

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1 – CONDITIONS OF CONSENT

GENERAL CONDITIONS

(1) STAGED CONSTRUCTION CERTIFICATES

This consent allows construction works to be undertaken in three stages as follows:

- (a) **Construction Certificate 1 (CC1)** – Demolition, excavation, foundation and basement works to ground level.
- (b) **Construction Certificate 2 (CC2)** – Main building works including structure, services, facade and roof comprising:
 - (i) CC2(A) – Site 7
 - (ii) CC2(B) – Site 17
 - (iii) CC2(C) – Site 18
- (c) **Construction Certificate 3 (CC3)** – Public domain works.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2023/849 dated 26 September 2023 and the following drawings prepared by Tzannes, Bates Smart and Mirvac Design:

Drawing Number	Drawing Name	Date
001, Rev B	BASIX Summary	24/01/2024
101, Rev A	Basement 4 Plan	08/08/2023
102, Rev A	Basement 3 Plan	08/08/2023
103, Rev A	Basement 2 Plan	08/08/2023
104, Rev A	Basement 1 Plan	08/08/2023
105, Rev A	Lower Ground Plan	08/08/2023
111, Rev D	Ground Plan	03/04/2024
112, Rev D	Level 2 Plan	03/04/2024
113, Rev D	Level 3 Plan	03/04/2024
114, Rev D	Level 4 Plan	03/04/2024

Drawing Number	Drawing Name	Date
115, Rev D	Level 5 Plan	03/04/2024
116, Rev D	Level 6 Plan	03/04/2024
117, Rev D	Level 7 Plan	03/04/2024
118, Rev D	Level 8 Plan	03/04/2024
119, Rev D	Level 9 Plan	03/04/2024
120, Rev D	Level 10 Plan	03/04/2024
121, Rev C	Level 11-12 Plan	23/02/2024
122, Rev C	Level 13 Plan	23/02/2024
123, Rev C	Level 14 Plan	23/02/2024
124, Rev C	Level 15-16 Plan	23/02/2024
125, Rev C	Level 17 Plan	23/02/2024
126, Rev C	Level 18 Plan	23/02/2024
127, Rev C	Level 19 Plan	23/02/2024
128, Rev C	Level 20 Plan	23/02/2024
129, Rev D	Level 21 Plan	03/04/2024
130, Rev C	Level 22 Plan	23/02/2024
200, Rev C	Plaza Elevation	03/04/2024
201, Rev C	Ebsworth Street Elevation	03/04/2024
202, Rev C	Site 07 Elevations	03/04/2024
203, Rev B	Site 17 Elevations	24/01/2024
204, Rev C	Site 18 Elevations	03/04/2024
211, Rev B	Site 07 Section	24/01/2024
212, Rev B	Site 17 Section	24/01/2024
213, Rev C	Site 18 Section	03/04/2024
214, Rev C	Site Section	03/04/2024

Drawing Number	Drawing Name	Date
831, Rev B	S7 ADG Storage Area Schedule	24/01/2024
832, Rev A	S17 ADG Storage Area Schedule	08/08/2024
833, Rev B	S18 ADG Storage Area Schedule	24/01/2024
860, Rev B	Adaptable Unit Layouts Sheet 1	24/01/2024
861, Rev B	Adaptable Unit Layouts Sheet 2	24/01/2024
862, Rev B	Adaptable Unit Layouts Sheet 3	24/01/2024
880, Rev B	Facade Details – Operable Louvres	24/01/2024

and the following plan prepared by Tasy Moraitis:

Drawing Number	Drawing Name	Date
661-22 DSUB-TM, Rev 01	Plan of Proposed Subdivision of Lot 6 in DP 1199427	26/02/2024

and as amended by the conditions of this consent.

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

Reason

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

(3) VOLUNTARY PLANNING AGREEMENT

- (a) The development must be carried out in accordance with all of the obligations referenced within *Planning Agreement: Green Square Town Centre – Stage 3* executed on 30 November 2022 between The Council of the City of Sydney, Mirvac Green Square Pty Ltd and Landcom.

- (b) Should the developer request works to be done as Contribution Works in Kind, documentation must be submitted to Council estimating the cost of the works. The Council will consider the documentation submitted and determine the cost of the works having regard to the information submitted and to such other matters as it considers appropriate.

Reason

To ensure the obligations of the Planning Agreement are fulfilled.

(4) AFFORDABLE HOUSING CONTRIBUTION – GREEN SQUARE – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- (b) The contribution is \$ \$14,140,379.88 (indexed at 10 April 2024). This is calculated by establishing the sum of the equivalent monetary contribution \$11,176.22 multiplied by 1% of the total floor area for non-residential development (7,482sqm) and the equivalent monetary contribution \$11,176.22 multiplied by 3% of the total floor area for residential development (39,680sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2024 to 28 February 2025, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment = $C \times \text{MDP2} / \text{MDP1}$, where:
- (i) C is the original total contribution amount payable to the City of Sydney as shown above;
 - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
 - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being 1 March 2024 to 28 February 2025.

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

Reason

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

(5) MATTERS NOT APPROVED

The following items do not form part of this consent:

- (a) Building signage;
- (b) Fit-out and specific use of retail and commercial tenancies;
- (c) Outdoor dining areas;
- (d) Installation of individual air conditioning units for the facade or balconies of the buildings; and
- (e) Hours of operation for retail and commercial uses.

Reason

To clarify the scope of this consent.

(6) DESIGN QUALITY EXCELLENCE

- (a) In order to ensure the design quality of the development is retained:
 - (i) The design architects 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 architects are to have full access to the site and 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 architects' commission must be provided to the Council prior to release of any Construction Certificate.
- (b) The design architects of the project are not to be changed without prior notice and approval of the Council's Director Planning, Development and Transport.

The Principal Certifier must be satisfied that the above matters are complied with prior to the issue of 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.

(7) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio must not exceed 6.22:1 calculated in accordance with the Sydney Local Environmental Plan (Green Square Town Centre) 2013. For the purposes of the calculation of Floor Space Ratio the total Gross Floor Area is 31,903.4sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the Gross Floor Areas in the development, utilising the definition under Sydney Local Environmental Plan (Green Square Town Centre) 2013, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Reason

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

(8) RESTRICTION ON BONUS FLOOR SPACE – OFFICE AND BUSINESS PREMISES

Prior to any staged Occupation Certificate or Final Occupation Certificate for the building being issued or the use commencing, whichever is earlier, a Restriction on the Use of Land is to be created and registered on the Title of the development site pursuant to section 88B of the Conveyancing Act 1919. The Restriction is to be created in terms to the effect that 3,890.8sqm of floor space has been approved for office and business premises, which must be retained for those uses only. The Restriction is to be created appurtenant to Council and at no cost to Council.

Reason

To ensure the bonus floor space is retained for office and business premises use.

(9) BUILDING HEIGHT

(a) Site 7:

- (i) The maximum height of the residential tower must not exceed RL 75 (AHD) to the top of the stairs and RL 74.25 (AHD) to the top of the parapet/ crown element.
- (ii) The maximum height of the Level 9 podium must not exceed RL 44.22 to the top of the stair roof and RL 42.8 to the top of the fence.

(b) Site 17:

- (i) The maximum height of the residential tower must not exceed RL 62.5 (AHD) to the top of the stairs and RL 60.28 (AHD) to the parapet of the building.
- (ii) The maximum height of the Level 6 podium must not exceed RL 35.92 to the top of the fence and RL 32.60 to the top of the facade.

- (c) Site 18:
 - (i) The height of the building must not exceed RL 88.49 (AHD) to the top of the lift overrun and RL 83.63 (AHD) to the parapet of the building.
- (d) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a), (b) and (c) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(10) ROOFTOP PLANT

All rooftop plant and associated equipment must be located within the approved building envelope.

