

# **Attachment A**

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| <b>Recommended Conditions of Consent</b> |
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# GENERAL CONDITIONS

## (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2023/887 dated 29 September 2023 and the following drawings prepared by BVN:

| Drawing Number     | Drawing Name                       | Date       |
|--------------------|------------------------------------|------------|
| A1-01-02 Rev 3     | Site Plan                          | 20/02/2023 |
| AR-B1-00-10 Rev 17 | GA Plan – Level Ground             | 13/02/2024 |
| AR-B1-01-10 Rev 10 | GA Plan – Level 01                 | 20/02/2023 |
| AR-B1-02-10 Rev 10 | GA Plan – Level 02                 | 20/02/2023 |
| AR-B1-03-10 Rev 10 | GA Plan – Level 03                 | 20/02/2023 |
| AR-B1-04-10 Rev 9  | GA Plan – Level 04                 | 20/02/2023 |
| AR-B1-05-10 Rev 10 | GA Plan – Level 05                 | 20/02/2023 |
| AR-B1-06-10 Rev 10 | GA Plan – Level 06                 | 20/02/2023 |
| AR-B1-07-10 Rev 16 | GA Plan – Level 07                 | 25/10/2023 |
| AR-B1-08-10 Rev 7  | GA Plan – Level 08                 | 20/02/2023 |
| AR-B1-09-10 Rev 11 | GA Plan – Level 09                 | 20/02/2023 |
| AR-B1-10-10 Rev 9  | GA Plan – Level 10                 | 20/02/2023 |
| AR-B1-11-10 Rev 11 | GA Plan – Level 11                 | 20/02/2023 |
| AR-B1-12-10 Rev 9  | GA Plan – Level 12                 | 20/02/2023 |
| AR-B1-13-10 Rev 10 | GA Plan – Level 13                 | 20/02/2023 |
| AR-B1-14-10 Rev 10 | GA Plan – Level 14                 | 20/02/2023 |
| AR-B1-15-10 Rev 10 | GA Plan – Level 15                 | 20/02/2023 |
| AR-B1-16-10 Rev 8  | GA Plan – Level 16                 | 20/02/2023 |
| AR-B1-17-10 Rev 8  | GA Plan – Level 17                 | 20/02/2023 |
| AR-B1-18-10 Rev 8  | GA Plan – Level Roof               | 20/02/2023 |
| AR-B1-B0-10 Rev 13 | GA Plan – Level Lower Ground Floor | 20/02/2023 |

| Drawing Number          | Drawing Name                           | Date       |
|-------------------------|--|------------|
| AR-B1-B1-10 Rev 16      | GA Plan – Level Basement 1             | 13/02/2024 |
| AR-B1-B2-10 Rev 14      | GA Plan – Level Basement 2             | 20/02/2023 |
| AR-B1-B4-10 Rev 9       | GA Plan – Level Basement 3             | 07/08/2023 |
| AR-C1-EA-10 Rev 10      | East Elevation                         | 13/02/2024 |
| AR-C1-NO-10 Rev 10      | North Elevation                        | 13/02/2024 |
| AR-C1-SO-10 Rev 11      | South Elevation                        | 13/02/2024 |
| AR-C1-WE-10 Rev 9       | West Elevation                         | 13/02/2024 |
| AR-C3-XX-003 Rev 4      | Facade-South West Corner Podium        | 20/02/2023 |
| AR-C3-XX-005 Rev 4      | Facade-South West Corner Level 07      | 20/02/2023 |
| AR-C3-XX-020 Rev 6      | Facade Section – Entry Lobby North     | 20/02/2023 |
| AR-C3-XX-024 Rev 6      | Facade Section – Podium/ CW Junction   | 20/02/2023 |
| AR-C3-XX-026 Rev 7      | Facade Section – Podium North          | 20/02/2023 |
| AR-C3-XX-027 Rev 8      | Facade Section – GF Pitt St            | 20/02/2023 |
| AR-C3-XX-041 Rev 5      | Facade Section – Level 7 Terrace North | 20/02/2023 |
| AR-C3-XX-043 Rev 4      | Facade Section – Level 7 Terrace South | 20/02/2023 |
| AR-C3-XX-061 Rev 7      | Facade Section – Curtain Wall Parapet  | 20/02/2023 |
| AR-D1-01-10 Rev 8       | GA Sections                            | 20/02/2023 |
| R-XX-80 Rev 4           | Material Board                         | 13/02/2024 |
| AR-SK_038_121017 Rev 4  | Flood Mitigation                       | 20/02/2023 |
| AR-SK_038A_130224 Rev 1 | Flood Mitigation                       | 13/02/2024 |
| AR-SK_087_181122 Rev 2  | Clarification – Material 13            | 20/02/2023 |

| Drawing Number            | Drawing Name              | Date       |
|---------------------------|---------------------------|------------|
| AR-SK_106_210303<br>Rev 2 | Hotel Lobby Entry Section | 20/02/2023 |

And the following landscape drawings prepared by 360 degrees:

| Drawing Number | Drawing Name                                   | Date       |
|----------------|--|------------|
| - Rev F        | Ground Floor – Public/ Private Domain          | 11/03/2024 |
| - Rev F        | Level 1 – Internal Garden                      | 11/03/2024 |
| - Rev F        | Level 7 – Communal Terrace Garden              | 11/03/2024 |
| - Rev F        | Level 8-16 – Roof Plan                         | 11/03/2024 |
| - Rev F        | Level 13-15 – Vertical Garden                  | 11/03/2024 |
| - Rev F        | Level 7-17 – Communal Garden + Vertical Garden | 11/03/2024 |
| - Rev F        | Level 7-17 – South Elevation                   | 11/03/2024 |
| - Rev F        | Level 8-16 – Vertical Garden                   | 11/03/2024 |
| - Rev F        | Planting Palette – Level 1 & 7                 | 11/03/2024 |
| - Rev F        | Planting Palette – Vertical Garden             | 11/03/2024 |
| - Rev F        | Irrigation and Maintenance – Vertical Garden   | 11/03/2024 |

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.

## **(2) FLOOR SPACE RATIO - CENTRAL SYDNEY**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 8.89:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 14,075 sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifier.
- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that 561 sqm of heritage floor space was allocated (purchased, transferred and registered by Council as an allocation) to the development, being 50% of the accommodation floor space bonus of 1,121 sqm as specified in the Sydney Local Environmental Plan 2012.

**Reason**

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

**(3) APPROVED DESIGN ROOF - TOP PLANT**

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

**Reason**

To ensure the constructed development complies with the approved height.

**(4) LAND SUBDIVISION – SEPARATE DA REQUIRED**

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

**Reason**

To ensure separate development consent is sought for land subdivision.

