly reports documenting the health and conditions of each palm whilst being stored off site.
  - (iii) A report prior to the palms being transplanted back to the site confirming each palm is free of disease, pests, damage (above and below ground) and is in a healthy condition.
  - (iv) A final report following transplanting back into the site confirming compliance with approved transplanting method report.
- (d) In the event that transplanting of any palm cannot occur or if any palm does not survive whilst being stored off site, the following is required:
  - (i) A detailed report by a qualified Arborist (minimum AQF Level 5) outlining the reasons why transplanting cannot occur shall be submitted to the Council's Tree Management Officer for approval prior to the commencement of transplanting.

- (ii) A detailed report prepared by a qualified Arborist (minimum AQF Level 5) outlining the reasons why any palms failed to survive whilst being stored off site shall be submitted to Council's Tree Management Officer for approval prior to the commencement of transplanting.
- (iii) A replacement palm tree of the same species must:
  - a. Be planted in the same location for any unsuccessful or failed transplanted palms prior to the issuing of an Occupation Certificate.
  - b. Have a minimum clear stem height of within 1-2 metres of the existing palm trunk size.
  - c. Be free of disease, pests, damage (above and below ground) and must be a healthy vigorous specimen.
- (iv) Certification from the tree supplier must be submitted and approved by Council's Tree Management Officer confirming a suitable palm is available for purchase and planting which meets the above requirements.
- (e) The transplanted palm tree or the replacement palm tree must be maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of 12 months commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilising, pest and disease control and any other operations to maintain a healthy robust tree.
- (f) If the transplanted palm tree or the replacement palm tree fails to establish within 12 months of the initial planting date, it must be replaced with a tree of comparable qualities and maintained for a further 12-month period.

**Reason**

To ensure the transplanting of trees on the site is carried out in an appropriate manner, or where this cannot occur, a replacement tree(s) is provided.

**(50) SITE SUPERVISION AND REPORTING**

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:
  - (i) The installation of tree protection measures prior to the commencement of any construction works;
  - (ii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
  - (iii) During construction of the specify structure/deck/concrete slab etc);

- (iv) During any excavation and trenching within the TPZ which has been approved by Council;
  - (v) During any Landscape works within the TPZ which has been approved by Council.
- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by Council's Area Planning Coordinator | Area Planning Manager at each hold point listed below:
- (i) Certification that tree protection measures have been installed in accordance with these consent conditions;
  - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
  - (iii) Quarterly reporting for the duration of construction and development works within the site;
  - (iv) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
- (c) A final compliance report must be submitted to and approved by Council's Area Planning Coordinator | Area Planning Manager prior to the issue of any Occupation Certificate.

**Reason**

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

**(51) TREE BOND**

- (a) A \$15,000 bond for each of the 16 palms approved for transplanting from Chifley Square shall be lodged with Council to ensure transplanting is successful.
- (b) The applicant shall lodge an unconditional bond/bank guarantee with Council prior to the issue of a Construction Certificate for CC1 to the amount of \$240,000.
- (c) The applicant shall be responsible for the health and condition of the 16 transplanted palms. In the event that at completion of the works, the City's Tree Management Officer determines that the palms have been damaged/destroyed (by activities associated with transplanting) to the value in excess of the retained bond the applicant shall lodge the excess to Council and to an amount determined by Council's Tree Management Officer.

- (d) The bond amount will be retained for a minimum of 24 months from the date the Occupation Certificate is issued or transplanting back to the site occurs. At this time, a further inspection will be undertaken by the consulting arborist engaged throughout the transplanting phase. The consulting arborist is to submit a Transplanting Statement to Council's Area Planning Manager prior to the bond being refunded which includes photographic evidence and details of the health and condition of the transplanted palms. If the report indicates that any palm requires remedial works, the City's Tree Management Officer will access the recommendations and determine any works prior to their execution by the consulting arborist.
- (e) The following formula will be used for the retention of all or part of the tree bond/s:
  - (i) Damage to any transplanted palm during the transplanting or whilst being stored off site – 20%
  - (ii) Decline of any palm following transplanting back to the site during the 12 months maintenance period – 50%
  - (iii) Death of any transplanted palm due to non-compliance with the palm transplanting condition – total 100% of total bond for particular tree/s and possible legal action by Council.

**Reason**

To ensure the transplanting of trees on the site is carried out in an appropriate manner.

**(52) ENERGY EFFICIENCY OF BUILDINGS**

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

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

The applicant must provide a copy of the signed Commitment Agreement contract with their Construction Certificate application; and
- (b) Providing a copy of the independent energy assessment report to NABERS administration and submitting the same report with the Construction Certificate application. This report must be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to above are as follows:

- (i) Commitment Agreement means an agreement that is set out in accordance with DPIE. The NABERS Commitment Agreement, which is signed between DPIE and the applicant/building owner/building manager, to design, build and commission the premises to achieve an agreed star rating.

- (ii) Star rating refers to the benchmarking system applied by DPIE for measuring the energy efficiency of a building and known as NABERS the National Australian Built Environment Rating System.
- (iii) Base Building means central services and common areas of a building, as defined under NABERS.

**Reason**

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

**(53) INSTALLATION OF DUAL-FLUSH TOILETS**

All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Registered Certifier, prior to a Construction Certificate for CC3 being issued.

**Reason**

To ensure the provision of water efficient toilets.

**(54) INSTALLATION OF WATER EFFICIENT URINALS**

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Registered Certifier, prior to a Construction Certificate for CC3 being issued.

**Reason**

To ensure the provision of water efficient urinals.