Reason

To ensure the roof top plant does not exceed the approved height.

(11) FLOOR TO CEILING HEIGHTS

- (a) Prior to the issue of any Construction Certificate, the Principal Certifier must be satisfied that:
 - (i) within dwellings, a minimum floor to ceiling height of not less than 2.7m is provided in all living rooms and bedrooms, and a floor to ceiling height of not less than 2.4m is provided in all kitchens, bathrooms, hallways and laundries; and
 - (ii) within the ground floor retail tenancies, a minimum floor to ceiling height of 3.3m is provided in all publicly accessible areas with the exception of sanitary facilities.
- (b) Prior to the issue of any Occupation Certificate, a Registered Surveyor must provide certification that the floor to ceiling heights accord with (a) above, to the satisfaction of the Principal Certifying Authority.

Reason

To ensure the minimum floor to ceiling heights are achieved.

(12) SIGNAGE STRATEGY

- (a) A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the buildings.
- (b) Signage solutions with architectonic integrity must be incorporated in the podium facades on Green Square Town Centre Plaza and Ebsworth Street with evidence submitted of the original project architect's involvement on developing an appropriate signage strategy for the building.

Reason

To ensure separate approval is sought for signage.

(13) SHOP FRONTS

- (a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- (b) The approved shopfront configuration must not be altered, without the prior approval of Council, where it would result in the shopfront being obscured in any way.

Reason

To ensure shopfronts are not obscured and contribute to the activation of the public domain.

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

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

Reason

To clarify the scope of the consent.

(15) TREES APPROVED FOR REMOVAL

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

Table 1 – Tree Removal:

Tree No	Species:	Location
N/A	Various species	Within the site boundary of 960A Bourke Street, Zetland

- (b) All tree removal works must be carried out by an arborist with a minimum AWF Level 3 qualification in arboriculture in accordance with SafeWork's Code of Practice – Amenity Tree Industry.

Reason

To identify the trees that can be removed.

(16) USE OF THE LOADING DOCK

The use of the loading dock must only occur between the hours of 6:00am and 10:00pm Monday to Saturday and 8.00am to 8.00pm Sunday.

Reason

To clarify the permitted operating hours for the loading dock.

(17) 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.

(18) PARKING ON COMMON PROPERTY AREAS

No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

Reason

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

(19) 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.

(20) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

Reason

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

(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 9.25m.

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) VEHICLE FOOTWAY CROSSING

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

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

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

Reason

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

(28) CHANGES TO KERB SIDE PARKING RESTRICTIONS

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

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

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

Note: The applicant should contact Council's Area Traffic Engineer to discuss the proposal before making a submission.

Reason

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

(29) 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.

(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) LAND DEDICATION – NO LONG TERM ENVIRONMENTAL MANAGEMENT PLAN

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

Reason

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

(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) 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.

(34) WASTE STORAGE AREAS

All waste storage areas must be clearly labelled to differentiate between designated residential and commercial waste facilities.

Reason

To ensure the waste storage areas are clearly labelled.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(35) DESIGN MODIFICATIONS

Prior to the issue of a CC2 Construction Certificate, amended architectural drawings are to be submitted to and approved by Council's Director City Planning, Development and Transport addressing the following:

Site 7:

- (a) External operable louvres are to be provided to the living room windows of Apartments 710 and 816 to achieve combined visual privacy and solar control in lieu of fritted glass.
- (b) Sliding operable screens are to be provided to the full width of balconies to apartments 607-613 inclusive, located on Level 6 facing the plaza.

Note: This may require the inclusion of a slab protection on Level 7 to apartments 607-613, consistent with the slab line on Level 8, to reduce the height of the balconies to single height.

- (c) The fixed louvres to apartments 810-815 inclusive on Level 8 are not approved. Sliding operable screens are to be provided to the full width of balconies to these apartments.
- (d) Apartments 601, 607, 1403 and 1704 must provide a primary balcony that meets the minimum size and depth requirements of Part 4E of the ADG.
- (e) Back of house access must be provided for all ground floor retail tenancies.

Site 17:

- (f) 1.8m high privacy screens are to be provided within the communal open space on Level 6 outside the bedroom windows of apartments 602 and 605.
- (g) Back of house access must be provided for all ground floor retail tenancies.

Site 18:

- (h) Drawings no. 880 – Facade Details and A50.010 – Facade Details – Sliding Screens are to be updated to replace the 'sliding screen' with 'sliding screens' that cover the full width of each balcony when closed.

Reason

To ensure an acceptable level of residential amenity is achieved.

(36) DESIGN MODIFICATIONS – BASEMENT

Prior to the issue of a CC1 Construction Certificate, amended architectural drawings are to be submitted to and approved by Council's Area Planning Manager addressing the following:

- (a) The door width of the goods lift between B1 and the loading dock is to be sized to accommodate 1100L bins, with door openings being a minimum of 1500mm.
- (b) On Basement Level 1, the retail storage space underneath Fellmonger Place is to be relocated so that only common property is located under the road reserve.

Reason

To ensure the orderly use of the basement.

(37) DETAILS TO BE SUBMITTED

Prior to the issue of a CC2 Construction Certificate, the following details are to be submitted to and approved by Council's Director City Planning Development and Transport:

Sites 7 and 17:

- (a) Detailed window schedules and elevations are to be provided which clearly differentiate clear glass and fritted glass for all glazing noted as Material 13 to ensure adequate privacy and amenity is simultaneously achieved.
- (b) Plans, elevations and section details drawn at a minimum scale of 1:20 are to be provided for the external screens on the Site 7 western podium elevation fronting Tweed Place. The screens must be of a high quality design and materiality and be well-integrated into the building facade.

Site 18:

- (c) Wind tunnel testing is to be undertaken to demonstrate that the 2.1m balustrade height on the Site 18 rooftop adequately deflects winds over the trafficable area and enables sensor 182 to achieve the safety criteria. If compliance with the safety criteria is not achieved, the area on the rooftop around sensor 182 is to be made inaccessible.

Reason

To ensure the required information is submitted to and approved by Council.

(38) GROUND FLOOR SERVICES – SITE 7 TWEED PLACE

The ground floor services on Site 7 facing Tweed Place must be of a high quality design and materiality and be well-integrated into the building facade. Plans, elevations and section details of the following ground floor services, drawn at a minimum scale of 1:20, are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a CC2 Construction Certificate:

- (a) Visitor bicycle parking access, which is to contribute to activation at ground level.
- (b) Substation doors and grilles, adjacent egress door and adjacent gas meter door.
- (c) Fire egress doors and niches.
- (d) Carpark access gates and pedestrian egress gate.

The above information must include detailed material, finishing, spacing and elemental sizing details. The information should be of a level of detail equivalent to 'For Construction' detailing.

Reason

To ensure the ground floor services adjacent to the public domain are of a high quality and integrated into the building facade.

(39) GROUND FLOOR SERVICES – SITE 17 EBSWORTH STREET

The ground floor services on Site 17 facing Ebsworth Street must be of a high quality design and materiality and be well-integrated into the building facade. Plans, elevations and section details of the following ground floor services, drawn at a minimum scale of 1:20, are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a CC2 Construction Certificate:

- (a) Fire hydrant booster assembly cabinets; and
- (b) Fire egress doors and niches.

The above information must include detailed material, finishing, spacing and elemental sizing details. The information should be of a level of detail equivalent to 'For Construction' detailing.

Reason

To ensure the ground floor services adjacent to the public domain are of a high quality and integrated into the building facade.