**(5) STRATA SUBDIVISION – DEVELOPMENT CONSENT**

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

**Reason**

To ensure separate development consent is sought for strata subdivision.

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

No consent is granted or implied for the fit out or specific use of the ground floor retail tenancies and supermarket.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fit out and use of the ground floor retail tenancies, and fit out of the supermarket prior to that fit out or use commencing.

**Reason**

To require separate consent to be obtained for a use.

**(7) SIGNAGE STRATEGY**

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

**Reason**

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

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

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

**Reason**

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

**(9) 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. Any 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.

**(10) 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.

**(11) SERVICE VEHICLE SIZE LIMIT**

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

**Reason**

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

**(12) CHANGES TO KERB SIDE PARKING RESTRICTIONS**

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

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

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

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

**Reason**

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

**(13) 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.

**(14) 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.

**(15) 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.

**(16) 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.

**(17) 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.

**(18) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**Reason**

To protect neighbouring properties.

**(19) 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.

## **(20) CONSTRUCTION AND FITOUT OF FOOD PREMISES**

The construction, fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – 2004 Design, Construction and Fit-out of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website [www.standards.com.au](http://www.standards.com.au).

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email [info@foodstandards.gov.au](mailto:info@foodstandards.gov.au) or by visiting the website [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

### **Reason**

To ensure the construction, fit out and finishes of the food premises comply with relevant standards.

## **(21) SANITARY FACILITIES – FOOD PREMISES**

The sanitary facilities 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.

## **(22) PERSONAL LOCKERS**

Clothing lockers or change rooms for staff must be provided in the premises or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas, in accordance with *AS4674 - Design, Construction and Fit out of Food Premises*.

### **Reason**

To ensure appropriate personal lockers are provided for staff.

## **(23) COOLROOMS**

Cool rooms, refrigerated chambers and strong rooms must be constructed in accordance with G 1.2 of the *National Construction Code (previously known as Building Code of Australia)*, and:

- (a) The floor of the cool room must be graded to the door and a floor trapped waste outlet must be located outside the cool room as near as possible to the door opening.
- (b) All proposed shelving in the cool room must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (c) The floor of the cool room must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (d) Must be fitted with a door that can be opened at all times from inside without a key.
- (e) An approved audible alarm device must be located outside the cool room(s) but controllable only from within the cool room(s) and must be able to achieve a sound pressure level outside the chamber or cool room(s) of 90 dB(A) when measured 3 metres from a sounding device.

#### **Reason**

To ensure cool rooms are constructed appropriately in accordance with relevant standards.

### **(24) TREE APPROVED FOR REMOVAL**

- (a) The following tree detailed in Table 1 below is approved for removal. Tree removal must not occur until the Construction Certificate has been issued.

Table 1 – Tree Removal:

| <b>Tree No</b> | <b>Species:</b>                       | <b>Location</b>           |
|----------------|---------------------------------------|---------------------------|
| 5              | <i>Acer negundo</i> (Box Elder Maple) | Street Tree – Campbell St |

- (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.

### **(25) TREES THAT MUST BE RETAINED**

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

Table 2 – Tree Retention:

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

| <b>Tree No</b> | <b>Species:</b>                             | <b>Location</b>         |
|----------------|---|-------------------------|
| 1              | <i>Flindersia australis</i> (Crow's Ash)    | Street Tree Hay St      |
| 2              | <i>Platanus x acerifolia</i> (London Plane) | Street Tree Pitt St     |
| 3              | <i>Platanus x acerifolia</i> (London Plane) | Street Tree Pitt St     |
| 4              | <i>Platanus x acerifolia</i> (London Plane) | Street Tree Pitt St     |
| 6              | <i>Lophostomen confertus</i> (Brushbox)     | Street Tree Campbell St |

### **Reason**

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

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

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

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

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

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, one of the following must be submitted:
  - (i) **For development between \$250,000 and \$3,000,000** – the City of Sydney *Cost Summary Report* must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate.

An electronic copy of the *Cost Summary Report* is available from the City's website at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au); or

- (ii) **For development more than \$3,000,000** – The City of Sydney *Registered Quantity Surveyor's Detailed Cost Report* must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Registered Quantity Surveyor's Detailed Cost Report* is available from the City's website at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Registered Certifier accordingly.
- (d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.

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

#### **Reason**

To ensure development contributions are paid to support the provision of public facilities, amenities, and services in Central Sydney.

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

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- (b) The contribution is \$1,847,988.34 (indexed at 5 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.
- (c) If the contribution is paid after the indexation period in which the consent is granted, being March 2024 to 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 March 2024 to February 2025.

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

### **Reason**

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

## **(28) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The glass line of the southern enclosed terrace on level 7 must be setback an additional 1m from the southern and eastern boundaries.
- (b) Internal back of house access to waste storage areas is to be provided to all retail tenancies at ground floor level. The path of travel for waste is not to be via the public domain.
- (c) All double doors to waste rooms are to be a minimum of 1200mm wide.
- (d) Storage for bulky waste is to be provided in a separate room or caged off area (not within the waste storage areas).

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

### **Reason**

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

## **(29) REFLECTIVITY**

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

### **Reason**

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

### **(30) BOUNDARY SURVEY**

- (a) Prior to the issue of any approval for demolition or Construction Certificate, a boundary survey over the subject site shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter to the Principal Certifier certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate.
- (b) A plan or CAD file showing the surveyed boundaries and the location of all relevant easements, covenants and restrictions shall be provided to the project architect, who shall certify in writing that the proposed development as designed will fit within the surveyed boundaries, without causing any encroachment of the proposed development or any overhangs to adjoining properties and full compliance to all easements, covenants and restrictions. This written confirmation shall be provided to the PCA prior to the issue of a Construction Certificate.

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

#### **Reason**

The subject boundaries are poorly defined. As the proposed building has no setback to poorly defined boundaries, it is necessary to first register a consolidation plan to define the boundaries and minimise the risk of boundary disputes, encroachment and delays.

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

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Acoustic Logic, dated 28 February 2024, referenced 20230608.1/2908A/R2/WY, (Council Ref: 2023/148148), must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant\* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant\* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

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

#### **Reason**

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

### **(32) CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

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

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



- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment are 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.

**(33) 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 submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued and is to incorporate design amendments required under Condition 28 "Design Modifications" (b) (c) & (d).
- (c) The Waste and Recycling Management Plan is to be updated to show:
  - (i) the path of travel and detail where the bailed cardboard will be presented for collection and how it will be moved onto the collection vehicle.
  - (ii) reflect waste storage collection needs and replicate a standard collection day. The waste holding area should physically layout where the correct number of bins from B2 will be placed on a standard collection run.
- (d) 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.

#### UPON COMPLETION OF THE DEVELOPMENT

- (e) 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.