**(55) INSTALLATION OF WATER EFFICIENT TAPS**

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

**Reason**

To ensure the provision of water efficient taps.

**(56) DESIGN FOR ENVIRONMENTAL PERFORMANCE**

- (a) Prior to the issue of any Construction Certificate for CC2 the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Haris Husic dated Monday May 29 2023 are incorporated into the relevant construction plans and accompanying documentation.
  - (i) Section 4 – Energy Efficiency and Greenhouse Gas Abatement
  - (ii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
  - (iii) Section 6 – On site Renewable Energy Generation and Storage
  - (iv) Section 7 – Design for Resilience to Climate Change
  - (v) Section 8 – Designing for mains potable water savings and water efficiency
  - (vi) Section 9 – Storm water quality
- (c) Changes to any commitments as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager/Coordinator prior to the issue of any relevant Construction Certificate.

**Reason**

To ensure the environmental performance of the development.

**(57) NABERS WASTE RATING**

Development must achieve a NABERS Waste rating of 5 Stars in operation for the building. A signed NABERS Agreement to Rate for the required star rating, along with a Waste Assessment Report prepared by a suitably qualified person who is also a NABERS accredited assessor, demonstrating the building is capable of achieving a NABERS Waste rating of 5 Stars, is to be submitted to Council for approval prior to the issue of a Construction Certificate.

**Reason**

To ensure that the building complies with the 5 Star NABERS waste rating required under the Voluntary Planning Agreement for the site.

**(58) NABERS WATER RATING**

Development must achieve a NABERS Water rating of 4 Stars in operation for the building. A signed NABERS Agreement to Rate for the required star rating, along with a Water Assessment Report prepared by a suitably qualified person who is also a NABERS accredited assessor, demonstrating the building is capable of achieving a NABERS water rating of 4 Stars, is to be submitted to Council for approval prior to the issue of a Construction Certificate.

## **Reason**

To ensure that the building complies with the 4 Star NABERS water rating required under the Voluntary Planning Agreement for the site.

### **(59) DEMOLITION/SITE RECTIFICATION (if cost is over \$50m)**

The following conditions apply to the development:

- (a) Prior to the Construction Certificate for CC1 being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (b) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) A bank guarantee to be provided in the sum of \$1,609,500 dollars as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed \$1,609,500 dollars; and
    - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
  - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
    - a. demolition of the existing building has commenced but not been completed;
    - b. the existing building has been demolished; or
    - c. the site has been excavated; or
    - d. the erection of the structure has commenced;
  - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
    - a. make the building safe and of an appearance acceptable to Council at ground level;
    - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
    - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or



- d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenantable stage;

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

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

### **Reason**

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

## **(60) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Deposit calculated on the basis of 700 square metres of granite site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued for CC1, whichever is earlier.
- (c) This bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

### **Reason**

To allow for the appropriate management and rectification of damage to the public domain.

## **(61) PROTECTION OF STONE KERBS**

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

- (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

**Reason**

To ensure the protection of stone kerbs.

**(62) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY**

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

Prior to the issue of any Construction Certificate for CC1, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:

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

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

**Reason**

To ensure the preservation of existing survey infrastructure.

**(63) PUBLIC DOMAIN CONCEPT PLAN**

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

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

**Reason**

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

**(64) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR**

Prior to the issue of any Construction Certificate for CC2, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and endorsed by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Any requirements to comply with Disability Discrimination Act and the National Construction Code (NCC) at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

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

**Reason**

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

**(65) STORMWATER QUALITY ASSESSMENT**

The development must comply with the MUSIC Link Report dated 10 November 2023 approved with this development application.

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

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

**Reason**

To ensure appropriate stormwater quality on the site.

**(66) PUBLIC DOMAIN LIGHTING UPGRADE**

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

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

The lighting upgrade plan must cover all adjacent street frontages, being Bent Street, Phillip Street and Hunter Street and shall be designed to include the following requirements:

(a) **Bent Street (from Macquarie Street to Phillip Street)**

- (i) Provide a lighting design plan (simulation) of existing lighting levels and category achieved.
- (ii) Lighting compliance with requirements of AS1158 under Category V1 on the roadway and PP1+ 2 lux min vertical illuminance on the footway is required.

(b) **Phillip Street (from Bent Street to Hunter Street)**

- (i) Provide a lighting design plan (simulation) of existing lighting levels and category achieved.
- (ii) Lighting compliance with requirements of AS1158 under Category V1 on the roadway and PP1+ 2 lux min vertical illuminance on the footway is required.
- (iii) Remove the redundant Ausgrid gal pole on the corner on Phillip Street close to Bent Street.

(c) **Hunter Street (from Phillip Street to Macquarie Street)**

- (i) Provide a lighting design plan (simulation) of existing lighting levels and category achieved.
- (ii) Lighting compliance with requirements of AS1158 under Category V1 on the roadway and PP1+ 2 lux min vertical illuminance on the footway is required.

Note:

- Lighting designs certified by a practising lighting engineer must be submitted for council review before a Construction Certificate is issued for public domain works.
- Lighting designs must consist of two parts, i.e. illumination design and electrical supply reticulation design (if applicable). COS can only review electrical reticulation design once receiving the final illumination Designs.
- Lighting design submission requirements are specified in the "Sydney Street Technical Specification A5: Street Lighting Design". For instance:
- Comply with the requirements AS/NZS 4282 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, B8 and Ausgrid NS119 documents.
- Where applicable, provide electrical supply reticulation design and site-specific structural footing designs for any new COS lights. Design shall be certified by a practicing structural engineer for Council review before footing construction. All relevant designs must be supported by design, installation and construction certificates.
- Remove redundant Ausgrid public 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.
- Proposals for Building exterior lighting, signage lighting, crane lighting and lighting of landscape features are to be assessed under a separate DA.
- Lighting design must deliver compliant lighting levels to road reserve within the scope as well as adjacent pedestrian crossings and intersections.