(40) ACOUSTIC / NATURAL VENTILATION

The podium apartments on Site 7 facing Botany Road, on Levels 6, 7 and 8, (as specified in the Acoustic Report prepared by Octave Acoustics dated 25 January 2024 Council ref. 2024/063963) are to be amended to include awning windows servicing the bedrooms. Effective openable area of windows is to meet the requirements of ADG 4B-1 and simultaneously achieve the required windows open acoustic criteria.

Detailed plans and elevations are to be provided with an accompanying acoustic consultant review confirming compliance and submitted to and approved by Council's Area Planning Manager prior to the issue of a CC2 Construction Certificate.

Reason

To ensure required acoustic attenuation and natural ventilation amenity is achieved simultaneously.

(41) ACCESS TO ELECTRICAL SUBSTATIONS

Details of the how the electrical substations on the ground floor of Site 7 fronting Tweed Place will be serviced are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a CC1 Construction Certificate.

The details are to incorporate the operational requirements of Ausgrid and demonstrate that street trees adjacent to the substations will not be unreasonably impacted by their servicing.

Reason

To ensure the substation can be adequately serviced without adversely impacting the public domain.

(42) 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 CC2 Construction Certificate being issued. The materials and samples board must include the following:

- (a) The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.
- (b) The material sample board is to have reference to Drawing 210 Elevation Material Key, dated 24/01/2024, Revision C (Council ref. 2024/227548).
- (c) Materials 8, 12 and 14 must specify clear/ neutral glass with no tints and the VLT achieved.
- (d) Site 18 glazing must be consistent with the minimum stated VLT on page 38 of the Architectural Design Report for Site 18 prepared by Bates Smart, dated 1 September 2023 (Council ref. 2023/556995). Site 18 glass specification must also address the requirements of the 'Reflectivity' condition of this consent.

Reason

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

(43) REFLECTIVITY

- (a) Prior to issue of a CC2 Construction Certificate the Registered Certifier must ensure that the visible light reflectivity from building materials used on the facade of the buildings on Sites 7 and 17 do not exceed 20%.

- (b) For Site 18, design modifications are required to address the recommendations in the Solar Reflectivity Analysis, dated 22 August 2023 (Council ref. 2023/556975), which identifies the Ebsworth Street facade as having potentially excessive glare. Information addressing this must be submitted to and approved by Council's Area Planning Manager prior to the issue of a CC2 Construction Certificate.

Reason

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

(44) 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 CC2 Construction Certificate and Occupation Certificate the Registered Certifier and the Principal Certifier must:

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

Reason

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

(45) 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 following documents must be implemented in the development prior to the commencement of its use:
 - (i) DA Acoustic Report prepared by Octave Acoustics, dated 25 January 2024, Revision 1, titled 'Sites 7, 17 & 18 Green Square Acoustic Report for DA', (Council Ref 2024/063963); and
 - (ii) Acoustic Letter prepared by Octave Acoustics, dated 10 April 2024 (Council ref. 2024/226860).
- (b) The meeting/music practice room is to be acoustically isolated as covered in a later condition.
- (c) The loading bay door is to be upgraded (ie. increased from the assumed $R_w=22$) to achieve compliance with Night period noise criteria. This must be shown on the final construction drawings to the satisfaction of the Registered Certifier.

- (d) 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 and Acoustic Letter in (a) and (b) 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.
- (e) 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), (b) and (c) 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 acoustic needs and the supporting documentation that applies to the development.

(46) SIGNAL SYSTEM

A system of traffic lights, digital signage and/or mirrors must be installed at the ends of the loading dock area, to indicate traffic movement to vehicles entering or exiting the site.

Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected within the loading dock. The system must be integrated with vehicle movement.

Details of the above must be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate relating to the parking area.

Reason

To maintain the orderly operation of vehicle parking areas.

(47) PUBLIC ART

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

- (a) A Preliminary Public Art Plan prepared in accordance with the Sydney DCP 2012, the *Public Art Policy*, and the *Interim Guidelines: Public Art in Private Developments* must be submitted to and approved by Council's Director City Planning, Development and Transport prior to issue of any CC1 Construction Certificate.

- (b) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Director City Planning, Development and Transport prior to issue of any CC2 Construction Certificate.
- (c) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at

<http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>

Please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

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

(48) LANDSCAPING OF THE SITE – ALL LEVELS

- (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 Director City Planning, Development and Transport prior to the issue of a CC2 Construction Certificate.
- (b) The landscape design is to be generally in accordance with the documents 'Green Square Site 7 & 17 Development Application' by Arcadia Landscape Architecture, Revision A, dated August 2023 (Council ref. 2023/639282) and Green Square - Site 18 Landscape Development Application Report by Turf Design Studio, Revision P8 dated 3 February 2023 (Council ref. 2023/556985) and incorporate the following design amendments:
 - (i) Include detailed sections of the planting beyond the balustrade to the roof terrace at Site 17 Level 6 and a maintenance strategy. If it cannot be demonstrated to Council's satisfaction that these planters can be feasibly maintained, the planters are to be removed.
 - (ii) The Site 17 Level 6 roof terrace is to incorporate metal privacy screening to provide visual privacy to the bedroom windows of Apartments 602 and 605.
 - (iii) The Site 7 Level 6 roof terrace is to incorporate seating walls to improve the amenity of the space.
 - (iv) The Site 7 Level 9 communal open space is to be subject to a comprehensive redesign that responds to all architectural constraints, including the location of skylights and their privacy screens. The following issues must be addressed:
 - a. Skylights must open away from any trafficable area/ pathway;

- b. Skylights must be treated with translucent glass;
 - c. Details and location of privacy screens must be specified; and
 - d. An appropriate buffer between the trafficable area/ pathway and the skylights and their privacy screens must be provided.
- (v) The façade planting is not approved and is subject to detailed design. Any façade planting that requires specialist safety systems for maintenance should be removed and all other planting safely accessible for maintenance from within the building.
- (vi) The position of the wind screen to the Site 18 roof terrace is to be reconfigured to locate all planting to the inside of the screen.
- (c) The submitted documentation must include:
- (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure;
 - (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving, walls, balustrades, services, furniture, screens, shade structures, lighting and other features, including cross-sectional details of all components;
 - (iii) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers;
 - (iv) Engineer's report confirming structural capacity of building for proposed roof terrace loads;
 - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity;
 - (vi) Details of drainage, waterproofing and watering systems, including overflow provisions and water retention cells in the drainage layer of planting on structure;
 - (vii) Landscape maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
- (d) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
- (e) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

Reason

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

(49) 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 any Construction Certificate.

Car Parking Type	Number
Residential spaces	170
Accessible residential spaces	54
Residential and commercial spaces	36
Accessible retail and commercial spaces	2
Car share spaces	6
Motorcycle parking	22
Car wash bay	1
Service vehicle spaces	8
Small rigid vehicle loading docks	2
Medium rigid vehicle / waste vehicle loading dock	1

Reason

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

(50) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Residential	260	Spaces must be a class 1 bicycle locker
Residential visitor	29	Spaces must be Class 3 bicycle rails
Non-residential	33	Spaces must be Class 2 bicycle facilities

Non-residential visitor	54	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	7	
Personal lockers	33	

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 any Construction Certificate being issued.

Reason

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

(51) CAR SHARE SPACES

- (a) A minimum of 6 car parking spaces for the exclusive use of car share scheme vehicles are to be provided.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge and be accessible to members of the car share scheme at all times.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be accessible to members of the car share scheme at all times. This may require a standalone access system for car share scheme members to access the basement area.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

- (g) The care share spaces are to be fully operational prior to the issuing of any Occupation Certificate.
- (h) The car share spaces are to be fully operational prior to the issuing of any Occupation Certificate/s. The car share scheme operator is to confirm operation to the Certifying Authority prior to the issuing of any Occupation Certificate/s.

Note: It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators prior to the issue of a Construction Certificate to ensure the commercial requirements of the operator can be accommodated.