### **(34) ACCESSIBLE GREEN ROOFS**

- (a) A detailed green roof 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 Construction Certificate. These documents must include:
  - (i) Location and details of existing and proposed services, walls, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (ii) Engineers report confirming structural capacity of building for proposed roof terrace loads.
  - (iii) Details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
  - (iv) 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.
  - (v) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.

- (vi) Green roof maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
- (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

### **Reason**

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

## **(35) GREEN WALLS**

- (a) Where applicable, a detailed green wall design including plans and details drawn to scale, and technical specification, by a qualified landscape architect, landscape designer or green wall specialist. The following information must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate.
  - (i) Analysis of the detailed site conditions, including access, light availability, sun and wind impacts.
  - (ii) Details of the green wall construction, including proposed materials, planter dimensions, fixings and structures.
  - (iii) Details of the proposed growing medium, including soil depth and type.
  - (iv) Location, numbers, type and size of plant species selected on the basis of the site conditions, and species that contribute to habitat and biodiversity.
  - (v) Details of drainage, irrigation and waterproofing.
  - (vi) Details of any additional lighting (where applicable).
  - (vii) Details of ongoing maintenance, including methodology for the safe working at height, access requirements, location of any anchor points, gates, and transport of materials such as green waste removal, and a detailed planting maintenance schedule.
  - (viii) A plan outlining the intended strategy for decommissioning and rectification if planting works fail. This is to ensure green wall is maintained throughout its life.

## **Reason**

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

### **(36) 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 (200L 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, then City will request payment for a replacement tree and establishment period according to the City's Schedule of Fees and Charges.

#### **Reason**

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

### **(37) 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) The installation of tree protection measures prior to the commencement of any construction works;
  - (ii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
  - (iii) During construction of the specify structure/deck/concrete slab etc);
  - (iv) During any excavation and trenching within the TPZ which has been approved by Council;
  - (v) During any landscape works within the TPZ which has been approved by Council.

- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and approved by Council's Area Planning Coordinator or 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) Inspection and certification of trees by the project arborist should be undertaken monthly during the construction period;
  - (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 or Area Planning Manager prior to the issue of any Occupation Certificate.

#### **Reason**

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

### **(38) PRUNING SPECIFICATION PLAN**

A Pruning Specification Plan from an AQF level 5 arborist is to be submitted to and approved by Council's Tree Management team prior to issue of a construction certificate. The plan is to include pruning requirements in regard to the proposed design including hoarding/scaffold clearances. Details of pruning must include marked up photos of branches with final cuts shown, branch diameter sizes and percentage of canopy removal. It is noted only minor pruning will be permitted by Council (5% canopy removal and maximum of 50mm diameter branches) which may require set back of the proposed awning width and /or building frontage location.

### **(39) MECHANICAL PARKING FACILITIES (CAR LIFT)**

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

- a) A review of the proposed installation by the manufacturer and its suitability for implementation in accordance with the manufacturer's specifications including but not limited to compliance with AS/NZS 2890.1 2004 and its references to AS/NZS 28590.6.
- b) Implementation of mechanisms addressing potential safety concerns including but not limited to:

- (i) Queuing potential and the need for onsite waiting space (3 waiting bays to be provided)
- (ii) A plan for responding to the mechanical breakdown and/or system failures. This includes options for necessary trainings/ induction prior to use.
- c) Any further information requested by the Principal Certifying Authority.  
Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

#### **(40) PARKING DESIGN**

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

##### **Reason**

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

#### **(41) ALLOCATION OF PARKING**

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

| Car Parking Type                              | Number |
|---|--------|
| Retail spaces                                 | 3      |
| Accessible retail parking                     | 1      |
| Hotel parking                                 | 15     |
| Subtotal                                      | 19     |
| Small Rigid Vehicle loading dock(s)           | 1      |
| Medium Rigid Vehicle loading dock(s)          | 1      |
| Hotel/serviced apartment drop off and pick up | 2      |
| Total   | 23     |

##### **Note:**

- a. Retail Staff parking only. Users needs induction training prior to use. This requirement should be included in the Loading and Service Management Plan.

b. Hotel parking is to be accessed by visitors under a valet parking arrangement. Valet parking arrangements are to be documented in a management plan acceptable to Council prior to the granting of any Occupation Certificate.

c. Use of the car lift is to be via a remote control access to avoid delays. This arrangement is to be documented in a management plan acceptable to Council prior to the granting of any Occupation Certificate.

### **Reason**

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

## **(42) 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  |
|-----------------------------|--------|---|
| Staff/ Employee             | 41     | Spaces must be Class 2 bicycle facilities                 |
| Hotel Guests/ Hotel Visitor | 22     | Spaces must be Class 3 bicycle rails at the ground level. |
| End of Trip Facility Type   | Number |   |
| Showers with change area    | 5      |   |
| Personal lockers            | 50     |   |

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

### Notes:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.
- (c) If Hotel visitor bicycle parking is provided as class 2, this must be via a valet system documented in a management plan acceptable to Council.



**Reason**

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

**(43) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) A Construction Traffic Management Plan is to be prepared in consultation with TfNSW and the Sydney Light Rail Operator, and must be submitted to and approved by Council prior to a Construction Certificate being issued.
- (b) The approved plan must be complied with during any demolition and/or construction work.

**Reason**

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

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

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

**Reason**

To ensure the provision of water efficient toilets.

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

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

**Reason**

To ensure the provision of water efficient urinals.

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

All taps installed must be water efficient with at least a 5-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Principal Certifier, prior to any Occupation Certificate being issued.

**Reason**

To ensure the provision of water efficient taps.

#### **(47) 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 are to be submitted for the approval of the Principal Certifier, prior to any Occupation Certificate being issued.

##### **Reason**

To ensure the provision of water efficient shower heads.

#### **(48) INTERNAL LIGHTING SYSTEM**

The internal lighting system for commercial spaces must 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 when not required. LED lighting technology (or other technology with an improved lighting power density – watts per square metre) must be implemented. Details of the internal lighting system must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

##### **Reason**

To ensure the provision of energy efficient lighting.

#### **(49) DESIGN FOR ENVIRONMENTAL PERFORMANCE**

(a) Prior to the issue of a Construction Certificate, the Design for Environmental Performance Report prepared by Ruifong Ong dated 15 September 2023 (Council Ref:2023/564003) is to be amended as follows:

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

a. Response to Section 4 is to be revised when lighting and building services are finalised during detailed design

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

b. Response to Section 8 is to be revised when water capture and storage capacity is finalised during detailed design

(b) Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report are incorporated into the relevant construction plans and accompanying documentation:

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

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

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

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

- (v) Section 8 – Designing for mains potable water savings and water efficiency
- (vi) Section 9 – Storm water quality
- (c) Changes to any commitments 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.