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

**Reason**

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

**(67) DILAPIDATION REPORT - PUBLIC DOMAIN**

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

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

**Reason**

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

**(68) TEMPORARY DEWATERING DURING CONSTRUCTION**

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

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

**Reason**

To ensure dewatering is managed appropriately.

**(69) STORMWATER DRAINAGE DESIGN FOR STATE ROADS/OTHER AUTHORITIES**

A detailed stormwater management plan prepared by suitably qualified and experienced professional and complying with the Sydney Water requirements and specifications, Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design must be submitted to and approved by Sydney Water prior to issue of any Construction Certificate other than demolition. Conduits not in use shall be decommissioned/removed. Evidence of this approval must be submitted to Council.

**Reason**

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

**(70) MECHANICAL VENTILATION**

- (a) 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*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *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 for CC3.
- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

**Reason**

To ensure the ventilation complies with relevant standards.

## **(71) MICROBIAL CONTROL IN WATER SYSTEMS**

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

- (a) AS/NZS 3666:1:2011 - Air-handling and water systems of buildings-Microbial Control Part 1: Design, installation and commissioning.
- (b) AS/NZS 3666:2:2011 - Air-handling and water systems of building-Microbial Control Part 2: Operation and maintenance.
- (c) AS/NZS 3666:3:2011 - Air-handling and water systems of buildings-Microbial Control Part 3: Performance based maintenance of cooling water systems.
- (d) AS/NZS 3666:4:2011 – Air-handling and water stems of buildings-Microbial Control Part 4: Performance – based maintenance of air – handling systems (ducts and components).
- (e) Prior to the issue of an Occupation Certificate associated with the Cooling Water System the occupier of the premise at which the system is installed, must notify the Council in writing on the prescribed form, of the installation of all water-cooling tower systems within the premises under the Public Health Act 2010. Warm water systems other than hospitals (hospitals (which also includes nursing homes, declared mental health facilities, private health facilities) are exempt from notifying Council.

Notification forms are available on Council's website [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)

### **Reason**

To ensure water systems comply with relevant standards.

## **(72) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**

Prior to the issue of a Construction Certificate for CC2, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with *AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and *AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings*.

### **Reason**

To ensure the mechanical ventilation complies with relevant standards.



**(73) NATIONAL CONSTRUCTION CODE COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE BUILDING IS REQUIRED**

- (a) Pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021 an assessment of the development proposal has been undertaken and:
- (i) As more than 50 percent of the volume of the building is proposed to be altered or has been altered over the previous 3 year period; and/or
  - (ii) The measures contained in the building are inadequate to protect persons using the building and to facilitate their egress from the building in the event of fire, or to restrict the spread of fire from the building to other buildings nearby, it is determined that the whole building must be brought into total conformity with the *Building Code of Australia*.
- (b) If compliance with (a) above cannot be achieved through the deemed-to-satisfy pathway, a performance solution in accordance with the BCA must be prepared and submitted to the Registered Certifier illustrating how the relevant performance provisions are to be satisfied prior to the issuing of a construction certificate.

**Reason**

To ensure the works comply with relevant regulations.

**(74) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS**

A qualified practising registered structural engineer must provide structural certification to the Registered Certifier verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of the *Building Code of Australia* prior to a Construction Certificate for CC2 being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

**Reason**

To ensure the existing structure can support the new loads.

**(75) EXTERNAL WALLS AND CLADDING FLAMMABILITY**

The external walls of the building including attachments must comply with the relevant requirements of the *Building Code of Australia*. Prior to the issue of a Construction Certificate for CC3 and Occupation Certificate the Registered Certifier and the Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the BCA; and

- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built.

**Reason**

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

**(76) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application been approved by this consent (Council reference 2023/264421).
- (b) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
  - (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.
  - (ii) Collection points for waste and recycling must be wholly located within the boundary of the development.
  - (iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments 2018*.
  - (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.
  - (v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading.
  - (vi) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

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

**UPON COMPLETION OF THE DEVELOPMENT**

- (d) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

**Reason**

To ensure that waste and recycling is appropriately managed.

**(77) REFLECTIVITY**

Prior to issue of the Construction Certificate for CC4 the Registered Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

**Reason**

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

**(78) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate for CC1 a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

**Reason**

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

**(79) SYDNEY AIRPORT CORPORATION APPROVAL**

An approval for the proposed height of the development must be obtained from Sydney Airport Corporation Limited in accordance with the Civil Aviation (Building Control) Regulations 1988 prior to the issue of a Construction Certificate for CC2.

**Reason**

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

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

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

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

**Reason**

To minimise adverse visual impacts on the locality.

**(81) ELECTRICITY SUBSTATION**

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

**Reason**

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

## PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

### (82) DECOMMISSIONING OF UNDERGROUND PETROLEUM STORAGE TANKS

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

NSW EPA Technical Note: *Decommissioning, Abandonment and Removal of UPSS* (January 2010),

NSW EPA Technical Note: *Investigation of Service Station Sites* (April 2014),

*AS 1940 –2004: Storage and handling of flammable and combustible liquids,*

*AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks.*

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

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

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

#### **Reason**

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

**(83) UNDERGROUND PETROLEUM STORAGE SYSTEM – DECOMMISSIONING REPORT**

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

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

The decommissioning report must contain:

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

**Reason**

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

**(84) STREET TREE PRUNING AND REMOVAL**

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

## Reason

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

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

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
  - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
  - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
  - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
  - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
  - (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

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

**Reason**

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

**(86) OTHER APPROVALS**

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

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

**Reason**

To ensure use of a public place is managed appropriately.