Reason

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

(52) 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 CC1 Construction Certificate being issued.

Reason

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

(53) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a CC1 Construction Certificate being issued.
- (c) 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.

(54) SITE AUDIT STATEMENT

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

hbapplications@cityofsydney.nsw.gov.au

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

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

Reason

To ensure that the site is appropriately remediated.

(55) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE

- (a) A Tree Planting Plan must be submitted and approved by Council's Director City Planning, Development and Transport following review by the City's Public Domain Unit prior to the issuing of any Construction Certificate. The plan must include and be consistent with the following requirements:
 - (i) Tree species shall be consistent with the City's Street Tree Master Plan (refer to relevant precinct plans) or other relevant guidance document. Species substitutes will not be accepted.
 - (ii) Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document.
 - (iii) The tree pit design must include structural soils or structural cells to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines).
 - (iv) Indicate the chosen tree planting arrangement, being a choice of one of two options, being:

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

OR

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

- (b) If opting to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:
- (i) The trees must be a minimum container size of (insert size) litres at the time of planting.
 - (ii) All new trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting.
 - (iii) Certification from the tree supplier must be submitted to the City's Tree Management Officer and Public Domain Officer, prior to the trees being planted. The certification must confirm the tree(s) have been grown and comply with the requirements of AS2302. Any new trees that do not conform will be rejected by the City.
 - (iv) The trees must be planted by an Arborist or Horticulturist with a minimum AQF Level 3 qualification and be planted before the issuing of the final Occupation Certificate.
 - (v) All new trees must be inspected and approved by the City's Tree Management Officer (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period.
 - (vi) All trees planted in accordance with the approved Tree Planting Plan must be maintained by an Arborist or Horticulturist with a 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, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
 - (vii) At the end of the 12 month maintenance period, written acceptance of the tree/s must be obtained from the City before release of the public domain bond.
 - (viii) If a tree fails to thrive and successfully establish during the maintenance period, the City will request payment for a replacement tree and establishment period according to the City's Schedule of Fees and Charges.

Reason

To ensure that details of street trees to be planted are approved, the works are carried out in an appropriate manner and the trees are maintained following installation.

(56) SITE SUPERVISION AND REPORTING

- (a) An arborist with minimum AQF Level 5 qualification in arboriculture 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) Monthly reporting for the duration of construction;
 - (ii) The installation of tree protection measures prior to the commencement of any construction works;
 - (iii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
 - (iv) During construction of the specify structure/deck/concrete slab etc);
 - (v) During any excavation and trenching within the TPZ which has been approved by Council;
 - (vi) 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 approved by Council's Area Planning Coordinator | Area Planning Manager at each hold point listed below:
- (i) Certification that tree protection measures have been installed in accordance with these consent conditions;
 - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
 - (iii) Monthly reporting for the duration of construction and development works within the site;
 - (iv) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
 - (v) A final compliance report confirming tree protection measures have been removed from all trees and details of the health and condition of the trees at the completion of the works.
- (c) Evidence demonstrating that all tree compliance reports have been submitted at each key milestone listed above 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.

(57) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) A Waste and Recycling Management Plan including demolition and construction waste and recycling details, is to be submitted to and approved by Council's Area Planning Manager prior to any Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*.
- (c) The Waste and Recycling Management Plan must include:

- (i) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.
- (ii) All nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by Council's *Guidelines for Waste Management in New Developments 2018*.
- (iii) Relocation of the communal textile waste recycling bin from the loading dock to a location that is safe and accessible for use by all residents.

UPON COMPLETION OF THE DEVELOPMENT

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

Reason

To ensure that waste and recycling is appropriately managed.

(58) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan, which meets the requirements as set out in Council's *Guidelines for Waste Management in New Developments 2018*, is to be approved by the Principal Certifying Authority prior to any Construction Certificate being issued.
- (c) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
 - (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.
 - (ii) Collection points for waste and recycling must be wholly located within the boundary of the development.
 - (iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments 2018*.
 - (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.

- (v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading.
- (vi) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14.

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.

(59) DESIGN FOR ENVIRONMENTAL PERFORMANCE

- (a) Prior to the issue of any Construction Certificate, the Design for Environmental Performance Report prepared by Samantha Anderson dated 07/09/2023 (Council Ref: 2023/556991) is to be amended as follows:
 - (i) Section 3 – BASIX

Section is to be updated to reflect any amended Architectural Plans prepared to address design modification conditions in this consent.
 - (ii) Section 4 – Energy Efficiency and Greenhouse Gas Abatement

A NABERS commitment of 5.5 Stars for Energy is to be acknowledged. This is required for Sites 7 and 17.
 - (iii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design

Section is to be updated after the amendment of Architectural Plans. It is to acknowledge that the architect has captured all information required for NatHERS modelling in design documentation, prior to the NatHERS QR stamp being applied.
- (b) Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report are incorporated into the relevant construction plans and accompanying documentation:

(i) Section 3 – BASIX

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

Note: Any requirement detailed in the accompanying BASIX Certificate must be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.

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

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

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

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

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

(vii) Section 9 – Storm water quality

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

Reason

To ensure the environmental performance of the development.

(60) 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 any Construction Certificate application; and

- (b) Providing a copy of the independent energy assessment report to NABERS administration and submitting the same report with any 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.

(61) 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 CC2 Construction Certificate being issued.

Reason

To ensure the provision of water efficient toilets.

(62) 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 a CC2 Construction Certificate being issued.

Reason

To ensure the provision of water efficient taps.

(63) 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 CC2 Construction Certificate being issued.

Reason

To ensure the provision of water efficient urinals.

(64) INSTALLATION OF WATER EFFICIENT SHOWER HEADS

All shower heads installed must be water efficient 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 CC2 Construction Certificate being issued.

Reason

To ensure the provision of water efficient shower heads.

(65) NATHERS DOCUMENT CONTROL REQUIREMENTS

The following documentation requirements are to be met prior to the issue of any Construction Certificate:

- (a) Prior to the NatHERS QR stamp being applied to design documentation, the design team is to ensure that all information relevant to a NatHERS assessment is captured on Architectural plans and other relevant design documents. These are to include:
 - (i) site plan — including a north point as documented on the survey
 - (ii) floor plan/s
 - (iii) elevations
 - (iv) sections
 - (v) construction material details
 - (vi) electrical schedule (or assumptions)
 - (vii) window, skylight, roof window and door schedule/details including size, preferred glass and frame type, opening style, location
 - (viii) all information required by the BASIX certificate, as required by the relevant stage of application
- (b) Upon finalisation of design documentation, the NatHERS QR code stamp must be added electronically to all design documentation that is relevant to the NatHERS assessment. The stamp should not obscure any information on the design documentation or the mark of any other practitioner.

Reason

To ensure the NatHERS requirements are applied to the design documentation.

(66) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 480 square metres of concrete unit paving and 350 square metres of granite paving site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.

- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. If rectification works are required the City will release 90% of the total Bond, with the remaining 10% balance to be held for the duration of a 6 months Defect Liability Period.

Reason

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

(67) PROTECTION OF STONE KERBS

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

Reason

To ensure the protection of stone kerbs.

(68) SURVEY INFRASTRUCTURE

- (a) Prior to the issue of the subdivision certificate, any survey reference marks and permanent marks shown on the subdivision that reference the corners of the subject lots, must be replaced to the satisfaction of Council if removed or damaged.
- (b) Survey offsets must be clearly annotated on the subdivision plan to walls, buildings and occupations located within one metre of all boundaries, pursuant to clause 63(e) of the Surveying And Spatial Information Regulation 2017, including fire stairs and lift shafts.

Reason

To ensure the integrity of the Cadastre.

(69) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

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

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

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

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

Reason

To ensure the preservation of existing survey infrastructure.

