

# **Attachment A**

<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/2023/1045 dated 17 November 2023 and the following drawings prepared by Bates Smart:

Drawing Number	Revision	Drawing Name	Date
A02.100	B	Pangas House – Demolition plans	15 May 2024
A02.200	A	Pangas House – Plans	15 May 2024
A02.201	A	Pangas House – Elevations & Finishes	15 May 2024
A02.202	A	Pangas House – Sections	15 May 2024
A03.0B6	B	Basement 06	15 May 2024
A03.0B5	B	Basement 05	15 May 2024
A03.0B4	B	Basement 04	15 May 2024
A03.0B3	B	Basement 03	15 May 2024
A03.0B2	B	Basement 02	15 May 2024
A03.0B1	C	Basement 01	30 July 2024
A03.00G	C	Ground Floor	29 July 2024
A03.001.1	B	Level 1 – Lobby	15 May 2024
A03.002	B	Level 2	15 May 2024
A03.003	B	Level 3 – Plant & Substation	15 May 2024
A03.004	B	Level 4 – Plant	15 May 2024
A03.005	B	Level 5	15 May 2024
A03.006	B	Level 6	15 May 2024
A03.007	B	Level 7	15 May 2024
A03.008	B	Level 8	15 May 2024
A03.009	B	Level 9	15 May 2024
A03.010	B	Level 10	15 May 2024
A03.011	B	Level 11	15 May 2024

Drawing Number	Revision	Drawing Name	Date
A03.012	B	Level 12-14 – Low Rise Typical	15 May 2024
A03.015	B	Level 15 – Village Deck	15 May 2024
A03.016	B	Level 16 – Village Deck Terrace	15 May 2024
A03.017	B	Level 17 – Plant	15 May 2024
A03.018	B	Level 18-32 – Mid Rise Typical	15 May 2024
A03.033	B	Level 33 – Village Deck	15 May 2024
A03.034	B	Level 34 – Village Deck Mezzanine	15 May 2024
A03.035	B	Level 35 – Plant	15 May 2024
A03.036	B	Level 36-50 – Typical High Rise	15 May 2024
A03.051	B	Level 51 – Sky Terrace	15 May 2024
A03.052	B	Level 52 – Sky Terrace Mezzanine	15 May 2024
A03.053	B	Level 53 – Plant	15 May 2024
A03.054	B	Level 54 – Plant	15 May 2024
A03.055	B	Roof	15 May 2024
A09.000	B	West Elevation – Metro	15 May 2024
A09.001	B	North Elevation – Hunter Street	15 May 2024
A09.002	B	South Elevation – Martin Place	15 May 2024
A09.003	B	East Elevation – Pitt Street	15 May 2024
A09.101	A	The Little Building – Elevation	15 May 2024
A09.102	A	The Little Building – Elevation	15 May 2024
A09.103	A	Laneway – North Elevation	15 May 2024
A10.001	B	Section AA_North-South Section	15 May 2024
A10.101	A	Sections – Building Entries	15 May 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) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) An additional 20 bicycle parking spaces for visitors are to be provided at the at the ground floor level.
- (b) Awnings extending over the public domain must be amended to provide a minimum 1.5m setback from the face of the kerb, at least for the extent if the tree canopy, in order to accommodate street trees.
- (c) The ground floor plan and any relevant sections for must be updated to reflect the recommended floor levels in the approved Flood Assessment Report prepared by Taylor Thomson Whitting dated 30 July 2024 (Council Ref: 2024/443926). Amended levels are to include:
  - (i) Updated cross sections and driveway longitudinal sections including the existing and proposed levels along Pitt Street to the bicycle lane.
  - (ii) The driveway crossing layback is to be designed according to the City's Standard Drawing and the proposed slope across the footpath between 1% and 2.5%.
  - (iii) Demonstration of compliance with required minimum ground clearance for B85/B99 as per AS/NZS2890.1 in amended longitudinal sections along swept paths for both directions (in and out).

The modifications are to be submitted to and approved by 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.

## **(3) ACCESS TO ADJACENT PROPERTY**

Approval is not granted for any access to Level 1 of the development from 7 Hunter Street. Emergency egress must not rely on adjacent properties and must be contained wholly within the site.

### **Reason**

To ensure emergency egress is provided on site.

## **(4) DESIGN QUALITY EXCELLENCE**

- (a) As the proposal has been awarded bonus floor space for achieving design excellence and in order to ensure the design quality excellence of the development is retained to completion:

- (i) The design architect(s) being Bates Smart is to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages;
  - (ii) The design architect(s) is/are to have full access to the site and is/are to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;
  - (iii) Evidence of the design architect's commission must be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director City Planning, Development and Transport.

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

**Reason**

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

**(5) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 222.00 (AHD) to the top of the plant level and RL 225.00 (AHD) to the top of the architectural roof feature.
- (b) All roof-top elements and roof-top plant and associated equipment must be located within the approved building envelope and not penetrate any relevant sun access plane.
- (c) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

**Reason**

To ensure the constructed development complies with the approved height.

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

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 23.88:1 calculated in accordance with the *Sydney Local Environmental Plan 2012*. For the purpose of the calculation of FSR, the maximum Gross Floor Area of the approved development is 50,338 sqm.

- (b) Prior to any Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the *Sydney Local Environmental Plan 2012* applicable at the time of development consent, to the satisfaction of the Principal Certifier.
- (c) Prior to any Construction Certificate being issued, Council's written verification must be obtained, confirming that 5,851sqm of heritage floor space was allocated (purchased, transferred and registered by Council as an allocation) to the development, being that gross floor area in excess of 15.5:1 as specified in the *Sydney Local Environmental Plan 2012*.

**Reason**

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

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

The terms of the planning agreement dated 30 May 2023 entered into between the City of Sydney and FT Sydney Pty Ltd as trustee for RT Sydney Unit Trust, The Owners Strata Plan No.69888 and The Owners Strata Plan No.690693 are to be complied with.