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

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



### **Reason**

To ensure the relevant approvals for public domain work is obtained.

## **(88) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD**

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council prior to the installation of such devices.

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

### **Reason**

To ensure appropriate approvals are sought for operating hoisting devices.

## **(89) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

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

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

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
  - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
  - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
  - (iv) The name and address of the transport contractor.
  - (v) The type and quantity of material to be removed from site.
  - (vi) Location and method of waste disposal and recycling.
  - (vii) Proposed truck routes, in accordance with this development consent.
  - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
  - (ix) Measures to control noise emissions from the site.
  - (x) Measures to suppress odours.
  - (xi) Enclosing and making the site safe.
  - (xii) Induction training for on-site personnel.
  - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
  - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
  - (xv) Disconnection of utilities.
  - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).

- (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
  - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
  - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
  - (xx) Working hours, in accordance with this development consent.
  - (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.
  - (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

**Reason**

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

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

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

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

**Reason**

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

## **(91) DILAPIDATION REPORT – MAJOR DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of [insert affected 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 commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of a Construction Certificate.

### **UPON COMPLETION OF EXCAVATION/DEMOLITION**

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

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

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

### **Reason**

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

## **PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

### **(92) HOURS OF WORK AND NOISE – CBD**

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

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

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

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

#### **Reason**

To protect the amenity of the surrounding area.

### **(93) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

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

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

**Reason**

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

**(94) LAND REMEDIATION (Where Site Auditor engaged)**

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Douglas Partners dated September 2023, reference number R.001 REV 0 and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority Accredited Site Auditor Louise Walkden dated 25 September 2023 and reference REF-318001869 Audit No – LW-041. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

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

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

**Reason**

To ensure that the site is appropriately remediated.

**(95) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

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

**Reason**

To ensure that the site is appropriately remediated.

**(96) IMPORTED FILL MATERIALS**

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

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

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

**Reason**

To ensure that imported fill is not contaminated.

**(97) CLASSIFICATION OF WASTE**

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

**Reason**

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

**(98) DISCHARGE OF CONTAMINATED GROUNDWATER**

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

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

**Reason**

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

**(99) STOCKPILES**

- (a) No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.

- (b) All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours must be covered.
- (d) All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours.

**Reason**

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

**(100) STREET TREE PROTECTION**

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

- (a) Tree trunk and major limb protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by a qualified Arborist (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 [specify] metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.
  - (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
  - (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

**Reason**

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

**(101) PROTECTION OF NATIVE WILDLIFE**

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

**Reason**

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

**(102) PUBLIC DOMAIN WORKS SECURITY BOND**

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

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

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

**Reason**

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

**(103) DRAINAGE AND SERVICE PIT LIDS**

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

**Reason**

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

**(104) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION**

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

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

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

**Reason**

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

**(105) HOLD POINTS**

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

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

**Reason**

To ensure hold points are adhered to during construction works.

**(106) PUBLIC DOMAIN LIGHTING RETICULATION**

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

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

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

**Reason**

To ensure the public domain lighting documentation complies with Council requirements.

#### **(107) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT**

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

##### **Reason**

To protect the amenity of the surrounding area.

#### **(108) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

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

##### **Reason**

To protect the amenity of the surrounding area.

#### **(109) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

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

**Reason**

To protect the amenity of the public domain.

**(110) NO OBSTRUCTION OF PUBLIC WAY**

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

**Reason**

To protect the amenity of the public domain.

**(111) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

**Reason**

To allow adequate vehicular access to the site.

**(112) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

**Reason**

To ensure mobile cranes are used appropriately.

### **(113) COVERING OF LOADS**

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

#### **Reason**

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

### **(114) SYDNEY WATER CERTIFICATE**

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

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

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

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

#### **Reason**

To ensure the requirements of Sydney Water are met.

### **(115) ASBESTOS REMOVAL WORKS**

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

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

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

### **Reason**

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

## **(116) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS**

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

### **Reason**

To protect the amenity of the surrounding area.

## **(117) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

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

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

### **Reason**

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



**(118) SURVEY**

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

**Reason**

To ensure the development does not encroach onto neighbouring properties.

## **PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

### **(119) WASTE AND RECYCLING COLLECTION CONTRACT**

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

#### **Reason**

To ensure that waste and recycling is appropriately managed.

### **(120) REGISTRATION OF COVENANT**

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

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

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

#### **Reason**

To ensure that contamination is appropriately managed.

### **(121) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN**

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

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

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

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

**Reason**

To ensure that contamination is appropriately managed.

**(122) PUBLIC DOMAIN WORKS COMPLETION**

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

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

**Reason**

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

**(123) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION**

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

**Reason**

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

**(124) SURVEY INFRASTRUCTURE – RESTORATION**

- (a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
  - (i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
  - (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;

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

**Reason**

To ensure all requirements for survey mark removal are complied with.

**(125) FOOD COURT TENANCIES – PEST PROOFING**

All future food use tenancies located in the shared food court must take all reasonable precautions to avoid pests gaining entry into food storage/preparation areas.