(70) STORMWATER DRAINAGE DESIGN

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

A certified stormwater drainage design complying with:

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

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

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

Reason

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

(71) STORMWATER ON-SITE DETENTION

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

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

Reason

To ensure the requirements of Sydney Water are complied with.

(72) STORMWATER QUALITY ASSESSMENT

The development must comply with the Stormwater Management Report, Site 7, 17 and 1, Green Square dated 10/08/2023 approved with this development application.

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

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

Reason

To ensure appropriate stormwater quality on the site.

(73) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 1 of the report titled 'Sites 7, 17 and 18 Green Square (960A Bourke Street) – Flood Assessment Cover Letter' prepared by GRC Hydro dated 10 August 2023.

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

Reason

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

(74) 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.

(75) 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.

(76) FELLMONGER PLACE AND BARKER STREET ROAD DESIGN

- (a) A design package shall be prepared based on the requirements outlined in City's Public Domain Manual for new road design. A design report for the road works must be prepared by an appropriately qualified civil engineer and landscape architect certifying that the design complies with the City of Sydney's policies, standards and specifications and those of all other relevant authorities as applicable. All engineering plans and calculations shall be checked, signed and certified by a suitably qualified practicing professional engineer and included in the report. The design package, inclusive of construction documentation, and report shall be submitted to and approved by Council's Director City Planning, Development and Transport after review by City's Public Domain Unit prior to a Subdivision Works Certificate being issued for these subdivision works.
- (b) The new road design must document all works required to ensure that the roads are consistent with the planning agreement requirements (Package 4B), the City of Sydney's Public Domain Manual, Sydney Streets Code and Sydney Streets Technical Specification, including the interface with the Ebsworth Street public domain footway and the Green Square Library Plaza.
- (c) Preparation of the detailed design and construction documentation for the proposed public road system shall include all necessary liaison with, and requirements of, all relevant public utility authorities, Roads and Maritime Services, the City of Sydney, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance. Written evidence of approval from relevant authorities must be submitted to the City with the road design submission.

Reason

To ensure the new road design complies with Council's policies, standards and specifications.

(77) NEW ROAD WORKS AND PUBLIC DOMAIN LEVELS AND GRADIENTS

Prior to the issue of any Construction Certificate, a Public Domain and New Roads Levels and Gradients submission for the building and all site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's Public Domain Manual and submitted with a completed Application for Public Domain Levels and Gradients.

Information on how to complete the submission can be downloaded from the City's website at

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

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

Reason

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

(78) NEW ROAD WORKS AND PUBLIC DOMAIN LIGHTING

Prior to issue of any Construction Certificate for excavation or building work or Subdivision Works Certificate (whichever is earlier), a concept new road and public domain Lighting Plan must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the Sydney Streets Technical Specifications A5- Street Lighting Design and B8- Street Lighting Construction, Sydney Lights: Public Domain Design Code and Public Domain Manual.

This information is available for download from the City's website at

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

The lighting plan must cover all adjacent street intersections. Advice on site specific lighting requirements must be obtained from the City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

Reason

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

(79) 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 any Construction Certificate.
- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

Reason

To ensure the ventilation complies with relevant standards.

(80) CAR PARK VENTILATION

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

Reason

To ensure car park ventilation complies with relevant standards.

(81) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

Reason

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

(82) ADAPTABLE HOUSING

Prior to a CC2 Construction Certificate being issued, information from an appropriately qualified access consultant is to be submitted to the Registered Certifier:

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

Reason

To ensure the provision of adaptable housing.

(83) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2021.

Reason

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

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

A site-specific noise management plan must be submitted to Council's Area Planning Manager for approval prior to issue of any Construction Certificate.

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

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.

(85) GREASE AND LIQUID WASTE TRAPS – FUTURE FOOD PREMISES

- (a) A grease trap, if required by Sydney Water, must be installed in accordance with the relevant Sydney Water requirements.
- (b) If a grease trap is required, prior to the issue of the relevant Construction Certificate, plans and details are to be submitted to and approved by the Registered Certifier showing the following:
 - (i) The grease trap is not located in any kitchen, food preparation or food storage areas;
 - (ii) The grease trap is constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
 - (iii) The grease trap is constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.

Note: In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas. The installation of any grease traps and treatment equipment must be carried out by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*.

Reason

To ensure grease and liquid waste traps for future food premises, if required by Sydney Water, are installed in accordance with relevant requirements.

(86) HOT WATER SERVICE – FUTURE FOOD PREMISES

The capacity of the hot water service must ensure that a constant supply of hot water is provided to any future food premises at all times for all sinks and basins including hand wash basin/s. The temperature of the hot water provided to the sinks must be in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code 3.2.2 - Food Safety Practices* and general requirements.

Reason

To ensure any future food premises has a constant supply of hot water in accordance with relevant standards.

(87) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

Reason

To ensure the mechanical ventilation complies with relevant standards.

(88) SANITARY FACILITIES – FUTURE FOOD PREMISES

The sanitary facilities for any future food premises must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the *National Construction Code (previously known as Building Code of Australia)*, Part F 3.1, 4.8 and 4.9.

Reason

To ensure sanitary facilities comply with relevant standards to protect food handling areas.

(89) STRUCTURAL CERTIFICATION FOR DESIGN – BUILDING CODE OF AUSTRALIA (ALL BUILDING CLASSES)

Prior to the issue of any Construction Certificate, structural details and a structural certificate for design by a qualified practising structural engineer and in accordance with Clause A5G3(1)(e) of the *Building Code of Australia* must be submitted to the satisfaction of the Registered Certifier.

Reason

To ensure structural certification is undertaken.

(90) INTERNAL LIGHTING SYSTEM

The internal lighting system for retail tenancies and residential common circulation spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours.

Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to a CC2 Construction Certificate being issued.

Reason

To ensure the internal lighting system is designed to be energy efficient.

(91) 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 the relevant Construction Certificate being issued or the commencement of the use, whichever is earlier.

Reason

To ensure an electricity substation is installed as required.

BEFORE BUILDING WORK COMMENCES

(92) CONSTRUCTION LIAISON COMMITTEE

- (a) Prior to the commencement of any work, a Construction Liaison Committee is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and cooperatively.
- (b) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the construction process.
- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.
- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.
- (f) The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting.
- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.
- (h) The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Director City Planning, Development and Transport prior to sending.
- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

Reason

To ensure that a Construction Liaison Committee is established and operates to ensure that demolition and construction related impacts can be dealt with expeditiously and cooperatively.

(93) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of adjoining buildings (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.

(94) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any works commencing on site.

Reason

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

(95) HAZARDOUS MATERIALS SURVEY REQUIRED

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

Reason

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

(96) STREET TREE PRUNING

- (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 an arborist with a minimum AQF Level 3 qualification in arboriculture 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.

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

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

Reason

To ensure relevant approvals for public domain work are obtained.

(98) ROAD OPENING APPLICATION

A separate road opening application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

Reason

To ensure that approval under the Roads Act is obtained.

(99) 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.

(100) SEPARATE TEMPORARY STRUCTURES APPLICATION (PERMIT) REQUIRED

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 a Construction Certificate being issued.

The application form titled 'Application for Hoardings, Scaffolding and other Temporary Structures' is available on the City's website.

Reason

To satisfy mandatory obligations under the *Roads Act 1993* and *Local Government Act 1993*.

(101) 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.

(102) 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.

(103) USE OF A STRUCTURAL ENGINEER

A suitably qualified practising structural engineer is to be commissioned to work with the consultant team throughout the design development, contract documentation and excavation stages of the project. The engineer is to be involved in the resolution of all matters relating to the excavation of the basement. The structural engineer is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of excavation issues throughout the project.