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

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

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

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

**Reason**

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

**(51) 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:

- (i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (iv) Council's Stormwater Drainage Manual; and
- (v) All relevant Australian Standards.

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

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

**Reason**

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

**(52) STORMWATER QUALITY ASSESSMENT**

The development must comply with Stormwater Management Report prepared by NORTHROP (Ref: 151570, dated 15 September 2023).

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.

**(53) FLOOD PLANNING LEVELS**

The development must be constructed to comply with the recommended flood planning levels indicated in the Flood Assessment Report, Revision B prepared by NORTHROP Consulting Engineers dated 2 March 2024.

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.

**(54) FOOD PREMISES – DETAILED PLANS**

- (a) Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the *Australia New Zealand Food Standards Code – 3.2.3 – Food Premises and Equipment* under the *Food Act 2003* and *AS 4674 - Design, Construction and Fit-out of Food Premises*.

- (b) Prior to the issue of a Construction Certificate the plans required by (a) of this condition must be submitted to and approved in writing by the Registered Certifier.

**Reason**

To ensure all areas associated with the food business comply with relevant standards.

**(55) FOOD PREMISES – ADDITIONAL MECHANICAL VENTILATION REQUIREMENTS**

- (a) The cooking appliances require an approved air handling system designed in accordance with *AS1668.1 - The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings* and *AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and must incorporate the following:
  - (i) The discharge exhaust air must be directed in a vertical, or near vertical direction above the roof, and
  - (ii) The cooking appliances must not burn any charcoal, wood or other solid fuel.
- (b) Details of the proposed system must be submitted to and approved by Council's Health and Building Unit in writing prior to the issue of a Construction Certificate.

**Reason**

To ensure the cooking appliances comply with relevant standards and do not cause a nuisance or air pollution affecting neighbouring properties.

**(56) WASTE STORAGE AREA**

- (a) To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with *AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment* and comply with the *Council Policy for Waste Minimisation in New Developments*, and must be:
  - (i) Provided with a hose tap connected to the water supply.
  - (ii) Paved with impervious floor materials.
  - (iii) Coved at the intersection of the floor and walls.
  - (iv) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).

- (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the *Protection of the Environment Operations Act 1997* or a nuisance.
- (vi) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
- (vii) Appropriately managed to Council's satisfaction so that it does not attract pests or create litter.

**Note:** Fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*.

- (b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Registered Certifier prior to the issue of the Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issuance of any Occupation Certificate.

**Reason**

To ensure the adequate storage and collection of waste from the food premises.

**(57) GREASE AND LIQUID WASTE TRAPS**

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

## **(58) TOILETS FOR FOOD HANDLERS**

- (a) Adequate toilet facilities must be available for food handlers working for the food business. Toilets and associated facilities must be provided in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code, 3.2.3 - Food Premises and Equipment*.
- (b) Details of the location of toilets which are provided exclusively for the use of food handlers and staff working at the business must be submitted for the approval of the Registered Certifier prior to the issue of a Construction Certificate.
- (c) The toilet(s) must be provided with a hand wash basin, with hot and cold running water mixed through a common spout, hand wash soap, hygienic hand drying facilities and hands-free taps.

### **Reason**

To ensure food handlers have access to adequate toilet facilities.

## **(59) WASTE ROOMS (GENERAL WASTE AREAS)**

- (a) To ensure the adequate storage and collection of waste from the occupation of the building, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area. The waste storage area must be designed and constructed in accordance with the following requirements to minimise odours, deter vermin, and protect surrounding areas:
  - (i) Provided with a hose tap connected to the water supply.
  - (ii) Paved with impervious floor materials.
  - (iii) Coved at the intersection of the floor and walls.
  - (iv) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water).
  - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act 1997*.
  - (vi) An adequate lighting system must be provided (natural or artificial) to the waste room to aid with cleaning and the detection of pest activity.
  - (vii) Fitted with appropriate interventions to meet fire safety standards in accordance with the *National Construction Code (previously known as Building Code of Australia)*.
- (b) Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate.

**Reason**

To ensure adequate storage and collection of waste.

**(60) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.
- (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.

**(61) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**

Prior to the issue of a Construction Certificate, having regard to Condition 55 "Food Premises – Additional Mechanical Ventilation Requirements", 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.



## BEFORE BUILDING WORK COMMENCES

### (62) 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.

### (63) 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.

### (64) TREE PROTECTION ZONE

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

#### TPZ Schedule

| Tree No. | Species Name                                   | Location              | Radius (m)<br>From Trunk |
|----------|--|-----------------------|--------------------------|
| 1        | <i>Flindersia australis</i><br>(Crow's Ash)    | Street Tree - Hay St  | 2                        |
| 2        | <i>Platanus x acerifolia</i><br>(London Plane) | Street Tree – Pitt St | 3.6                      |
| 3        | <i>Platanus x acerifolia</i><br>(London Plane) | Street Tree Pitt St   | 2.4                      |
| 4        | <i>Platanus x acerifolia</i><br>(London Plane) | Street Tree Pitt St   | 3                        |

|   |  |                            |   |
|---|--|----------------------------|---|
| 6 | <i>Lophostomen confertus</i><br>(Brushbox) | Street Tree Campbell<br>St | 2 |
|---|--|----------------------------|---|

**Note:** The work within the TPZ and installation of tree protection measures is only applicable within the subject development site and the public domain.

- (c) Ground surface protection must be installed if construction access is required through any TPZ where the existing ground surface material is not a hard surface or paving. The ground protection must be:
  - (i) Protected with boarding (i.e. scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
  - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (d) The following works must be excluded from within any TPZs:
  - (i) Excavation;
  - (ii) Soil cut or fill including trenching;
  - (iii) Soil cultivation, disturbance or compaction;
  - (iv) Stockpiling, storage or mixing of materials;
  - (v) The parking (except existing on street parking), storing, washing and repairing of tools, equipment and machinery;
  - (vi) The disposal of liquids and refuelling;
  - (vii) The disposal of building materials;
  - (viii) The siting of offices or sheds;
  - (ix) Any action leading to the impact on tree health or structure.
- (e) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.
- (f) All work undertaken within or above the TPZ must be:
  - (i) Carried out in accordance with a work methodology statement prepared by an Arborist with a minimum AQF Level 5 qualification in arboriculture and written approval is obtained from Council's Tree Management Officer before its implementation; and
  - (ii) Supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

**Reason**

To ensure the protection and ongoing health of trees.

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

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

**Reason**

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

## DURING BUILDING WORK

### (66) HOURS OF WORK AND NOISE – CBD

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

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

### (67) COMPLIANCE WITH CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

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

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

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

**Reason**

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

**(68) 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.

**(69) 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.

## **(70) 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.

## **(71) 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.

## **(72) SURVEY**

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

### **Reason**

To ensure the development does not encroach onto neighbouring properties.