- (a) As a minimum all future food use tenancies are required to:-
  - (i) Seal all gaps and holes with a solid, durable material to any external penetrations (e.g. service pipes, drains, ceiling penetrations etc.).
  - (ii) Provide an impervious pest proof barrier (roller shutter or similar) to any open façade of the food premises fronting onto a public area\*, the chosen barrier must be flush with the floor to prevent the ingress of pests.
- (b) Prior to the issue of an Occupation Certificate the above works must be completed to the satisfaction of the Principal Certifier.

\*NB: A Public area will include any area that is not encompassed in the lease of the food premises e.g. shared dining areas, shared access hallways etc.

**Reason**

To ensure precautions are taken to avoid pests in food storage/ preparation areas.

**(126) NOTIFICATION OF CONDUCT OF FOOD BUSINESS**

- (a) The use must not commence until the food business has notified Council with their food business details in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4*.
- (b) An Occupation Certificate must not be issued until such notification has been received by Council in accordance with Clause (a) of this condition.

Note: Registration forms are available on Council's website [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

**Reason**

To ensure Council is notified of food business details.

## **(127) PHYSICAL MODELS**

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

### Note:

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

### **Reason**

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

## **(128) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

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

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

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

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

**Reason**

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

**(129) RESTRICTION OF END OF JOURNEY – CENTRAL SYDNEY**

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant to the effect that 0.3:1 or 1,931 sqm of the building has been approved as end of journey is to be registered on the Title of the development site pursuant to section 88E of the *Conveyancing Act 1919*. The covenant is to be created appurtenant to Council and at no cost to Council.

**Reason**

To ensure the bonus floor space approved as part of the consent continuously used for the approved purpose.

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

The following conditions apply to car parking:

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

**Reason**

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

**(131) SURVEY CERTIFICATE AT COMPLETION**

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

**Reason**

To ensure the development does not encroach onto neighbouring properties.

## PART F – OCCUPATION AND ONGOING USE

### (132) OCCUPATION CERTIFICATE TO BE SUBMITTED

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

#### Reason

To ensure the site is authorised for occupation.

### (133) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

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

#### Reason

To protect the acoustic amenity of surrounding properties.

### (134) ON SITE LOADING AREAS AND OPERATION

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



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

**Reason**

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

**(135) LOADING AND SERVICING MANAGEMENT PLAN**

- (a) A Loading and Servicing Management Plan must be submitted to and approved by Council prior to the issue of an Occupation Certificate.
- (b) The Loading and Servicing Management Plan must include the strategy for the management of all servicing of the site including delivery vehicles, garbage collection, service vehicles and should include information such as arrivals to the site, the anticipated number of arrivals per week, time of the day of the arrivals, length of stay, vehicle type etc along with how these will be managed to prevent disruption to the public streets. The management of the plan needs to be able to respond to changes in the surrounding road environment and be updated accordingly.
- (c) The proposed loading dock must not be reserved for the supermarket or any other single tenancy and must be available to all users within the site. Online booking systems or similar, loading dock manager, loading schedule or similar must be prepared so all users are aware of their entitlements and to avoid too many deliveries being at the dock at any one time.
- (d) The plan should be generally in accordance with the Loading and Servicing Management Plan, dated 23 May 2023 submitted as part of the subject application.
- (e) Once approved, this management plan must be provided to all tenants and external users.

**Reason**

To ensure the loading and servicing arrangements for the development are appropriately managed.

**(136) BICYCLE PARKING SIGNAGE AND WAYFINDING PLAN**

- (a) Signage directing users to the bicycle parking facilities are to be installed from the street level between the bicycle rider's entry points 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 issued. Signage is to be installed before the issue of any Occupation Certificate.

**Reason**

To ensure bicycle parking facilities are identifiable.

**(137) TRANSPORT ACCESS GUIDE**

A Transport Access Guide (TAG) must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times. The following information shall be submitted to and approved by Council prior to the issue of an Occupation Certificate for the site. The TAG is to include the following:

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

**Reason**

To encourage sustainable transport to and from the site.

**(138) WASTE/RECYCLING COLLECTION - COMMERCIAL**

- (a) Waste storage and the collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.
- (c) Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

**Reason**

To ensure that waste and recycling is appropriately managed.

**(139) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

**Reason**

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

**(140) ANNUAL FIRE SAFETY STATEMENT FORM**

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

**Reason**

To ensure annual checks on fire safety measures.

**(141) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**Reason**

To protect neighbouring properties.

**(142) ENCROACHMENTS – PUBLIC WAY**

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area. Any encroachments, including downpipes, eaves or guttering must be removed or written consent obtained from Council's Area Planning Manager advising the encroachment is permissible, in the case that the encroachment is very minor and is supported by Council.

**Reason**

To protect the public way.

**(143) NABERS CERTIFIED WASTE RATING**

Within 12 months from the day on which a final Occupation Certificate is issued, an assessment of the NABERS rating for waste use achieved by the development that is prepared by an assessor accredited under NABERS is to be submitted to Council.

**Reason**

To ensure that the development meets the requirements of the Voluntary Planning Agreement for the site.

**(144) NABERS CERTIFIED WATER RATING**

Within 12 months from the day on which a final Occupation Certificate is issued, an assessment of the NABERS rating for water use achieved by the development that is prepared by an assessor accredited under NABERS is to be submitted to Council.

**Reason**

To ensure that the development meets the requirements of the Voluntary Planning Agreement for the site.

**(145) ENERGY PERFORMANCE CERTIFICATION – NABERS**

Within 12 months from the day on which a final occupation certificate is issued, 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.

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 CO<sub>2</sub>e, calculated for the first 10 years of operation.