Reason

To ensure the structural stability integrity of the subject site and neighbouring buildings.

(104) 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.

(105) SURVEY SETOUT PRIOR TO COMMENCEMENT

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

Advisory note: It is recommended that proposed walls on boundaries are set back a minimum of 20 millimetres to allow for construction tolerances and minimise the risk of encroachment and subsequent costs and delays.

Reason

To ensure that the building does not encroach on boundaries.

(106) CHECK SURVEY DURING CONSTRUCTION

AT FOUNDATION STAGE - Upon commencement of wall construction, by the time the basement wall has reached one metre in height, all work on the perimeter walls must cease unless a survey and report prepared by a registered surveyor has been submitted to the Principal Certifier indicating the position of external basement walls in relation to the boundaries of the allotment, and the setbacks. Any encroachments of the subject building over the existing or proposed boundaries must be removed prior to continuation of building construction work, or alternatively a letter of approval provided by Council's Area Planning Manager, otherwise the encroachments must be removed.

Reason

To ensure that the building either does not encroach at an early stage, or alternatively that any encroachments are approved by Council.

(107) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

The proposed public domain works to Tweed Place submitted with this application are not approved.

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.

(108) STORMWATER DRAINAGE CONNECTION

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

Reason

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

(109) NEW ROAD WORKS AND PUBLIC DOMAIN - HOLD POINTS

Prior to an approval being issued for the construction of public domain or a Subdivision Works Certificate being issued for the new road design construction, including civil, drainage and subsurface works (whichever is earlier), 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 new road 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.

(110) NEW ROAD WORKS AND PUBLIC DOMAIN – RETICULATION DESIGN

Prior to an approval being issued for the construction of public domain or a Subdivision Works Certificate (whichever is earlier) for the construction of new road works, a detailed Public Domain reticulation plan for pedestrian and street lighting in the new roads must be submitted to and approved by the City's Public Domain Unit in accordance with the City of Sydney's Sydney Lights: Public Domain Design Code, Sydney Streets Code, Sydney Streets Technical Specification and Public Domain Manual.

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

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

Reason

To ensure a reticulation plan is approved by Council.

DURING BUILDING WORK

(111) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

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

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

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

Reason

To protect the amenity of the surrounding area.

(112) 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).

(113) 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 branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture 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 to a height of two metres, 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.

(114) 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.

(115) 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.

(116) 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.

(117) 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.

(118) ASBESTOS REMOVAL WORKS

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

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

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

The site notice board must include the following:

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

Reason

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

(119) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by JBS&G, dated 4 August 2023, Reference Number JBS&G 65522 / 153440, Council ref: 2023/556972 and the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor Melissa Porter dated 11 August 2023, reference S13068_IAA_No 9_Rev0, Council ref: 2023/556971. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997.

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

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

Reason

To ensure that the site is appropriately remediated.

(120) NOTIFICATION – NEW CONTAMINATION EVIDENCE

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

Reason

To ensure that the site is appropriately remediated.

(121) IMPORTED FILL MATERIALS

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

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

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

Reason

To ensure that imported fill is not contaminated.

(122) CLASSIFICATION OF WASTE

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

Reason

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

(123) DISCHARGE OF CONTAMINATED GROUNDWATER

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

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

Reason

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

(124) 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.

(125) 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.

(126) 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.

(127) 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.

(128) 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.

(129) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE

For temporary shoring including ground anchors affecting the road reserve, a separate application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council.

Reason

To ensure that approval under the Roads Act is obtained.

(130) 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.

(131) EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.

During the construction period:-

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and

- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

Reason

To ensure no substance other than rainwater enters the stormwater system and waterways.

(132) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997
- (b) Protection of the Environment Operations (Waste) Regulation 2005
- (c) Waste Avoidance and Resource Recovery Act 2001
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2017.

Reason

To ensure hazardous/ industrial waste is managed appropriately.

(133) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Reason

To ensure sediment is not tracked onto the roadway.

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

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

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

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

Reason

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

(135) 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.

(136) 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.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(137) 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.

(138) 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.

(139) TRANSPORT ACCESS GUIDE

- (a) A Transport Access Guide must be submitted to and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate. The Transport Access Guide must:
 - (i) Detail sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes, and
 - (ii) Specify communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.
- (b) The Transport Access Guide must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times.

Reason

To ensure a Transport Access Guide is prepared and implemented to minimise travel demand by private car.

(140) LOADING DOCK AND BASEMENT MANAGEMENT PLAN

The final Loading Dock and Basement Management Plan must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.

The Loading Dock and Basement Management Plan must align with the draft Plan prepared by PTC dated 28 August 2023 (Council ref. 2023/556964) and address the following items:

- (a) Identify how the loading dock and service bays will be managed and used by all building tenants of Sites 7, 17 and 18 and how the loading area will accommodate:
 - (i) Waste servicing;
 - (ii) Removalist vehicles;
 - (iii) Deliveries (short stay); and

- (iv) Tradespersons (long stay).
- (b) Include information such as arrivals to the site, anticipated number of arrivals per week, the time of day of the arrivals, length of stay, vehicle type, etc and include information on how these will be managed to prevent disruption to public streets.
- (c) Identify a pedestrian path between the loading dock and each building on Sites 7, 17 and 18 and detail management operations, way finding signage and markings to ensure efficient and safe pedestrian access.
- (d) Detail methods of communication to encourage residents to utilise smaller vehicles for removalist activities given limitations in the loading dock design.
- (e) Include management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site.
- (f) Include either a schedule showing tenants when they can use the area, or require a register managed on site to allow tenants to reserve a time period for their deliveries.

Once approved, the final Loading Dock and Basement Management Plan must be provided to all residents, tenants and external users of the site.

Reason

To ensure the use of the loading dock and basement is adequately managed.

(141) WAY FINDING PLAN

A way finding plan must be submitted to and approved by Council's Area Planning Manager prior to any Occupation Certificate being issued.

The Plan must show all way finding signage to/from the residential and retail lobby entries, bicycle facilities, loading dock, service bay, residential and commercial waste storage areas, and any visitor parking provided. The plan must also show directions to footpaths and lifts where appropriate. This might include illuminated signage and linemarking where appropriate.

Reason

To ensure way finding is appropriately implemented across the site.

(142) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report approved under the 'Hazardous Materials Survey Required' condition of this consent.

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

Reason

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

(143) RESTRICTION ON RESIDENTIAL DEVELOPMENT

Prior to the issue of an Occupation Certificate, a restriction on the use of land must be created pursuant to Section 88B of the *Conveyancing Act, 1919* with the future strata plan, in the following terms burdening the individual strata lots and also the Common Property within Lot 63 and to the satisfaction of Council:

- (a) The accommodation portion of the buildings within the lot burdened must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.
- (b) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (c) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

Reason

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

(144) RESTRICTION ON USE OF CAR SPACES – COMMERCIAL

Prior to the issue of an Occupation Certificate, a Restriction on Use of Land is to be created burdening the future strata plan, pursuant to Section 88B of the *Conveyancing Act 1919*, created appurtenant to Council, in terms to the satisfaction of Council, requiring the onsite car parking spaces, exclusive of service car spaces, are not to be used other than by an occupant, tenant or visitor to the commercial lot within the building, with the Council being the authority to release, vary or modify the restriction. The terms of the restriction must also prevent the storage of any boxes or items other than motor vehicles in the parking spaces.

Reason

To ensure the onsite car parking spaces are not to be used other than by occupants of the building.

(145) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

Prior to the issue of an Occupation Certificate, a restriction on the use of land must be created on future strata plans, in the following terms, burdening the individual strata title lots within Lot 1. A restriction burdening the Common Property only shall not satisfy this condition.