## **(73) 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.

**(74) 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.

**(75) 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.

**(76) 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 onsite 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 onsite 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.

**(77) 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.

**(78) 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)).

**(79) 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.

**(80) COMPLIANCE WITH ARBORIST'S REPORT**

All recommendations Tree Protection Plans and Methodology Statements contained in the approved Arboricultural Impact Assessment Report prepared by Tree Report Arboricultural Consulting, dated January 2023 (Version 2), must be implemented during the demolition, construction and use of the development.

**Reason**

To ensure that works affecting trees are carried out in an appropriate manner and in accordance with the approved arborist's report.

**(81) TREE SENSITIVE EXCAVATION**

Excavation undertaken with the specified distance/s from the trunks of the following trees shall be hand dug.

**Tree (Root) Protection Zone Schedule:**

| Tree No | Species   | Tree Location             | SRZ (m) from Trunk |
|---------|---|---------------------------|--------------------|
| 1       | <i>Flindersia Australis</i><br>(Crow's Ash)       | Street Tree - Hay St      | 1.5                |
| 2       | <i>Platanus x acerifolia</i><br>(London Plane)    | Street Tree - Pitt St     | 2                  |
| 3       | <i>Platanus x acerifolia</i><br>(London Plane)    | Street Tree - Pitt St     | 1.8                |
| 4       | <i>Platanus x acerifolia</i><br>(London Plane)    | Street Tree - Pitt St     | 1.8                |
| 6       | <i>Lophostomen</i><br><i>Confertus</i> (Brushbox) | Street Tree - Campbell St | 1.5                |

- (a) Within the SRZ;
  - (i) Excavation must not occur within the SRZ. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately, and the excavation must be carried out in accordance with Council's direction.
- (b) Within the TPZ;
  - (i) Tree sensitive excavation, such as small hand tools compressed air or water jetting only must be used. Roots with a diameter equal to or greater than 40mm shall not be severed or damaged unless approved in writing by Council's Tree Management Officer.
 

Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.
  - (ii) All excavations must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.
- (c) Footings must be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance must be provided between the tree root and footing.
- (d) All excavations located within the TPZ must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.
- (e) All root pruning must be undertaken in accordance with the Australian Standard 4373 'Pruning of Amenity Trees' and by an arborist with a minimum AQF Level 3 qualification in arboriculture.

#### **Reason**

To ensure the protection and ongoing health of trees.

### **(82) 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.

- (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.

**(83) TREE PRUNING – FURTHER APPROVAL REQUIRED**

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

**Reason**

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

**(84) 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.

## **BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

### **(85) BUILDING HEIGHT**

- (a) The height of the building must not exceed the Belmore Park Sun Access Plane under the *Sydney Local Environmental Plan 2012*.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

#### **Reason**

To ensure the constructed development complies with the approved height.

### **(86) RESTRICTION ON USE OF CAR SPACES - HOTEL**

The following conditions apply to car parking:

- (a) The on-site car parking spaces dedicated to the hotel use are not to be used other than by hotel guests, function patrons and staff of the subject building.
- (b) Car parking spaces used in connection with hotel function areas are to be available only to patrons while using the function facilities and must not be used for public car parking.
- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a), above. The covenant is to be created appurtenant to Council, at no cost to Council.

#### **Reason**

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

### **(87) PUBLIC ART**

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

- (a) The public artwork must be in accordance with "Attachment J\_ Updated Public Art Plan\_AI-1154322 (Trim ref: 2024/125264), dated December 2023, the *Sydney DCP 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.
- (b) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's (Director City Planning, Development and Transport) prior to issue of any Construction Certificate for above ground works.

- (c) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.

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

### **Reason**

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

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

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

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

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

### **Reason**

To ensure water systems comply with relevant standards.

**(89) 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.

**Reason**

To protect underground drainage system.

**(90) CONSTRUCTED LEVELS**

A certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the Flood Assessment Report, revision B prepared by NORTHROP Consulting Engineers dated 2 March 2024.

**Reason**

To ensure the development achieves the required floor levels.

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

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

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

**Reason**

To ensure Council is notified of food business details.

**(92) COACH PARKING MANAGEMENT PLAN**

A Coach Parking Management Plan must be prepared in consultation with TfNSW, and submitted to and approved by Council prior to the issue of an Occupation Certificate. The plan must include, but is not limited to the following:

- (i) Anticipated bus/ coach types;
- (ii) Anticipated numbers of bus/coach arrivals per week and time of day of arrivals;

- (iii) Length of stay;
- (iv) Location coach/bus parking spaces available in proximity to the site and how arrivals will be managed.

#### **(93) TRANSPORT ACCESS GUIDE**

A Transport Access Guide, including a strategy for the future distribution of the Guide to staff, clients, customers and visitors to the site, must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being issued.

The Transport Access Guide is to include (but not limited to) the following:

- (a) Suitable nearby drop-off/pick-up locations including on-site set down for taxis.
- (b) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas
- (c) Public Transport options adjacent to the site
- (d) Pedestrian access to the site
- (e) Bicycle Parking and cycleway networks to the site

**Note:** Transport Access Guide requirements are detailed in section 7.7 of the DCP. Information about preparing a Transport Access Guide is available on Council's website.

#### **(94) BICYCLE DIRECTIONAL SIGNAGE AND WAYFINDING PLAN**

Signage directing users to the bicycle parking facilities are to be installed from the street level, between the bicycle riders entry point/s at the site boundary and the entry point to the bike parking and End of Trip facilities. Signage is to be generally in accordance with signage shown in *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*. The signage plan must be submitted to and approved by Council prior to the Occupation Certificate for the site being granted. Signage is to be installed before the issue of any Occupation Certificate.

#### **(95) SHOPPING TROLLEY MANAGEMENT PLAN**

A management plan must be submitted to and approved by Council prior to the issue of an Occupation Certificate for the supermarket use. The management plan is to detail the proposed method of retaining trolleys on site, trolley tracking and trolley recovery. Trolleys must remain and be contained within the boundary of the supermarket. The management plan must be implemented at all times during the use of shopping trolleys and is to be reviewed on an as needed basis or annually whichever is sooner. Any changes to the plan are to be approved by Council in writing prior to the amendment of the plan.



**(96) LOADING SERVICING AND VALET MANAGEMENT PLAN**

A Loading Servicing and Valet Management Plan including car lift operation and use, must be submitted to and approved by Council prior to any Occupation Certificate for the site being granted.

The Loading Dock Manager is responsible for ensuring that servicing of the site between 10pm to 7am, must be undertaken in such a way as to minimise acoustic impacts to neighbouring properties.