**Reason**

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

**(8) 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.

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

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- (b) The contribution is \$7,715,840.30 (indexed at 1 March 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 (69,039sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2024 to 28 February 2025, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment =  $C \times \text{MDP2} / \text{MDP1}$ , where:
  - (i) C is the original total contribution amount payable to the City of Sydney as shown above;
  - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
  - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being 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.

**(10) DEMOLITION/SITE RECTIFICATION**

The terms of Condition (3) in the consent for Development Application D/2023/442 in relation to the preparation and entering into a Deed with Council for the purposes of site rectification must be complied with.

**Reason**

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



## **(11) MATERIALS AND SAMPLES**

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued.

The materials and samples board must:

- (a) Provide a detailed external schedule of colours for Pangas House. The external colour scheme of Pangas House is to be sympathetic to the architectural style and period of the building;
- (b) Provide details, materials and finish of the sandstone;
- (c) Provide details on all glazing types proposed (including manufacturer details and specifications; and
- (d) Not include generic material and colour descriptions or use terminology as 'or similar'.

The design details of the proposed building façade including all external finishes, colours and glazing must be in accordance with the materials and samples board as approved by this condition.

### **Reason**

To require the submission of a materials and samples board following assessment of the development and to ensure all parties are aware of the approved materials and finishes that apply to the development.

## **(12) 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 Preliminary Public Art Plan prepared by Barbara Flynn (Council Ref: 2024/346662), 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 Director City Planning Development & Transport prior to the issue of any Occupation Certificate.

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

**Reason**

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

**(13) TREES APPROVED FOR REMOVAL**

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

Table 1 – Tree Removal:

Tree No	Species:	Location
4	<i>Fraxinus pennsylvanica</i> (Green Ash)	Street Tree – Pitt Street

- (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.

**(14) TREES THAT MUST BE RETAINED**

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

Table 2 – Tree Retention:

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

Tree No	Species:	Location
1	<i>Celtis australis</i> (Nettle Tree)	Street Tree – Hunter Street
2	<i>Platanus x acerifolia</i> (London Plane Tree)	Street Tree – Pitt Street
3	<i>Fraxinus pennsylvanica</i> (Green Ash)	Street Tree – Pitt Street

**Reason**

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

**(15) GENERAL HERITAGE**

- (a) The proposed works to Pangas House are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.

**Reason**

To ensure that the development does not result in adverse heritage impacts.

**(16) DESIGN DETAILS OF PANGAS HOUSE**

The following design details of Pangas House are to be submitted to the satisfaction of Council's Director City Planning Development & Transport prior to the issue of a Construction Certificate:

- (a) Shopfront reconstruction, drawings at 1:10 or 1:20, including elevations, sections and plans, joinery details and material and finish specifications;
- (b) Any alterations to the building or its components to comply with NCC but not shown on the approved plans, including any structural retrofitting work and provision of services;
- (c) Demolition, salvage and reconstruction methodology to the eastern rear wing;

**Reason**

To ensure that the development does not result in adverse heritage impacts.

**(17) ARCHAEOLOGICAL INVESTIGATION**

- (a) The applicant must apply to the Heritage NSW of the Department of Climate Change, Energy, the Environment and Water for an excavation permit under Section 140 of the *Heritage Act 1977*.
- (b) Should any potential archaeological deposit likely to contain Aboriginal objects be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the NSW Government Office of Environment and Heritage for an excavation permit for Aboriginal objects.

- (c) The applicant must comply with the conditions and requirements of any excavation permit required and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (f) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately, and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*;
- (g) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council's Urban Design and Heritage Manager prior to issue of any Occupation Certificate.

**Reason**

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

**(18) MATERIALS FOR MAKING GOOD**

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

**Reason**

To ensure appropriate materials and finishes are used.

**(19) 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.

**(20) 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.

**(21) 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.

**(22) SERVICE VEHICLE SIZE LIMIT**

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

**Reason**

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

**(23) SIGNAL SYSTEM**

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

The signal system must prioritise incoming vehicles to the site to minimise disruption to the public road.

**Reason**

To maintain the orderly operation of vehicle parking areas.

**(24) SIGNS AT EGRESS**

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

- (a) a sign 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.

**(25) VEHICLE ACCESS**

All vehicles are to enter and depart the site travelling in a forward direction.

**Reason**

To increase pedestrian safety at the site access.

**(26) INTERCOM FOR VISITORS**

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

**Reason**

To maintain the orderly operation of vehicle parking areas.

**(27) SECURITY GATES**

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

**Reason**

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

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

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

**Reason**

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

**(29) 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.

**(30) NO OBSTRUCTIONS**

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

**Reason**

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

**(31) PAVING MATERIALS**

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

**Reason**

To ensure appropriate and safe paving materials are used.

**(32) EXTERNAL LIGHTING**

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

**Reason**

To clarify that consent has not been granted for the external floodlighting or illumination of the development.

**(33) SIGNS - SEPARATE DA REQUIRED**

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

**Reason**

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

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

Consent is granted for commercial office use within the tower development. No consent is granted or implied for the fitout or specific use of the retail tenancies.

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

**Reason**

To require separate consent to be obtained for a use.

**(35) 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.

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

Any proposal for future 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.

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

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

**Reason**

To ensure that waste and recycling is appropriately managed throughout all phases of the development.



# **BUILDING WORK**

## **BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **(38) SIGNAGE STRATEGY**

A signage strategy for the building is to be submitted to council and approved by Council's Director City Planning Development & Transport prior to the issue of a Construction Certificate for any above ground works. The signage strategy 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.

### **(39) BOUNDARY SURVEY PRIOR TO CONSTRUCTION CERTIFICATE**

- (a) Prior to the issue of any approval for 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 & 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 & restrictions. This written confirmation shall be provided to the PCA prior to the issue of a Construction Certificate.

#### **Reason**

The subject boundaries are poorly defined. It is necessary to first define the boundaries and minimise the risk of boundary disputes, encroachment and delays.

### **(40) 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 WSP Consultants, dated 5 April 2023, ref A11232243, titled Hunter & Pitt Street Operational Noise and Vibration Impact Assessment, Council Ref 2024/313593 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.

### **(41) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

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

All works must be undertaken onsite in accordance with the approved Construction Environmental Management Plan.