**Reason**

To reduce greenhouse gas emissions and impact on the electricity grid associated with the development in operation and increase the development's resilience to disruption from extreme weather events.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

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

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

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

## **SCHEDULE 3A**

### **CONDITIONS OF CONSENT – TRANSPORT FOR NSW (TfNSW)**

The conditions of consent, as advised by TfNSW, are as follows:

#### **(146) LOADING AND SERVICING PROVISION**

- (a) Loading and servicing demands generated by the development should be accommodated on-site to ensure that freight and servicing movements do not create road safety risk and impact transport network efficiency.
- (b) The TfNSW Urban Freight Forecast tool indicates the proposed loading and servicing provisions identified in the Loading Dock Management Plan (16 May 2023) would have an average efficacy of 93%, resulting in rejected vehicles due to space limitations.
- (c) It is requested that any consent issued for the subject development includes a condition requiring the applicant to update the Loading Dock Management Plan (LDMP) in consultation with TfNSW and obtain endorsement by the Agency prior to the issue of the occupation certificate (OC).
- (d) The LDMP should specify, but not be limited to, the following:
  - (i) Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
  - (ii) Swept paths of vehicles entering and exiting the loading dock;
  - (iii) Management of queuing along Bent Street as a result of the proposed loading dock arrangement;
  - (iv) The details of alternate loading zones to redirect vehicles in the event of queuing at the access to loading dock;
  - (v) Management of incidents at the access to the loading dock;
  - (vi) Loading dock management details including measures to minimise freight and service vehicle movements during peak periods;
  - (vii) Management of conflicts between cars accessing the car park and vehicle movements to/from the loading dock.

#### **(147) GREEN TRAVEL PLAN**

- (a) It is noted that a Green Travel Plan (GTP) was submitted as part of the DA documentation to assist in the management of future travel demand.

- (b) TfNSW requests that the applicant updates the GTP in consultation with TfNSW to ensure it includes initiatives and strategies to encourage staff and visitors to make sustainable travel choices, such as walking, cycling and public transport. The NSW Government provides a range of resources to help in the development of a GTP at:

[www.mysydney.nsw.gov.au/travelchoices/tdm#support](http://www.mysydney.nsw.gov.au/travelchoices/tdm#support)

- (c) The Applicant should submit a copy of the final GTP to TfNSW at [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au) for endorsement, prior to the issue of any OC.

#### **(148) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN**

- (a) Several construction projects are likely to occur at the same time as this development. Construction vehicle movements from these projects could have the potential to impact general traffic and public transport operations within the CBD, as well as the safety of pedestrians and cyclists particularly during commuter peak periods.
- (b) It is requested that a condition is included in any development consent issued for the subject DA requiring the preparation of a Construction Pedestrian and Traffic Management Plan (CPTMP). This should be prepared in consultation with TfNSW. A copy of the final CPTMP should be submitted to TfNSW via [development.CTMP.CJP@transport.nsw.gov.au](mailto:development.CTMP.CJP@transport.nsw.gov.au) for endorsement, prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is earlier.
- (c) CPTMP general requirements:

Site information and building construction plan:

- a. A description of the development
  - b. Construction program and construction methodology
  - c. Proposed construction hours
  - d. A detailed plan of any proposed hoarding and/or scaffolding
  - e. Details of crane arrangements including location of any crane(s)
  - f. Location(s) where it is proposed to park construction vehicles
  - g. Location of any proposed work zone(s)
  - h. Access points to the site
- (ii) Access and movement
- a. Pedestrian and traffic management measures.
  - b. Haulage routes.

- c. Predicted number of construction vehicle movements and detail of vehicle types.

(iii) Impacts

- a. Identify any potential impacts to general traffic, cyclists and pedestrians, bus services and existing signalised pedestrian crossings and intersections within the vicinity of the site from construction vehicles during the construction of the proposed works.
- b. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities is managed to minimise impacts on the surrounding road network.

(iv) Mitigation

- a. Measures to minimise movement delays (i.e. vehicle movements are to be minimised during peak network demand periods);
- b. Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads;
- c. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.
- d. Measures to avoid construction worker vehicle movements.

(v) Monitoring

- a. Details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site.

(vi) Consultation

- a. Consultation strategy for liaison with surrounding stakeholders, including other developments under construction.
- b. Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and TfNSW (via [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au)) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.



## **SCHEDULE 3B**

### **CONDITIONS OF CONSENT – SYDNEY AIRPORT**

The conditions of consent, as advised by Sydney Airport, are as follows:

#### **(149) SYDNEY AIRPORT CONDITIONS**

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

## SCHEDULE 3C

### CONDITIONS OF CONSENT – AUSGRID

The conditions of consent, as advised by Ausgrid, are as follows:

#### (150) AUSGRID CONDITIONS – OVERHEAD CABLES

- (a) Ausgrid overhead powerlines are in the vicinity of the development.
- (b) The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.
- (c) Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected to be entering and leaving the site.
- (d) The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at [www.ausgrid.com.au](http://www.ausgrid.com.au).
- (e) It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.
- (f) Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: [www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)
- (g) For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: <https://www.ausgrid.com.au/Connections/Get-connected>

#### (151) AUDGRID CONDITIONS – UNDERGROUND CABLES

- (a) Ausgrid underground cables are in the vicinity of the development.
- (b) 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).