The on-site car parking spaces and storage spaces are not to be used other than by an occupant, resident or tenant for parking of vehicles or storage of items related to the residential unit or tenancy with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

Reason

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

(146) RESTRICTION ON MEETING/MUSIC PRACTICE ROOM

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of Land is to be created and registered on the Title of the development site pursuant to section 88B of the Conveyancing Act 1919. The Restriction is to be created in terms to the effect that the area on Level 8 of the site bounded by the northern alignment of Fellmonger Place, Tweed Place and Ebsworth Street that has been approved as a meeting/music practice room must be retained for that use only. The Restriction is to be created appurtenant to Council and at no cost to Council.

Reason

To ensure the meeting/music practice room is restricted for those uses only.

(147) STRATA TITLE PARKING SPACES

All parking spaces other than visitor parking or service spaces must form part of a residential or commercial strata unit in any future strata subdivision of Lot 63. No parking spaces or storage spaces are to have their own individual strata title.

Reason

To ensure relevant parking spaces are restricted for residential use.

(148) 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.

(149) 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.

(150) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate:

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

Reason

To protect underground drainage system.

(151) SURVEY INFRASTRUCTURE – PRE-SUBDIVISION CERTIFICATE WORKS

- (a) Pursuant to Section 38 of the Surveying and Spatial Information Act 2002, if it is likely that any new survey mark will be disturbed by associated works (for example, footpath or kerb and gutter construction), a surveyor may defer the placement of those marks.
- (b) Prior to any the issue of any Subdivision Certificate, documentary evidence in accordance with Section B11 – *Survey Infrastructure of the Technical Specification* must be prepared by a Registered Surveyor and submitted to and approved by the City. This evidence must include:
 - (i) A copy of any Surveyor-General’s Approval for Deferment of Survey Marks granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the draft deposited plan) or
 - (ii) A certificate of Practical Completion obtained from the City’s Public Domain team, together with a letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all survey marks shown on their Deposited Plan remain at the date of practical completion.

Reason

To allow for deferment of survey marks.

(152) 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.

(153) NEW ROAD WORKS AND PUBLIC DOMAIN WORKS COMPLETION

The new road and public domain works are to be completed in accordance with the approved Road Design Plans and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

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

The new roads and public domain work must be inspected, and a Public Domain Works 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 new roads and public domain works are completed in accordance with Council's requirements.

(154) NEW ROAD WORKS AND PUBLIC DOMAIN – WORKS AS EXECUTED

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

Reason

To ensure as-built plans are accepted by the Council.

(155) NON-ROAD FRONTAGE SHOP NUMBERING

Prior to any Occupation Certificate being issued, shop and building numbers must be clearly visible at the front of the premises, for ease of identification. Numbering must be maintained so that identification can be made at all times.

Reason

To ensure each building/ shop location can be easily identified.

(156) SYDNEY WATER CERTIFICATE

Prior to the issue of a Subdivision Certificate or any Occupation Certificate for the buildings, a Section 73 Compliance Certificate under the Sydney Water Act 1994 referencing this DA must be obtained from Sydney Water Corporation.

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

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

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

Reason

To ensure the requirements of Sydney Water are met.

(157) BASIX

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

Reason

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

(158) SURVEY CERTIFICATE

AT COMPLETION – Prior to the issue of any staged Occupation Certificate or Final Occupation Certificate for the buildings, a Final Identification Survey prepared and signed by a Surveyor registered under the *Surveying & Spatial Information Act, 2002* must be submitted at the completion of the building work certifying the location of the building and showing offsets in relation to the boundaries of the allotment. Encroachments upon public roads must, if supported, be approved in writing by Council's Area Planning Manager prior to the issue of any Staged Occupation Certificate or final Occupation Certificate for the buildings.

Reason

To ensure the development does not encroach onto neighbouring properties.

(159) LAND SUBDIVISION – SUBDIVISION CERTIFICATE

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

Reason

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

(160) STRATA SUBDIVISION

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

Reason

To ensure separate approval is sought for any Strata Plan.

(161) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT & D/2023/849

- (a) Evidence of full compliance with the terms of the VPA and any subsequent variations in relation to terms relevant to the subdivision, must be provided to the satisfaction of Council prior to the issue of the subdivision certificate.
- (b) Evidence of full compliance must be given to the conditions of consent contained within the abovementioned Notice of Determination as modified, relevant to the subdivision, must be provided to the satisfaction of Council prior to the issue of the subdivision certificate.

Reason

To ensure the relevant terms of the VPA and the conditions of the development consent have been satisfied.

(162) STREET ADDRESSES OF LOTS

In accordance with Clause 60(c) of the *Surveying and Spatial Information Regulation 2017*, the street addresses for each lot must be shown on the Administration Sheet for the plan of subdivision. An application must be made to Council's Spatial Information Systems Team to obtain the correct street address for each lot, and the addresses provided to the registered surveyor. Apply by email to: SpatialInformationSystemsTeam@cityofsydney.nsw.gov.au

Reason

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

(163) BUILDING / STRATA MANAGEMENT STATEMENT

- (a) The Building/Strata Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to Council's satisfaction, and be submitted with the subdivision application for the subdivision.

- (b) The terms of the easements required by this consent must not contain any clauses permitting the terms of the easements to be overridden, suspended or superseded by a Building Management Statement or Strata Management Statement

Reason

To ensure the orderly development of land.

(164) LAND DEDICATION

- (a) Lots 64 and 65 must be dedicated in stratum to the public as public road as part of the associated Voluntary Planning Agreement and must not be encumbered by an Environmental Management Plan or Long Term Environmental Management Plan. The above lots must be unlimited in height, and limited in depth to a minimum of 1.5 metres below the finished surface level in accordance with the registered VPA. The lower limit of Lots 64 and 65 must be defined as 50mm above the waterproofing membrane for the basement ceiling.
- (b) Public domain works, including though not limited to kerbs, medians, bitumen carriageway, street lighting etc within the land to be dedicated must be sufficiently complete to the satisfaction of Council's Area Planning Manager
- (c) Land must be dedicated unencumbered, and numbered as a lot. All leases, restrictions, covenants, easements and planning agreements must be extinguished prior to, or immediately subsequent to the dedication of Lots 64 and 65.
- (d) Land may be dedicated in two subdivision stages if so desired, subject to the following:
 - (i) Lot 64 must be dedicated as public road prior to the issue of any staged Occupation Certificate or Final Occupation Certificate for the building on Site 7.
 - (ii) Lot 65 must be dedicated as public road prior to the issue of any staged Occupation Certificate or Final Occupation Certificate for the building on Site 18.
 - (iii) Both Lots 64 and 65 must be dedicated as public road prior to the issue of any staged Occupation Certificate or Final Occupation Certificate for the building on Site 17.
- (e) A positive covenant must be created pursuant to Section 88B of the *Conveyancing Act, 1919* burdening Lot 63 and benefiting the Council of the City of Sydney, in terms to the satisfaction of council, as follows:
 - (i) The registered proprietors of Lot 63 or a future Owners Corporation must indemnify Council against any damage, loss or liability relating to the overhanging awning, or encroaching components of the buildings

- (ii) The registered proprietors of Lot 63 or a future Owners Corporation must effect and maintain public liability insurance in respect of third party personal injury or damage to third party property where the injury arises from or is caused by the overhanging awning or encroaching components of the buildings. The policy must be in the amount of \$20,000,000 for any one occurrence and be indexed to CPI.

Reason

To ensure any future claims relating to building components beyond the site boundaries can be adequately dealt with by appropriate insurances.

(165) STORAGE

Prior to the issue of any occupation certificate the Principal Certifying Authority must be satisfied that the minimum storage requirements of the Apartment Design Guide have been met. No more than 50% of the minimum storage requirements for each apartment is to be provided within the basement.

Reason

To ensure the minimum storage requirements are achieved.