The servicing of the site is to occur in accordance with the loading dock management plan dated 5 September 2023 prepared by Traffix (reference 15.306r21v02) that had submitted with this application. The applicant should liaise with TfNSW and the final version of the Loading and Service management plan has to be endorsed by the Transport for NSW prior to submitting to the Council for approval.

**(97) 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.

**(98) 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.

**(99) SURVEY CERTIFICATE AT COMPLETION**

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

**Reason**

To ensure the development does not encroach onto neighbouring properties.

**(100) 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.

## **OCCUPATION AND ONGOING USE**

### **(101) 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.

### **(102) HOURS OF OPERATION - SENSITIVE USES**

The hours of operation are regulated as follows:

- (a) The hours of operation for the restaurant (including the outdoor terraces) located on Level 7 must be restricted to between 6am and 11pm Monday to Sunday.

#### **Reason**

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

### **(103) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION**

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

#### **Reason**

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

### **(104) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE RESIDENTIAL PREMISE**

- (a) Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate residential accommodation:

- (i)  $L_{A1, \text{Slow 15 minute}} \leq L_{A90, \text{15 minute}} \text{ dB(A)}$ .

#### **Reason**

To protect the acoustic amenity of surrounding properties.

**(105) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE COMMERCIAL PREMISE**

- (a) Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate commercial premise:

(i)  $L_{A1, \text{Slow 15 minute}} \leq L_{A90, 15 \text{ minute}} + 3 \text{ dB(A)}.$

**Reason**

To protect the acoustic amenity of surrounding properties.

**(106) VIBRATION**

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

**Reason**

To protect the amenity of surrounding properties.

**(107) 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 (Lp) 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 NPfI unless otherwise agreed by the City's Area Planning Manager.

#### **Reason**

To protect the acoustic amenity of surrounding properties.

#### **(108) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT**

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

- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

**Reason**

To protect the acoustic amenity of surrounding properties.

**(109) 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.

**(110) HOT WATER SERVICE**

The capacity of the hot water service must ensure that a constant supply of hot water is provided to the 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 the food premises has a constant supply of hot water in accordance with relevant standards.

**(111) 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.

**(112) SHOP FRONTS/ CONVENIENCE STORES**

- (a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.

- (b) Security roller shutters must not be installed on the outside of the shop front. Any security grill is to be a dark recessive colour, located on the inside of the shop front, must be an open grille / see through and not a solid metal type. Details are to be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.
- (c) Merchandise, public telephones, stored material or the like must not be placed on the footway or other public areas.
- (d) No flashing signage visible from the public way shall be installed.
- (e) The approved layout must not be altered, without the prior approval of Council, where it would result in the shopfront being obscured in any way.
- (f) Any proposed shelving along the glass shopfronts must be of an open-framed, see through construction and the combined height of shelving and any goods displayed must not exceed 1200mm above the finished floor level.
- (g) All shelving, shop fittings, refrigeration equipment and the like which are placed in front of windows, must be kept a minimum of 1 metres from the inside face of the window.

**Reason**

To ensure an appropriate presentation to the public domain.

**(113) 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.

## **SCHEDULE 3**

### **TERMS OF APPROVAL**

The Terms of Approval for Integrated Development as advised by Water NSW are as follows:

#### **(114) DEWATERING**

- (a) 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.
- (b) 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.
  - 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.
- (c) 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.
- (d) 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:



- (i) record water taken for which the exemption is claimed, and
  - (ii) record the take of water not later than 24 hours after water is taken, and
  - (iii) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and
  - (iv) keep the record for a period of 5 years, and
  - (v) 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 not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- (e) 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.
- (f) The design and construction of the building must prevent:
  - (i) 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;
  - (ii) 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
  - (iii) any elevated water table from rising to within 1.0 m below the natural ground surface.
- (g) Construction phase monitoring bore requirements GTA:
  - (i) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.
  - (ii) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application.
  - (iii) The monitoring bores must be installed and maintained as required by the water supply work approval.
  - (iv) The monitoring bores must be protected from construction damage.
- (h) Construction Phase Monitoring programme and content:

- (i) 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):
  - a. 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.
  - b. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;
  - c. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;
  - d. 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.
- (ii) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- (i) 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.

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):

- (i) All results from the Approved Monitoring Programme; and
- (ii) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website.

The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website [www.waternsw.com.au/customer-service/water-licensing/dewatering](http://www.waternsw.com.au/customer-service/water-licensing/dewatering).

- (j) 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

- (k) 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.
- (l) 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.
- (m) The following construction phase monitoring requirements apply (Works Approval):
  - (i) 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.
  - (ii) The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme).
  - (iii) The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

## **SCHEDULE 4**

### **EXTERNAL REFERRAL CONDITIONS**

#### **AUSGRID CONDITIONS**

The following conditions are provided by Ausgrid:

##### **(115) UNDERGROUND CABLES**

- (a) The Accredited Service Provider who worked with the developer's bulk excavation contractor has not provided all the information to the Ausgrid GIS team as the removal of the Ausgrid assets that were contained within the site boundary. Ausgrid requires this information to be submitted including the required field book records for the exact location of the cut off or removed conduits at or past the site boundary. As such abandoned electricity underground substation S866 and pits (SY54888, SY548495, SY54902, SY54909) and associated covenants are still shown on the Ausgrid system. A precondition to a construction certificate being issued is that these are provided to Ausgrid's satisfaction.
- (b) Special care should be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing conduits and cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

##### **(116) SUBSTATION**

Existing Ausgrid Substation ZN5959 Belmore Park Zone.

Ausgrid has an existing major substation adjoining the property and the underground switch rooms for this substation are covered by an Easement over the development site. As such the certifier shall not issue a construction certificate until written approval from Ausgrid is provided to each of the items below;

- (a) The foundations of the proposed development at the north east corner may have an adverse impact on the Ausgrid cable tunnel & the shaft to the cable tunnel. The developer will need to satisfy Ausgrid that column loads are transferred away from the Ausgrid shaft.
- (b) The deep excavation required for the lift shafts are in proximity to the Ausgrid boundary potentially impacting the substation's basement. Exact dimensions and an engineering report is required to be submitted to Ausgrid for review in relation to possible impacts on the Ausgrid substation.
- (c) The developer will need to comply with requirements of Ausgrid network standard NS 193 with respect to vibration
- (d) Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation

system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres

- (e) Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.
- (f) The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields. (1 HZ – 100 kHz) (ICNIRP 2010). For further details on fire segregation requirements refer to Ausgrid's Network Standard113.
- (g) During crane lifting operations no part of the crane is allowed to slew above the Ausgrid easement or substation building. Ausgrid does permit the crane to “free slew” above its property on the following conditions:
  - (i) The boom is supported on a rated mechanical prop and does not solely rely on the hydraulics or winch brake system.
  - (ii) All slings / chains are removed from hook at the end of each day's work
  - (iii) The hook is stored in the upper most position
- (h) The proposed developments earthing system will need to interface with the existing Ausgrid substation earthing system and must ensure there is no step and touch potential hazards. Therefore, the developer will need to.
  - (i) Provide Ausgrid with proposed earthing and steel work designs for review.
- (i) The building is constructed adjacent to the Eastern Suburbs rail tunnel and may provide a path for DC stray currents into the Ausgrid substation and network. The development will need to comply with Ausgrid network standard NS 270 Electricity Supply (Corrosion Protection) regulation NSW 2014.