#### **Reason**

To ensure that construction is appropriately managed.

### **(42) DEMOLITION AND EXCAVATION WORKS METHODOLOGY REPORT**

Prior to the issue of a Construction Certificate, a Demolition and Excavation Works Methodology (DEM) Report incorporating the following requirements must be completed:

- (a) A professional engineer with suitable tertiary qualifications in civil, structural or other equivalent discipline, or a person with adequate industry experience in the specialist demolition of structure via non-percussion hammer methodology, i.e. concrete removal and disposal, is to be appointed (the Demolition Professional). Their qualifications are to be documented.

- (b) A suitably qualified acoustic consultant\* is to be appointed, their qualifications documented.
- (c) The use of excavator mounted or otherwise non-handheld, power actuated percussion hammers, rock breakers (or otherwise known, such/similar equipment) is not permitted for general use on the site other than as detailed in the DEM Report. Any exclusion to this will be to a reported work methodology provided to the written satisfaction of Council.
- (d) The Demolition Professional & Acoustic Consultant will prepare a joint report DEM Report which must:
  - (i) Review the construction of the existing building and the land to be excavated and review proposed demolition and excavation methods for the development.
  - (ii) Identify and provide alternative demolition and excavation works methodologies, or noise mitigations to proposed methodologies, that must be used in any demolition and excavation to ensure works comply with all recommended conditions to control noise and vibration from demolition, excavation and construction in this development consent. Methodologies which must be considered include:
    - a. Section sawing, slab sawing and wall sawing,
    - b. Diamond tipped wire sawing,
    - c. Bursting, splitting, fracturing and water jet cutting type means,
    - d. Portable or excavator assisted crushing methodologies, and
    - e. Other means aside from apparatus excluded in part (c) above.
  - (iii) The DEM Report may not dismiss the use of any of the above in favour of non-handheld percussion hammer equipment for demolition without:
    - a. Identifying the specific floor and section of the building for which non-handheld percussion equipment is proposed to be used. The report is not to generalise areas and sections of the building,
    - b. Providing specific written justification as to why each of the methodologies cannot be employed with reference to the specific section of the building in which non-handheld percussion hammers are proposed to be used,
    - c. If Workplace Health & Safety is to be used as a basis for exclusion of the methodologies, the Demolition Professional must be able to present a risk assessment documentation detailing as to why this is the case,
    - d. Providing advice from the Acoustic Consultant as to specific acoustic treatment / mitigation in any circumstances where percussion hammers are proposed to be used, and

- e. Outlining the degree of noncompliance with the NOISE AND VIBRATION CRITERIA – CONSTRUCTION, DEMOLITION, EXCAVATION AND ANCILLARY WORKS Condition (140) at all surrounding noise and vibration sensitive receivers, including but not limited to those outlined in the revised Operational Noise and Vibration Assessment, WSP dated 5 April 2024 (Council Ref: 2024/313593) including the Raddison Hotel at 27 O`Connell Street.
  - f. Generalist reference to AS2346 techniques or otherwise is not permitted. The report must detail the application and location of specific noise and vibration controls, at different levels and locations of the site.
- (iv) The report must provide a statement prepared by the Demolition Professional and Acoustic Consultant that the methodology reported on incorporates all reasonable and feasible measures to reduce the environmental noise and vibration impacts of the proposal. The report must support this statement with adequate demonstration that alternative methodologies have been investigated.
- (e) The DEM Report must be submitted to and approved by Council's Area Planning Manger prior to the issue of a Construction Certificate.
- (f) The findings and recommendations in the final approved DEM Report must be complied with throughout the duration of the development.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the acoustical qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

**Reason**

To protect the amenity of the surrounding area and surrounding developments.

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

A site-specific written Demolition, Excavation & Construction Noise & Vibration Management Plan shall be submitted to and approved by the City's Area Planning Manager prior to issue of a relevant Construction Certificate or commencement of any works.

The Demolition, Excavation & Construction Noise & Vibration Management Plan must be prepared by a suitably qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australasian Acoustic Consultants.

The Demolition, Excavation & Construction Noise & Vibration Management Plan must include, but not be limited to, the following:

- (a) Acknowledgement of the DEM report required under condition (42).

- (b) A review and identification of all noise sensitive receivers near to the site.
- (c) A review of all relevant work on the development including construction, demolition and excavation work, and ancillary activities to the site generating noise associated with preparation for the commencement of work (e.g. fitout, loading and unloading of goods, transferring of tools etc), in connection with the proposed development.
- (d) A review of relevant noise and vibration criteria and approved hours for work on the development.
- (e) Cumulative noise and vibration impact predictions on nearby sensitive receivers from relevant works against respite periods criteria for noise and imperceptibility criteria in NOISE AND VIBRATION CRITERIA – CONSTRUCTION, DEMOLITION, EXCAVATION AND ANCILLARY WORKS Condition (140).
- (f) Details of work that causes the cumulative noise and vibration impact to exceed the criteria noted in (e) above must be specified in the plan. The plan must review 'Highly Intrusive Work / Use of Intrusive Appliances' for substitute methodologies, alternate plant and equipment, and or noise mitigations, to comply with criteria in (e) above.
- (g) Residual work that cannot comply with criteria outlined in (e) above after review must be documented as 'Highly Intrusive Work / Use of Intrusive Appliances.' This must include relevant work outlined in conclusions of the DEM Report. Further:
  - (i) Such work must only be carried out in accordance with relevant time restrictions provided by the APPROVED HOURS OF WORK AND RESTRICTION ON HIGHLY INTRUSIVE WORK AND USE OF INTRUSIVE APPLIANCES Condition (139)
  - (ii) Such work must be carried out in accordance with relevant noise and vibration emissions criteria in the NOISE AND VIBRATION CRITERIA – CONSTRUCTION, DEMOLITION, EXCAVATION AND ANCILLARY WORKS Condition (140)
- (h) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria in (e) above.
- (i) What complaints handling process and course of action will be undertaken following receipt of a complaint concerning excessive noise from works.
- (j) What community consultation and information strategy will be undertaken to keep surrounding land users informed as to the likely impact of forthcoming works.