(166) 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.

(167) 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.

(168) COMMON PROPERTY MEETING/MUSIC PRACTICE ROOM - ACOUSTIC REQUIREMENTS

The Meeting/Music Practice Room must remain common property and be provided and maintained for the use of all residents and achieve the following acoustic requirements:

- (a) The ceiling must have an airborne sound insulation rating equal to or greater than RW + Ctr of 58. In this instance, to prevent flanking paths for noise, the walls and ceiling must meet the deemed to satisfy provisions F5.5 (e) and F5.5 (f) of the Volume One (Class 2-9) of the National Construction Code.

- (b) Music Room door systems (door, frame & seal) must achieve an airborne sound insulation rating of Rw 45, and windows (combined glass frame and seal) must achieve an Rw 40. Windows to the façade of a building must be of minimum necessary dimensions, per the requirements of the Building Code of Australia. Access doors must be to common property accessible by all building occupants.
- (c) The floor is to be carpeted.

Details confirming the above are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason

To ensure the acoustic amenity of surrounding residential uses is maintained.

(169) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facades including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications approved under the 'Materials and Samples Board – Major Development' condition of this consent.

Reason

To ensure the approved materials and samples board is complied with.

(170) UNDER AWNING LIGHTING

Under awning lighting must be fitted with LED lighting technology (or other technology with an improved lighting power density – watts per square metre). Batten type fluorescent lighting is not approved. Illumination from the under awning lighting, when measured from any place in the public domain, must be designed and certified to comply with the following:

- (a) the maximum horizontal luminance level must not exceed 200 lux including light spill from shop windows. Lux level may be increased to 220 lux in some areas in Central Sydney CBD;
- (b) the horizontal illuminance uniformity ratio (E_{avg}/E_{min}) must not exceed 4:1 to ensure safe movement of pedestrians;
- (c) the intensity, colour, period of intermittency and hours of illumination must be varied if adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting* is being caused to the amenity of the area;
- (d) where nearby residents are located above the level of the under awning lighting, details are to be provided to show that light is not directed upwards toward such residences.

Reason

To ensure the provision of an appropriate level of illumination and to protect the amenity of the public domain.

(171) ALCOVE LIGHTING

Any alcoves along the external elevations must be fitted with a sensor-activated security light. The light must be maintained in good working order. The intensity, colour, and illumination must be varied if adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting, is being caused to the amenity of the area. LED lighting technology (or other technology with an improved lighting power density – watts per square metre) must be implemented.

Reason

To ensure the provision of an appropriate level of illumination and to protect the amenity of the public domain.

OCCUPATION AND ONGOING USE

(172) 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.

(173) 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 2022.
- (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.

(174) WASTE/ RECYCLING COLLECTION – RESIDENTIAL

Unimpeded access must be provided for collection from the waste and recycling storage location(s) at all times.

Reason

To ensure that waste and recycling is appropriately managed.

(175) LANDSCAPE MAINTENANCE PLAN

The Landscape Maintenance Plan approved by Council under the 'Landscaping of the Site – All Levels' condition of this consent must be complied with during occupation of the site.

Reason

To ensure the maintenance methodology approved under the Landscape Maintenance Plan is complied with.

(176) 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.

(177) COMPLIANCE WITH LOADING DOCK AND BASEMENT MANAGEMENT PLAN

All operations and use of the loading dock and basement must comply with the Loading Dock and Basement Management Plan that was approved under the 'Loading Dock and Basement Management Plan' condition of this consent.

Reason

To ensure the approved Loading Dock and Basement Management Plan is complied with.

(178) 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 NPfl are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.

(179) NOISE - ENTERTAINMENT

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

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

Reason

To protect the acoustic amenity of surrounding properties.

(180) 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.

(181) ENCROACHMENTS – PUBLIC WAY

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

Reason

To protect the public way.

(182) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

(183) WASTE/RECYCLING COLLECTION - COMMERCIAL

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

(184) EMISSIONS

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

Reason

To protect the amenity of the surrounding area.

(185) USE OF COMMON AREAS AND FACILITIES

The communal open space and common areas must be available for the use all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

Reason

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

(186) NUMBER OF ADULTS PER ROOM

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

Reason

To prevent overcrowding.

(187) MAIL ROOMS

All mail rooms must be secured with access restricted to Australia Post and residents only.

Reason

To ensure mail rooms are secured.

(188) AWNING MAINTENANCE

All awnings must be regularly inspected and maintained to ensure the structural integrity and aesthetic and functional quality.

Reason

To ensure the awnings are adequately maintained.

SCHEDULE 2 – TERMS OF APPROVAL

The General Terms of Approval provided by Water NSW (Ref no. IDAS1152060) are as follows:

WATER NSW GENERAL TERMS OF APPROVAL

Dewatering

- GT0115-00001 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
- GT0116-00001 Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
- GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement – see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
- GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if

WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

- GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- GT0121-00001 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
- GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under

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

- GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site – Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

SCHEDULE 3 – CONDITIONS OF CONSENT – EXTERNAL AGENCIES

The following conditions have been recommended by NSW State agencies:

SYDNEY AIRPORT

1. The building must not exceed a maximum height of 88.49 metres AHD, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
2. Separate approval must be sought under the Regulations for any equipment(e.g. cranes, concrete pumps, etc.) required to construct the building. Construction cranes or concrete pumps may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations.

On 19 October 2023, CASA advised (file ref: F23/23053-59) that any infringement of a PANS-OPS surface for more than 3 months(or less than 3 months without suitable mitigation) by a crane would present an unacceptable risk to the safety of air transport operations to and from Sydney Airport.

Under regulation 14(6) the Secretary must not approve a proposal for a controlled activity if CASA has advised the Secretary that carrying out the controlled activity would have an unacceptable effect on the safety of existing or future air transport operations into or out of the airport concerned.

Please note, all applications for controlled activities are subject to rigorous assessment processes. Applications for proposed construction equipment(e.g. cranes, concrete pumps, etc.) are separate and in addition to any decisions issued for the respective underlying development.

The Department's decision under the Regulations for potential future applications(e.g. for associated construction equipment such as cranes, concrete pumps, etc.) should not be pre-empted on the basis of an approval for the underlying development. Therefore, it is recommended that approval to operate construction equipment(e.g. cranes, concrete pumps, etc.) be obtained prior to any commitment to construct.

3. The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-849.
4. On completion of construction of the building, the Proponent must provide with a written report from a certified surveyor on the finished height of the building.
5. A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.

Breaches of approval conditions are subject to significant penalties under Sections 185 and 187 of the Act.

SYDNEY WATER

Recommended Development Conditions

Prior to the issue of an Occupation/Subdivision Certificate:

Section 73 Compliance Certificate

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extension, adjustment or connection to our mains. Make early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an occupation or subdivision certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Prior to the issue of a Construction Certificate/Complying Development Certificate:

Building Plan Approval

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.

Sydney Water recommends developers apply for Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

Requirements for Commercial and Industrial Developments (for information)

Trade Wastewater Requirements

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

The permit application can be made on Sydney Water's web page via Sydney Water's Tap in™.

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

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

Backflow Prevention Requirements

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

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

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

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

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

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflowprevention.html>

Water Efficiency Recommendations

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

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

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-wateruse/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

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

Contingency Plan Recommendations

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

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

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

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

For further information please visit the Sydney Water website at:

<https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-tradewastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

TRANSPORT FOR NSW

1. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the classified road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

AUSGRID

Ausgrid Underground Cables are in the vicinity of the development

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).

The following points should be taken into consideration. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

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.

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

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.

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

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf). <https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf> The consent should be read together with the *Conditions of development consent advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,
the reuse of stormwater,
the detention of stormwater,
the controlled release of stormwater, and
connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.