#### **(117) FOR ACTIVITIES WITHIN OR NEAR TO THE ELECTRICITY EASEMENT**

##### **Purpose Of Easement:**

This easement was acquired for the 132,000 volt transmission assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the transmission assets and to provide adequate working space along the route of the cables or location of equipment for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities over or near the transmission cables or equipment which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network. The sites proposed driveway is over the roof of the Ausgrid substation and loading limitations apply which the developer will need to comply with.

The Following Conditions Apply for any Activities Within Ausgrid's Easement and the certifier shall not issue a construction certificate until written approval from Ausgrid is provided to each of the items below:

- a) No buildings/structures or parts thereof constructed may encroach the easement.
- b) The proposed driveways and other vehicle access is directly on top of the Ausgrid switch room and must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets and may require the load to be transferred onto the developer's structures. Ausgrid will require a review of the proposed road in detail when the detailed structural design documentation is produced.
- c) No machine excavation is permitted within the easement without Ausgrid's express permission.
- d) During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.
- e) Bulk solids (e.g., sand and gravels) are not to be stored within the easement area.
- f) The proposed finished ground levels within the easement must be approved by Ausgrid.
- g) Trees, shrubs, or plants which have root systems likely to grow greater than 250mm below ground level are not permitted within the easement or close to Ausgrid infrastructure. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained.
- h) Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.
- i) Ausgrid is not responsible for the reinstatement of any finished surface within the easement site.
- j) Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.
- k) Ausgrid will require a review of any and all temporary structures that are proposed to be placed over the 132kV switch room roof (i.e. scaffolding, hoardings etc.) Precautions are to be made to mitigate the risk of scaffolding collapse & ground movement. Stockpile storage or mobile cranes will not be permitted over the 132kV switch room.

#### **(118) BUILDING CONSTRUCTION ACTIVITIES**

The certifier shall not issue a construction certificate until written approval from Ausgrid is provided to each of the items below:

- (a) Ausgrid requests the opportunity to review designs and methodologies for excavation and construction of the proposed development
- (b) The use of ground anchors on the eastern boundary is not permitted by Ausgrid. The impact of digging below Ausgrid's level will be largely dependent on the quality of the rock at the foundation level. Ground movements will also need to be considered associated with a deeper excavation and may not be permitted by Ausgrid.
- (c) A sacrificial deck (or similar system approved by Ausgrid) will be required over the 132kV switch room roof to catch any accidental dropping /falling of the roof of the underground 132kV switch room contains a waterproofing membrane that must not be disturbed or damaged in any way as a result of construction activities.

## **SYDNEY TRAINS CONDITIONS**

The following conditions are provided by Sydney Trains:

**(119)** Prior to the issuing of a Construction Certificate, the Applicant shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version rail specific items in compliance with the relevant AMB Standards (<https://www.transport.nsw.gov.au/industry/asset-management-branch>):

- (a) Geotechnical Report that evaluates the impact of the development on the rail tunnel below the subject site. The Report is to ensure that the proposed development is structurally sound and will not jeopardise the structural integrity of the existing rail tunnel.
- (b) Cross Sectional Drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor, easements, and tunnel reserves. The measured distances between the proposed development, property boundary and rail assets (including easements and tunnel reserves) at the closest point must be shown. All measurements are to be verified by a Registered Surveyor.
- (c) Detailed Survey Plan locating the proposed development with respect to the rail boundary and rail infrastructure, including easements and tunnel reserves.
- (d) Construction Methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- (e) An FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.



- (120)** If required by Sydney Trains, a tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Certifier is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the tunnel monitoring plan, and if required, that it has been endorsed.
- (121)** Prior to the undertaking of any works, the Applicant shall provide to Sydney Trains documentation detailing how the proposed works are to be undertaken and confirmation from an appropriately qualified engineer(s) that there will be no negative impact on rail infrastructure (including below ground tunnels) or rail operations. This documentation shall also include details of any loading impacts on below ground tunnels that may arise due to the use of scaffolding for the facade works and/or machinery used during and post construction for maintenance which may remain in a station position for any given time.
- (122)** The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Certifier and Council prior to the issuing of a Construction Certificate. The Certifier must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- (123)** Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- (124)** No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (125)** Prior to the issuing of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to by TAHE (Transport Asset Holding Entity). The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (126)** If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review

and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (127)** If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- (128)** If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (129)** If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Certifier must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.
- (130)** If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Certifier must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (131)** The Applicant/Developer may need power outages (shutting of power to Sydney Trains/TAHE's facilities) to be able to undertake the proposed development. If required, prior to the issue of a Construction Certificate, the Applicant/Developer shall enter into an Agreement with Sydney Trains, enabling this work to be planned and to proceed in a safe and controlled manner. The Certifier shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains that this condition has been satisfied.
- (132)** Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

- (133) The proposed development shall comply with the requirements of the Transport Standard Development Near Rail Tunnels T HR CI 12051 ST.
- (134) Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- (135) Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- (136) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - (b) acts as the authorised representative of the Applicant; and
  - (c) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- (137) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- (138) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface, and they can be contacted via email on [Central.Interface@transport.nsw.gov.au](mailto:Central.Interface@transport.nsw.gov.au).
- (139) Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Certifier is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

## **TRANSPORT FOR NSW CONDITIONS**

The following conditions are provided by TfNSW:

### **(140) GENERAL**

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

### **(141) PROCESS OF ENDORSEMENT OF CONDITIONS**

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall:

- (a) Consult with TfNSW, Altrac and the Sydney Light Rail Operator to ascertain requirements in relation to the protection of TfNSW's infrastructure and to confirm the timing of the each construction certificate and associated documentation and activities prior to preparation of requested documentation;
- (b) Sign Interface Access Deed Poll, Safety Interface Agreement and Works Deed with TfNSW and/or the Sydney Light Rail Operator;
- (c) Confirm in writing with TfNSW what each Construction Certificate stage will involve; and
- (d) Submit all relevant documentation to TfNSW as requested by TfNSW and obtain its written endorsement for each construction stage. A summary report for each construction stage shall also be provided to TfNSW to demonstrate the following:
  - (i) No adverse impacts to the light rail corridor and light rail operation by clearly identifying impacts and mitigation measures; and
  - (ii) Submitted documentation has satisfied the relevant conditions.