**Reason**

To protect the amenity of the surrounding area and surrounding developments.

#### **(44) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 109-113 Pitt Street, Sydney (and any other properties or items identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of a Construction Certificate.

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

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

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

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

#### **Reason**

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

#### **(45) HERITAGE INTERPRETATION PLAN**

- (a) An interpretation plan for Pangas House, Empire Lane and the history of the site must be submitted to and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to any Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan must incorporate archaeological finds of the site, if applicable.
- (d) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.

- (e) Prior to occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager / Area Planning Manager.

**Reason**

To ensure that the heritage of the site is appropriately interpreted and incorporated into the development.

**(46) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS**

Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council's Urban Design and Heritage Manager / Area Planning Manager. The report must explain how the retained building elements, such as building facades or chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

**Reason**

To ensure the preservation of the building elements that are proposed to be retained.

**(47) PROTECTION OF THE TANK STREAM**

The approved works must ensure that the Tank Stream is to be suitably protected during the construction process. The contractor or developer must conduct consultations with the stakeholders of the neighbouring heritage site, record and monitor the conditions of the heritage building and take suitable measures to control and minimize any risks to the heritage fabric during construction. The following documentation must be prepared:

- (a) A structural report, prepared by a suitably qualified structural engineer based on the information of detailed geotechnical investigations
- (b) Protection measures and methodology of the Tank Stream that has been included in the construction management plan.

The structural report and protection methodology must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

**Reason**

To ensure the preservation of heritage items.

**(48) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)**

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

## Procedure

For buildings or structures with heritage significance, the archival documentation, and the number and type of selected enlarged photographs required will be determined by the significance and quality of the building or structure. For a scope of work, refer to Council's Heritage Specialist to determine the particular architectural/design features of the building/site that may need to be recorded.

For buildings or structures with no heritage significance the archival documentation requirements are less comprehensive and may just be limited to contextual and exterior photographs only. However, this will depend upon the type, complexity and significance of the building, and should be confirmed with Council's Area Coordinator Planning Assessments / Area Planning Manager, and if necessary, Council's Urban Design and Heritage Manager.

Because significant fabric may remain concealed and only be exposed during construction works, the archival recording is to be undertaken in stages, prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project, and submitted as two parts as follows.

- (a) The first submission of the archival recording of significant building fabric or furnishings is to be prior to the removal of any significant building fabric or furnishings from the site and must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Construction Certificate being issued.
- (b) The second submission of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site and must be submitted to Council prior to any Occupation Certificate being issued.

The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction.'

- (c) For each of the two submissions listed above in (a) and (b), the digital form of the recording is to be as follows:
  - (i) The Development Application number and the Condition of Consent number must be noted.
  - (ii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
  - (iii) The electronic images are to be taken with a minimum 8-megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images.



- (iv) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (v) The report can be submitted on a USB, or digital file transfer in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each location, image subject/description and date.

**Reason**

To ensure appropriate archival documentation of the building.

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

- (a) A work methodology must be prepared specifying how Pangas House is to be protected during the carrying out of the development including demolition, excavation and construction works. The methodology is to consider vibration controls, structural propping and weather protection and waterproofing of exposed party walls.
- (b) The contractor or developer must record and monitor the conditions of the heritage building and take suitable measures to control and minimize any risks to the heritage fabric during construction.
- (c) The protection measures must be incorporated into the construction management plan.
- (d) Details of the protection plan must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate.

**Reason**

To ensure the protection of adjacent/nearby heritage items.

**(50) BUILDING WORKS TO COMPLY WITH NATIONAL CONSTRUCTION CODE – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA**

Any building works required to ensure compliance with the NCC (previously known as BCA), or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to issue of any Construction Certificate.

**Reason**

To ensure an appropriate heritage outcome.

**(51) HERITAGE CONSERVATION WORKS – HERITAGE ITEM OR SIGNIFICANT BUILDINGS**

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Urban Design and Heritage Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage significance/value including but not limited to the following: brickwork, stucco, door and window joinery, glazing, hardware, roof plumbing, timber floor structure and flooring, street awning.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building. Any departure from approved plans requiring additional demolition/chasing of significant fabric is to be discussed with City of Sydney Heritage Specialists for acceptance.
- (e) A schedule of site inspections at key points during construction (like after demolition, before covering significant fabric with new ceilings and floors and/or when design changes impacting significant fabric need to be implemented and required to be discussed with Council) is required to be submitted to City of Sydney for approval.
- (f) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (g) **INSPECTION AND APPROVAL:** The conservation works are to be progressively inspected by Council Heritage Specialists in accordance with approved scheduled site inspections as per point (e), and be implemented to the satisfaction of Council's Urban Design and Heritage Manager prior to the issue of any Occupation Certificate or commencement of the use, whichever is the earlier.

**Reason**

To ensure the carrying out of appropriate heritage conservation works.

**(52) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT**

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of any Construction Certificate or commencement of work on site whichever is the earlier.
- (c) Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:
  - (i) Undertake site inspections of not less than fortnightly intervals.
  - (ii) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
  - (iii) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.
- (d) Upon completion of the works, the final report is to be submitted for approval by Council's Urban Design and Heritage Manager / Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

**Reason**

To ensure that the implementation of the approved development is carried out in a manner that does not have adverse heritage impacts.

**(53) SANDSTONE RECYCLING**

- (a) A feasibility study (the Study) of recycling the sandstone from the proposed basement excavation prepared by a suitably qualified geotechnical engineer in consultation with a quarry master is to be submitted for review by Councils' Urban Design and Heritage Manager prior to the issue of the Construction Certificate.
- (b) The Study is to analyse the quality of the material, including contamination, and to assess the suitability of the rock for removal by cutting into quarry blocks for use as high quality building construction material, including for building conservation.