- (c) The following points should be taken into consideration:
- (i) Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
  - (ii) 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.
  - (iii) In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:
    - a. SafeWork Australia – Excavation Code of Practice.
    - b. 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](http://www.ausgrid.com.au).
    - c. 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](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)

## SCHEDULE 3D

### CONCURRENCE – SYDNEY METRO

The conditions of consent, as advised by Sydney Metro, are as follows:

#### 1 Prior to issue of a Construction Certificate

##### Engineering

1.1 All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:

- (a) Drawing ST-SK-001 2 Chifley Square Current Basement and Loading Information Plan – Part 1 Revision 13 prepared by enstruct dated 7 September 2023
- (b) Drawing ST-SK-002 2 Chifley Square Current Basement and Loading Information Plan – Part 2 Revision 14 prepared by enstruct dated 7 September 2023
- (c) Drawing ST-SK-059 2 Chifley Square Current Basement and Loading Information Plan – Part 1 – Option 2 Revision 6 prepared by enstruct dated 7 September 2023
- (d) Drawing ST-SK-060 2 Chifley Square Current Basement and Loading Information Plan – Part 2 Option 2 Revision 9 prepared by enstruct dated 13 September 2023
- (e) Drawing ST-SK-061 2 Chifley Square Proposed Loading Schedules – Option 2 Revision 6 prepared by enstruct dated 8 September 2023
- (f) Drawing ST-SK-062 2 Chifley Square Stratum Line Plan – Option 2 Revision 7 prepared by enstruct dated 7 September 2023
- (g) Drawing ST-SK-063 2 Chifley Square Stratum Line Section 1 - Option 2 Revision 5 prepared by enstruct dated 6 September 2023
- (h) Drawing ST-SK-064 2 Chifley Square Stratum Line Section 2 - Option 2 Revision 5 prepared by enstruct dated 6 September 2023
- (i) Drawing ST-SK-065 2 Chifley Square Stratum Line Section 3 - Option 2 Revision 5 prepared by enstruct dated 6 September 2023
- (j) Drawing ST-SK-066 2 Chifley Square Stratum Line Section 4 - Option 2 Revision 5 prepared by enstruct dated 6 September 2023
- (k) Drawing ST-SK-067 2 Chifley Square Stratum Line Section 5 - Option 2 Revision 5 prepared by enstruct dated 6 September 2023
- (l) Drawing SMWSTEDS-SMD-SWD-TS080-TU-DRG-740545 Sydney Metro West Stub tunnel – Hunter Street (Sydney CBD) turnback tunnel structures ETP Particular Specification – CBD Turnback – Operational load cases No. 2 Chifley Square Development Plan – Sheet 1 of 2 Revision D prepared by Engineering Design & Assurance Technical Partner, Mott MacDonald dated 29 October 2023

- (m) Drawing SMWSTEDS-SMD-SWD-TS080-TU-DRG-740546 Sydney Metro West Stub tunnel – Hunter Street (Sydney CBD) Turnback tunnel structures ETP Particular Specification – CBD Turnback – Operational load cases No. 2 Chifley Square Development Loading Details – Sheet 02 Revision C prepared by Engineering Design & Assurance Technical Partner, Mott MacDonald dated 29 October 2023
- (n) Drawing SMWSTEDS-SMD-SWD-TS080-TU-DRG-740547 Sydney Metro West Stub tunnel – Hunter Street (Sydney CBD) Turnback tunnel structures ETP Particular Specification – CBD Turnback No.2 Chifley Square Substratum acquisition zone Revision D prepared by Engineering Design & Assurance Technical Partner, Mott MacDonald dated 13 July 2023
- (o) Drawing SMWSTEDS-SMD-SWD-TS080-TU-DRG-740548 Sydney Metro West Stub tunnel – Hunter Street (Sydney CBD) Turnback tunnel structures ETP Particular Specification – CBD Turnback No. 2 Chifley Square substratum acquisition zone – Sections Revision D prepared by Engineering Design & Assurance Technical Partner, Mott MacDonald dated 27 October 2023
- (p) Drawing SMWSTEDS-SMD-SWD-TS080-TU-DRG-740549 Sydney Metro West Stub tunnel – Hunter Street (Sydney CBD) Turnback tunnel structures ETP Particular Specification – CBD Turnback – Operational load cases No. 2 Chifley Square Development Loading Details – Sheet 03 Revision A prepared by Engineering Design & Assurance Technical Partner, Mott MacDonald dated 29 October 2023
- (q) Survey drawing 2 Chifley Square Sydney West Metro Stratum acquisition sheet 1 of 2 Issue C dated 20 September 2023
- (r) Survey drawing 2 Chifley Square Sydney West Metro Stratum acquisition sheet 2 of 2 Issue C dated 20 September 2023
- (s) “2 Chifley Square South Tower – Metro Summary Programme” including Metro Construction Dates and pour dates and total load for Chifley South Tower prepared by Charter Hall dated 6 September 2023.

subject to any amendments to those documents required by Sydney Metro or agreed to by Sydney Metro in writing in accordance with this consent.

- 1.2 The Certifier must not issue a Construction Certificate for the development until the developer has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

**Rail Corridor:**

- 1.3 All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Sydney Metro - West rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Sydney Metro – West rail corridor or rail

operations, that part of the development must have a minimum design life of 120 years.

### **Noise & Vibration**

1.4 The development must:

- (a) comply with *State Environmental Planning Policy (Transport and Infrastructure) 2021* and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Technical Guidelines dated April 2021 (available from [www.sydneymetro.info](http://www.sydneymetro.info));
- (b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and
- (c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.

1.5 The Applicant must:

- (a) update the Noise and Vibration assessment report which confirms compliance with each of the matters outlined in condition [1.4] in particular in relation to the Sydney Metro – West; and
- (b) incorporate as part of the development all the measures recommended in the Noise and Vibration assessment report.