The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until received written confirmation from TfNSW that the relevant conditions have been complied with for each Construction Certificate.

#### **(142) REVIEW AND ENDORSEMENT OF DOCUMENTS**

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the applicant should consult with TfNSW, Altrac and the Sydney Light Rail Operator to confirm the timing of each construction certificate and associated documentation and activities prior to the preparation of requested documentation. The applicant should provide the information to TfNSW for review and endorsement. The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until they have received written confirmation from TfNSW that the following conditions have been complied with:

- (a) Prior to the issue of any Construction Certificates, the applicant is to confirm in writing with TfNSW what each Construction Certificate stage will involve;
- (b) Prior to the issue of the relevant Construction Certificate, the applicant shall liaise with TfNSW to ascertain its requirements in relation to the protection of TfNSW's infrastructure. The applicant is to submit to TfNSW all relevant documentation as requested by TfNSW and obtain TfNSW's written endorsement; and
- (c) Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the following documentation shall be provided for the TfNSW endorsement:
  - (i) A Risk Assessment Report – Assessment of risks and mitigation measures in relation to de-stressing anchors, potential re-excavation

and movement of protection walls during the dewatering within the excavated area; and

- (ii) Construction Methodology including details of crane installation and crane diagrams.

#### **(143) PRE-CONSTRUCTION WORK DILAPIDATION REPORT**

Prior to the issue of the relevant Construction Certificate, a pre-construction work Dilapidation Report of the Sydney Light Rail and its assets shall be prepared by a qualified structural engineer. The dilapidation survey shall be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW.

#### **(144) ACOUSTIC ASSESSMENT**

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

#### **(145) ELECTROLYSIS ANALYSIS**

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

#### **(146) REFLECTIVITY REPORT**

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

#### **(147) BALCONIES AND WINDOWS**

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

#### **(148) CONSULTATION REGIME**

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

#### **(149) INSURANCE REQUIREMENTS**

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

#### **(150) WORKS DEED/ AGREEMENTS**

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, if required by TfNSW, Works Deed (s) between the applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed and executed by the parties. These agreements may deal with matters including, but not limited to, the following:

- (a) Sydney Light Rail Operational requirements;
- (b) Sydney Light Rail access requirements;
- (c) Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;
- (d) Indemnities and releases;
- (e) Security of costs;
- (f) Insurance requirements and conditions;
- (g) TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
- (h) Interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface;
  - (i) Interface Access Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:

- a. Pre and post construction dilapidation reports;
  - b. The need for track possessions;
  - c. Review of the machinery to be used during excavation/ground penetration / construction works;
  - d. The need for track monitoring;
  - e. Design and installation of lights, signs and reflective material;
  - f. Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);
  - g. Endorsement of plans regarding proposed craneage and other aerial operations;
  - h. Erection of scaffolding/hoarding;
  - i. Light Rail Operator's rules and procedures; and
  - j. Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.
- (i) Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;
  - (j) Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor;
  - (k) Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
  - (l) Sydney Light Rail site works access approval and access permit to work.

**(151) DURING CONSTRUCTION**

- (a) Construction vehicles shall not be stopped or parked on Hay Street adjacent to the proposed development at any time without prior approval of TfNSW;
- (b) Safe Work Method Statement describes the specific hazards identified for the high risk construction work to be undertaken and the control measures shall be in place, so the work is carried out safely including machinery to be used/operated especially tower cranes/mobile cranes with associated safety measures to be taken;
- (c) All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects;
- (d) No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor;



- (e) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;
- (f) During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;
- (g) The applicant must mitigate all noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits;
- (h) Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority); and
- (i) No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

#### **(152) POST – CONSTRUCTION DILAPIDATION REPORT**

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

#### **(153) REFLECTIVITY REPORT**

Prior to the Issue of the Occupation Certificate, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

#### **(154) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT**

Prior to the issue of any construction certificate, the applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW and the Sydney Light Rail Operator and submit a copy of the final

plan to TfNSW for endorsement via [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au) The CPTMP needs to specify matters including, but not limited to, the following:

#### Site information and building construction plan

- A description of the development;
- Proposed Construction program and construction methodology;
- Construction hours;
- A detailed plan of any proposed hoarding and/or scaffolding;
- Details of crane arrangements including location of any crane(s);
- Location(s) where it is proposed to park construction vehicle;
- Location of any proposed work zone(s);

#### Access and movement

- Pedestrian, cyclists and traffic management measures;
- Haulage routes;
- Predicted number of construction vehicle movements and detail of vehicle types;

#### Impacts

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

#### Mitigation

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

#### Ongoing activities

- Details of the monitoring regime for maintaining the simultaneous operation of buses, light rail and construction vehicles on roads surrounding the site;
- Consultation strategy for liaison with surrounding stakeholders, including other developments under construction; and
- Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Transport for NSW (via [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au)) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

#### During construction

Construction vehicles shall not be stopped or parked on Hay Street adjacent to the proposed development at any time without prior approval of Transport for NSW.

### **(155) OPERATIONAL TRAFFIC AND TRANSPORT MANAGEMENT**

Prior to the issue of any Occupation Certificate, the applicant shall prepare an Operational Traffic and Transport Management Plan in consultation with TfNSW. This plan shall ensure that any potential traffic and safety impacts of the loading and servicing, coach pick up and drop off, car and bicycle parking along the private laneway on pedestrians/cyclists movements, general traffic and public transport operation along Hay Street are mitigated. The applicant shall submit a copy of the final plan for TfNSW endorsement.

The Operational Traffic and Transport Management Plan shall be implemented by the applicant following the issue of the Occupation Certificate.

### **(156) COACH PARKING MANAGEMENT PLAN**

Prior to the issue of any Occupation Certificate, the applicant shall prepare a Coach Parking Management Plan in consultation with TfNSW. The plan must include, but is not limited to the following:

- Proposed coach parking spaces to be utilised;
- Pedestrian travel paths between coach spaces and access to the hotel;
- Utilisation surveys of the nominated coach parking spaces to identify what capacity to facilitate increased demand;
- Anticipated numbers of bus/coach arrivals per week and time of day of arrivals by type of coaches; and
- Length of stay.

### **(157) TRAVEL ACCESS GUIDE**

Prior to the issue of any Occupation Certificate, the applicant shall prepare a Travel Access Guide (TAG) in consultation with TfNSW. The TAG will need to be

updated on a regular basis as any more infrastructure comes into existence. The TAG should also:

- Provide information advising employees and visitors about service routes and timetables for buses is available on the Trip Planner at [transportnsw.info/](http://transportnsw.info/)
- Provide information advising employees and visitors that additional information about current cycling routes is available on the Trip Planner at [transportnsw.info/](http://transportnsw.info/)
- Promote and provide information any car-pooling options, or parking management options.