- (c) Subject to confirmation that the rock is of a suitable quality for reuse in other construction, the Study is to include an Excavation Work Method Statement with recommendations as to the depth of the most suitable profile, details excavation methodologies, cutting methods and procedures for the removal of all sandstone material in a useable form and size, noise and dust attenuation measures in addition to recommendations for monitoring, notifications and review.
- (d) In addition, details of any required storage of material off site must be submitted. If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is 'Yellow Block' sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse or sold for conservation work. Storage may be able to be facilitated by the Council or NSW Public Works. The Minister's Stonework Program Manager at NSW Public Works can be contacted on 1300 00 88 88 to discuss procurement or storage of your stone.
- (e) The programming of the works is to take into account, the above process.

**Reason**

To ensure that sandstone on the site that is of an appropriate quality is removed by cutting into quarry blocks for use as high quality building construction material, including for building conservation.

**(54) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL**

The Operational Waste Management Plan prepared by WSP dated 15 May 2024 (Council Ref: 2024/313589) accompanying the Development Application has been approved by this consent. Recommendations made in this Waste Management Plan must be complied with throughout the carrying out and operation of this development.

Should the architectural plans be updated, an updated Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of a **Construction Certificate**.

**Reason**

To document agreed waste management facilities and arrangements and ensure good waste management outcomes.

**(55) SITE AUDIT STATEMENT**

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

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

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

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

**Reason**

To ensure that the site is appropriately remediated.

**(56) INVESTIGATION AND VALIDATION OF SITE AS SUITABLE**

The site is to be investigated and validated in accordance with the results and recommendations within the submitted Detailed Environmental Site Investigation prepared by EI Australia dated 24 May 2024 (Council Ref: 2024/438207) and the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor Kylie Lloyd of Geosync dated 26 May 2024 and reference AU124067IA2 PSI&DSI endorsed 26 May 2024 (Council Ref: 2024/327984).

All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

**Reason**

To ensure that the site is appropriately remediated.

**(57) IMPLEMENTATION OF A REMEDIATION ACTION PLAN**

On conclusion of required investigations, the site must be remediated to make it fit for its proposed purpose in accordance with a Site Auditor approved remediation action plan.

A Remediation Action Plan (RAP) must be peer reviewed by a NSW EPA Accredited Site Auditor and include either a section B Site Audit Statement or a letter of Interim advice from the Site Auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use.

A Construction certificate must not be issued for any works associated with the built form of the development (excluding building work directly related to any required remediation or investigations) until a Part A1 Site Audit Statement has been issued from the Site Auditor confirming that the site is suitable for the proposed use.

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

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

**Reason**

To ensure that the site is appropriately remediated.

**(58) LANDSCAPING OF THE SITE**

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
  - (i) Location and details of proposed planting and structures on the site including, but not limited to:
    - a. Proposed trees, planting in natural ground and planting on structure; and
    - b. Paving, walls, services, furniture, shade structures, lighting and other features.
  - (ii) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
  - (iii) 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. Tree selection must consider the following:
    - a. The trees species must be a minimum mature height of 5 metres and canopy width of 3 metres. Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.
    - b. Tree selection shall include a diverse range of species which must be consistent with the expected mature heights and growth within the Sydney area (mature heights must not solely rely on plant literature).

- c. New trees must be appropriately located away from structures to allow maturity to be achieved without restriction.
  - (iv) Details of drainage, waterproofing and watering systems.
  - (v) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

**Reason**

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

**Reason**

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

**(59) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE**

- (a) A Tree Planting Plan must be endorsed by the City's Public Domain Unit and approved by Council's Area Planning Manager 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) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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 twelve (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.
- (vi) At the end of the twelve (12) month maintenance period, written acceptance of the tree/s must be obtained from the City before release of the public domain bond.
- (vii) 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.

**(60) 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 installation of any temporary structures e.g. hoarding, scaffolding etc within the TPZ of any tree to be retained;
  - (iv) During any public domain works within the TPZ of any tree to be retained;
  - (v) During the construction of any new structure within the TPZ of any tree to be retained;
  - (vi) During any excavation and trenching within the Tree Protection Zone;
  - (vii) During any landscape works within the TPZ which has been approved by Council.
- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and approved by Council's Area Planning Coordinator | Area Planning Manager at each hold point listed below:
- (i) Certification that tree protection measures have been installed in accordance with these consent conditions;
  - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
  - (iii) Monthly reporting for the duration of construction and development works within the site;
  - (iv) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
  - (v) A final compliance report confirming tree protection measures have been removed from all trees and details of the health and condition of the trees at the completion of the works.
- (c) Evidence demonstrating that all tree compliance reports have been submitted at each key milestone listed above must be submitted to and approved by Council's Area Planning Coordinator | Area Planning Manager prior to the issue of any Occupation Certificate.

**Reason**

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

**(61) TREE MAINTENANCE PLAN AND ANNUAL REPORTING**

- (a) A tree maintenance plan must be submitted for Council approval prior to a Construction Certificate being issued. The plan must include;
- (i) Type of activities and their methodologies;
  - (ii) Frequency of maintenance;
  - (iii) Qualifications and skill level required to perform each activity.

- (b) The maintenance plan must be implemented and complied with immediately following the tree planting, and until the tree reaches the required minimum height limit of 5 metres and 3 metres canopy width.
- (c) The newly planted tree on site must be appropriately maintained on an on-going basis.
- (d) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.
- (e) If the newly planted tree fails to establish or does not reach a height of 5 metres and canopy width of 3 metres it must be replaced with a tree of comparable qualities and container size of 100 litres.
- (f) The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

**Reason**

To ensure the ongoing maintenance of trees.

**(62) WORK ZONE IMPACTS FOR PROTECTED TREES**

Where a proposed Work Zone location is required in the vicinity of any tree to be retained, the building and construction methods used within the Works Zone are to be planned so to minimise the impact on any tree including street trees that are proposed to be retained.

Alternative Work Zone locations will be required including the use of suitable equipment (e.g size of cranes and materials being used) where any tree to be retained is likely to be impacted by constructions including loading and unloading of materials within the Work Zone area.

**Reason**

To ensure the ongoing maintenance of trees.

**(63) TREE BOND**

- (a) A \$35,000 bond for trees numbered 1, 2 and 3 shall be lodged with Council to ensure the retention, protection of the tree/s and adaptation to the altered environment is achieved.
- (b) The applicant shall lodge an unconditional bond with Council prior to the issuing of individual Construction Certificate(s).