A copy of the updated Noise and Vibration assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the Noise and Vibration assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

### **Electrolysis**

1.6 Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents in accordance with the Sydney Metro Underground Corridor Protection Technical Guidelines dated April 2021. The Applicant must incorporate in the development all the measures recommended in the electrolysis report to control that risk. A copy of the electrolysis report is to be provided to Sydney Metro and the Certifier with the application for a Construction Certificate.

Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

### **Construction**

1.7 No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with Sydney Metro has been obtained by the Applicant.

1.8 No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements unless the

Applicant has obtained prior written consent from Sydney Metro for any proposed use of rock anchors.

1.9 Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:

- (a) Prior to commencement of any footing excavation works, a detailed construction program in electronic format subject to any amendments required by Sydney Metro in accordance with this consent;
- (b) Final construction drawings for the Construction Certificate including but not limited to excavation and footing details (co-ordinates, RLs etc.) and its location relative to the Sydney Metro property and Sydney Metro easements, and any rail infrastructure and load tables;
- (c) Machinery to be used during excavation/construction;
- (d) Demolition, excavation and construction methodology and staging;
- (e) Construction Traffic and Pedestrian Management Plan updated to address the below issues in consultation with the Customer Journey Planning (formerly Sydney Coordination Office) within Transport for NSW and Sydney Metro:
  - (A) Sydney Metro has approval for the use of Hunter Street, Bent Street and Macquarie Street as haulage routes as part of its construction works. Nothing is to preclude movement including general heavy vehicle access along these thoroughfares at any time without prior consultation with Sydney Metro.
  - (B) Sydney Metro will not support a work zone in Hunter Street between George Street and Bligh Street, unless otherwise advised by Sydney Metro in writing.
  - (C) Any temporary or longer term footpath closures are to be first coordinated with the Sydney Metro team and Customer Journey Planning within Transport for NSW, in consultation with City of Sydney.
  - (D) Any temporary or longer term signage changes are to be first coordinated with the Sydney Metro team and Customer Journey Planning within Transport for NSW, in consultation with City of Sydney.
  - (E) Swept paths should be included as part of the CTPMP showing the feasibility of the proposed maneuvers.

The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

1.10 If required by Sydney Metro, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works prepared in accordance with the Sydney Metro Underground Corridor Protection Technical Guidelines dated April 2021 are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

- 1.11 A tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) prepared in accordance with the Sydney Metro Underground Corridor Protection Technical Guidelines dated 2021 is to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate unless otherwise notified by Sydney Metro in writing. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 1.12 Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must confirm compliance with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 1.13 If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to email SydneyMetroCorridorProtection@transport.nsw.gov.au to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.
- Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro - West rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.*
- 1.14 If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must email SydneyMetroCorridorProtection@transport.nsw.gov.au to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.
- Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro - West rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.*
- 1.15 If dewatering is proposed, prior to the issue of a Construction Certificate, the Applicant must prepare and provide to Sydney Metro for review and endorsement a hydrologic assessment report demonstrating that any dewatering during construction will not have any adverse settlement impacts on the rail corridor. The Certifier must not issue a Construction Certificate until this report has been endorsed by Sydney Metro in writing.



## **Documentation**

- 1.16 Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate, unless advised otherwise by Sydney Metro in writing.

## **2 During construction**

### **Supervision**

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

### **Consultation**

- 2.2 The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
- (a) *oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;*
  - (b) *acts as the authorised representative of the Applicant; and*
  - (c) *is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.*
- 2.3 Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.
- 2.4 Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the Sydney Metro Deputy Project Director and [SydneyMetroCorridorProtection@transport.nsw.gov.au](mailto:SydneyMetroCorridorProtection@transport.nsw.gov.au)
- 2.5 The Applicant must meet with Sydney Metro (Sydney Metro may invite its contractor on an as needs basis) as frequently as required by Sydney Metro until the Sydney Metro - West permanent lining is in place and otherwise not less than once in each calendar month until completion of the development, unless otherwise agreed by Sydney Metro.

### **Inspections**

- 2.6 If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed

dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

### **3 Prior to the issue of an Occupation Certificate**

#### **Noise and Vibration**

- 3.1 Prior to the issue of an Occupation Certificate, a noise and vibration assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:
- (a) State Environmental Planning Policy (Transport and Infrastructure) 2021;
  - (b) the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and
  - (c) Sydney Metro Underground Corridor Protection Technical Guidelines dated April 2021; and
  - (d) any other noise and vibration requirements imposed by this consent.

The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

#### **Documentation**

- 3.2 Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the Sydney Metro property or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 3.3 Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.

#### **Inspections**

- 3.4 If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the

development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

- 3.5 At any time during the use and occupation of the development, Sydney Metro may also require a joint inspection of the rail infrastructure and property in the vicinity of the development by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. Any such dilapidation survey will establish the extent of any damage or deterioration during operation of the development to be observed.

#### **4 General**

##### **Inspections**

- 4.1 At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:

- (a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction (if applicable) of the development; and
- (b) attend on-site meetings with the Applicant and its contractors,

to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent. The Applicant must provide access to the development site to enable Sydney Metro and its contractors to inspect the development site and all works and structures in accordance with the notice provided by Sydney Metro to the Applicant in accordance with this condition.

##### **Other**

- 4.2 Any conditions or other requirements imposed by Sydney Metro as part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
- 4.3 Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.
- 4.4 All reasonable Sydney Metro costs associated with review of plans, designs and legal must be borne by the applicant.