- (c) The applicant shall be responsible for the health and condition of trees numbered 1, 2 and 3 for the duration of the works. In the event that at completion of the works, the City's Tree Management Officer determines that the existing trees have been damaged/destroyed (by activities associated with any Development Application related to the subject site) to a value in excess of the retained bond the applicant shall lodge the excess to Council and to an amount determined by Council's Tree Management Officer.
- (d) The bond amount for each stage will be retained for a minimum period of 12 months from the date of a Final Occupation Certificate. At this time, a further inspection will be undertaken by the Consulting Arborist engaged throughout the demolition/construction phases of the development. The Consulting Arborist is to submit an Arboricultural Report to Council at the expiry of each bond period and prior to the bond being refunded. If the report indicates that the tree/s require remedial works, the City's Tree Management Officer will assess the recommendations and determine any works prior to their execution by the Consulting Arborist.
- (e) The following formula will be used for the retention of all or part of the tree bond/s:
  - (i) An initial breach of any tree protection condition – 20% of the total bond for each tree;
  - (ii) A second of continuing breach of any tree protection condition – 40% of the total bond for each tree;
  - (iii) If after 40% of the bond is retained, further breaches of the tree protection conditions occur, Council may instigate legal proceedings for the cessation of all works on the site; and
  - (iv) Death of any protected trees due to noncompliance with the tree protection conditions – Total 100% of the total bond for particular tree/s and possible legal action by Council.

**Reason**

To ensure the ongoing maintenance of trees.

**(64) AMENDED PRUNING SPECIFICATION PLAN**

An amended 'Pruning Specification Report' prepared by a qualified Arborist (minimum AQF Level 5) regarding Tree 1 *Celtis australis* (Nettle Tree) and Tree 2 *Platanus x acerifolia* (London Plane Tree) must be submitted to and approved by Council's Area Planning Manager prior to the issue of Construction Certificate. The report must include:

- (a) Number of branches and orientation, branch diameter, percentage of canopy to be pruned/removed. Note: Pruning is to be a last resort. The tying back of branches is the preferred method if clearances are required

- (b) Photos with individual branches which are recommended for pruning/removal to be clearly marked. (Please note reports which include photos with a single vertical line as the area recommended for pruning will not be accepted).
- (c) A maximum of 10% canopy removal and maximum of 50mm diameter branches will be permitted by Council.
- (d) Pruning work must be specified in accordance with Australian Standard 4373–2007, Pruning of Amenity Trees.
- (e) Tree removal must not be recommended in this report.
- (f) All approved tree pruning works must be carried out by a qualified Arborist, with a minimum Level 3 AQF in arboriculture and in accordance with WorkCover's Code of Practice – Amenity Tree Industry.
- (g) Any pruning works carried out under this consent must not result in the death of the tree, the creation of a hazard or in excessive or inappropriate amounts of pruning, which result in the overall shape of the tree becoming unbalanced and/or unstable.
- (h) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any additional tree pruning works or pruning of any tree roots greater than 40mm in diameter.

**Reason**

To ensure the ongoing maintenance of trees.

**(65) 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.

**(66) 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.

**(67) 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 Registered Certifier, prior to any Occupation Certificate being issued.

**Reason**

To ensure the provision of water efficient taps.

**(68) 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 Registered Certifier, prior to any Occupation Certificate being issued.

**Reason**

To ensure the provision of water efficient shower heads.

**(69) DESIGN FOR ENVIRONMENTAL PERFORMANCE**

- (a) Prior to the issue of a Construction Certificate, the Design for Environmental Performance Report prepared by Mercedes Janecek dated 24 July 2024 (Council Ref: 2024/447520) is to be amended as follows:
  - (i) Section 8 – Designing for mains potable water savings and water efficiency
    - a. Section is to be updated and identify combined storage capacity proposed for water capture and reuse.
- (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 Emissions 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
  - (vii) Section 10 – City Greening

- (viii) Section 11 – Promoting Active Transport and Reducing Transport Emissions
  - (ix) Section 12 – Materials, Embodied Carbon and Circularity
  - (x) Section 13 – Waste Management and Resource Recovery
  - (xi) Section 14 – Third Party Certification and Design, Construction or Technology Innovations
- (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.

**(70) ENERGY PERFORMANCE – NABERS**

The design of the building and its services must achieve a National Australian Built Environment Rating System (NABERS) Energy rating of 5.5 Star + 25% in operation for the base building. This is to be demonstrated by:

- (a) Entering into a Commitment Agreement with the NABERS National Administrator, to deliver this star rating for the base building. A copy of the signed Commitment Agreement contract is required; and
- (b) Providing a copy of the Estimator’s report and Independent Design Review report to the NABERS National Administration and submitting the same reporting with the Construction Certificate application. The reporting must demonstrate the developments capacity to meet the NABERS star rating and the overperformance requirement mandated by the City.

This report must be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to above are as follows:

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

- (iv) Whole building refers to the base building and tenant occupied spaces, as defined under NABERS.
- (v) Estimate report refers to the report created by the Estimator which sets out a realistic estimate of the operational performance of the project determined.
  - a. In accordance with the NABERS Handbook; and
  - b. Without reference, calculation or consideration to GreenPower or other offsite renewable energy.
- (vi) Independent Design Review report is a report prepared in respect to the Independent Design Review by the Reviewer.

**Reason**

To ensure the building achieves the stated energy use performance rating and to reduce greenhouse gas emissions.

**(71) WATER PERFORMANCE - NABERS**

The design of the building and its services must achieve a National Australian Built Environment Rating System (NABERS) Water rating of 3 Stars in operation. This is to be demonstrated by:

- (a) Submitting a signed NABERS Agreement to Rate for the required star rating with the application for a Construction Certificate; and
- (b) Providing a Water Use Assessment Report prepared by a suitably qualified person, demonstrating the building is capable of achieving a NABERS Water rating of 3 Stars, to Council for approval prior to the issue of a Construction Certificate. The Water Use Assessment Report should include calculations in line with the Green Building Council of Australia's (GBCA) Water Use calculator, or other equivalent methodology.

**Reason**

To ensure that the building complies with the 3 Star NABERS water rating required under the State Environmental Planning Policy (Sustainable Buildings) 2022

**(72) ENERGY PERFORMANCE – GREEN STAR**

The design of the building must demonstrate the capacity to achieve a Green Star Buildings 6 Star certification. This it to be demonstrated by:

- (a) Registering the project with the Green Building Council of Australia (GBCA) for a rating under the Green Star Buildings v1 tool. Formal confirmation of registration with the GBCA is required.
- (b) Completing a Green Star Buildings v1 Submissions Planner, which clearly identifies how the proposed star rating will be achieved and what credits will be targeted; and

- (c) Providing a copy of an energy modelling report prepared by a suitably qualified person. Reports prepared under the reference building pathway must demonstrate compliance with all Green Star requirements. The report must demonstrate compliance with minimum expectation and credit achievement requirements.

The required documents specified above are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

**Reason**

To ensure the building achieves the stated energy use performance rating and to reduce greenhouse gas emissions.

**(73) SOLAR PV**

Prior to the issue of a Construction Certificate architectural plans are to be updated to include clear markups and annotations around area requirements and output capacity for PV systems. To maintain consistency with sustainability reporting in the development application; annotations are required to clearly identify all photovoltaic systems, totalling a peak capacity in line with previously reported 240kWp.

**Reason**

To ensure the environmental performance of the development.

**(74) WATER STORAGE**

Prior to the issue of a Construction Certificate architectural plans are to be updated to include clear markups and annotations around area requirements and storage capacity for water storage systems.

Amended plans demonstrating compliance with this condition but be submitted to and approved by the Registered Certifier.

**Reason**

To ensure the environmental performance of the development.

**(75) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Deposit calculated on the basis of 280 square metres of granite site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.



### **Reason**

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

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

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

### **Reason**

To ensure the protection of stone kerbs.

### **(77) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY**

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

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

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

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

**Reason**

To ensure the preservation of existing survey infrastructure.

**(78) PUBLIC DOMAIN CONCEPT PLAN**

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

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

**Reason**

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

**(79) 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 and Flood Planning Level/s 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.

**(80) STORMWATER CONCEPT DESIGN**

An amended stormwater concept design plan must be submitted with consideration of OSD locations and revised floor levels due to the required changes of the proposed flood planning levels. The stormwater concept plan must:

- (a) Indicate an emergency OSD overflow path in the plan view and section.
- (b) Include the proposed OSD levels in the section and plan view to demonstrate gravity discharge and match the surface levels with the amended architectural plans.
- (c) Implement a non-return valve downstream of the control pit (boundary pit) along the Hunter Street frontage.

**Reason**

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

**(81) STORMWATER QUALITY**

The following is required to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate:

- (a) The correct soil type selected in the MUSIC model and an amended MUSIC Link report.
- (b) Amended documentation to implement a long-term filtering system (for the life of the proposed structure/building).

**Reason**

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

**(82) STORMWATER DRAINAGE DESIGN**

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced civil engineer must be submitted to and approved by the City's Public Domain Unit. The plan must be submitted with an Application for Approval of Stormwater Drainage, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The submission 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.

**(83) STORMWATER ON-SITE DETENTION**

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

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

**Reason**

To ensure the requirements of Sydney Water are complied with.

**(84) STORMWATER QUALITY ASSESSMENT**

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

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

**Reason**

To ensure appropriate stormwater quality on the site.

**(85) FLOOD PLANNING LEVELS**

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.

### (86) PUBLIC DOMAIN LIGHTING UPGRADE

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

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

- (a) Hunter Street
  - (i) Lighting compliance with requirements of AS1158 under Category V1 on roadway and Category PP1 + 4lux min. Vert. illuminance on sidewalks.
  - (ii) Remove any Ausgrid light pole along Hunter Street.
  - (iii) If required, Provide COS standard Smartpoles Type S1B 9.6m with GE R250 Eco 200W LED luminaires attached to 3.0m LOR. Provide standard banner arm.
- (b) Pitt Street
  - (i) Lighting compliance with requirements of AS1158 under Category V1 on roadway and Category PP1 + 4lux min. Vert. illuminance on sidewalks/Cycleway.
  - (ii) If required, Provide COS standard Smartpoles Type S1B 9.6m with GE R250 Eco 200W LED luminaires attached to 3.0m LOR. Provide standard banner arm.
- (c) Under awning lighting
  - (i) Provide under awning lighting complying with requirements of COS Awnings Policy.
  - (ii) Lighting must comply with requirements of AS1158 under Category PA2

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

### **Reason**

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

### **(87) DILAPIDATION REPORT - PUBLIC DOMAIN**

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

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

### **Reason**

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

### **(88) TEMPORARY DEWATERING DURING CONSTRUCTION**

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

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

### **Reason**

To ensure dewatering is managed appropriately.

### **(89) 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.

**(90) 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.

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

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

**Reason**

To ensure the mechanical ventilation complies with relevant standards.

**(92) 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
Office and business parking	41
Subtotal	
Motorcycle parking	3
Courier spaces/valet operation/queuing area	3
Service vehicle spaces (B99 van/ute size)	8
Small Rigid Vehicle loading dock(s)	3
Total	58

**Reason**

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

**(93) BICYCLE PARKING AND END OF TRIP FACILITIES**

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

Bicycle Parking Type	Number	Requirements
Non-residential	316	Spaces must be Class 2 bicycle facilities
Non-residential visitor	20	Spaces must be Class 3 bicycle rails at the ground floor near the lobby entrance
End of Trip Facility Type	Number	
Showers with change area	38	Male and female separate facilities
Personal lockers	374	

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

**Notes:**

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.



- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

**Reason**

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

**(94) MECHANICAL PARKING FACILITIES**

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

- (a) A review of the proposed installation by the manufacturer and its suitability for implementation in accordance with the manufacturer's specifications including but not limited to compliance with AS/NZS 2890.1 2004 and its references to AS/NZS 28590.6.
- (b) Implementation of mechanisms addressing potential safety concerns including noise and vibration levels and compliance to the relevant Australian Standards. It includes safety concerns including but not limited to:
  - (i) Queuing potential and the need for onsite waiting space/s
  - (ii) The potential trip hazard posed by the platforms to pedestrians walking within the car parking areas, and
  - (iii) The potential for vehicles affected by the platforms to traverse over the platforms despite activation of the anti-collision mechanism such as, for example car reversing over the platforms while on the paths of travel.
- (c) A plan for responding to the mechanical breakdown and/or system failures. This includes options for necessary trainings/ induction prior to use.
- (d) Stacker cannot be used for visitor parking.
- (e) Any further information requested by the Principal Certifying Authority.

**Reason**

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

**(95) WAITING BAY AT ENTRANCE**

A waiting bay must be provided at the site entrance to accommodate at least a 6.4m long SRV-sized vehicle fully within the site boundary. This will ensure one-way traffic into the ramp is managed and does not impede traffic flow on the public road. An appropriate sign must be included to ensure that any service vehicle or tenant understands to pull the vehicle into the waiting bay when the traffic light on the vehicle ramp is red.

The details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

**Reason**

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

**(96) 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.

**(97) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

**Reason**

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

**(98) 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.

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

- (a) Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality and add visual and public art in the streetscape.

- (b) The artwork installation must be printed, installed and maintained in accordance with Council's *Guidelines for Hoardings and Scaffolding*. Details of the proposed installation must be submitted to and approved by Council prior to the issue of a construction certificate or work commencing.

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

**Reason**

To minimise adverse visual impacts on the locality.

## **BEFORE BUILDING WORK COMMENCES**

### **(100) HAZARDOUS MATERIALS SURVEY REQUIRED**

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

**Reason**

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

### **(101) UNDERGROUND PETROLEUM STORAGE SYSTEM – DECOMMISSIONING REPORT**

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

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

The decommissioning report must contain:

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

**Reason**

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

**(102) 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) From Trunk
1	<i>Celtis australis</i> (Nettle Tree)	Street Tree – Hunter Street	2.4
2	<i>Plantanus x acerifolia</i> (London Plane Tree)	Street Tree – Pitt Street	5.4
3	<i>Fraxinus pennsylvanica</i> (Green Ash)	Street Tree – Pitt Street	2.0

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 (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;

- (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;
- (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.

**(103) 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.

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

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

**Reason**

To ensure relevant approvals for public domain work are obtained.

**(105) FOOTPATH AWNINGS**

Footpath Awnings which are proposed to be constructed above the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the Local Government Act 1993 and/or Section 138/139 of the Roads Act 1993 prior to any Construction Certificate for the building.

Documentation must be submitted to the City's Construction and Building Certification Services Unit. Plans are to include dimensions confirming the awning width and setback from the kerb. Awning gutters are to be concealed from the public domain and plans are to confirm downpipes are located within or recessed into the ground floor frontage of the building.

**Reason**

To ensure relevant approvals for public domain work are obtained.

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

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

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

**Reason**

To ensure appropriate approvals are sought for operating hoisting devices.

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

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

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

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

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



These records must be available for sighting on request by an authorised Council officer.

**Reason**

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

**(108) USE OF A STRUCTURAL ENGINEER**

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

**Reason**

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

**(109) EXCAVATION AND CONSTRUCTION METHODOLOGY**

- (a) A Detailed Excavation and Construction Methodology is to be prepared by the builder engaged for the project. The methodology must be endorsed by the structural consultant engaged as required in this consent and submitted to the Principal Certifier prior to commencement of excavation or construction works whichever is the earlier.
- (b) Excavation is to be carried out in accordance with the methodology required by (a) above.

**Reason**

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

**(110) ROAD OPENING APPLICATION**

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

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

**Reason**

To ensure that approval under the Roads Act is obtained.

## **(111) USE OF GEOTECHNICAL ENGINEER**

- (a) A suitably qualified geotechnical engineer is to be commissioned to work with the consultant team throughout the design development, contract documentation and excavation stages of the project. The engineer is to be involved in the resolution of all matters relating to the excavation to extend the existing basement. The geotechnical engineer is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of excavation issues throughout the project.
- (b) The recommendations of the Geotechnical Assessment prepared by JK Geotechnics Ref: 36251PNrpt dated 26 October 2023 (Council Ref: 2023/661594) must be implemented, and where relevant be included in the Detailed Excavation and Construction Methodology required by condition 42.

### **Reason**

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

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

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
  - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);

- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

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

**Reason**

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

**(113) OTHER REQUIRED APPROVALS**

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

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

- (h) any other structure or encroachment including facade elements/architectural features.

**Reason**

To ensure use of a public place is managed appropriately.

## **DURING BUILDING WORK**

### **(114) SURVEY**

- (a) AT FOUNDATION STAGE - All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.
- (b) Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying & Spatial Information Act, 2002, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries and is in accordance with approved setbacks. This survey shall be provided to the Principal Certifier prior to the concrete pour. The concrete pour must not take place until the Principal Certifier receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site and is compliant with the setbacks and reduced levels approved under this consent.
- (c) AT COMPLETION - Prior to the issue of any staged or final Occupation Certificate for a part or the whole of the building - a Final Identification Survey prepared by a Surveyor Registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the height and location of the building in relation to the boundaries of the allotment. Any encroachments of the building over the external site boundaries or proposed internal boundaries as approved by this consent must be rectified prior to the issue of a staged or final Occupation Certificate for the whole or any part of the building, or suitable easements registered on title.

#### **Reason**

To ensure the development does not encroach onto neighbouring properties and complies with approved plans.

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

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

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

**Reason**

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

**(116) COMPLIANCE WITH THE DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN AND DEMOLITION METHODOLOGY REPORT**

- (a) All works conducted on site which form part of this development must be carried out in accordance with both of the following documents as approved by Council's Area Planning Manager:
  - (i) The Demolition & Excavation Methodology Report (the DEM Report), Condition (42).
  - (ii) Demolition, Excavation and Construction Noise & Vibration Management Plan, Condition (43), and
- (b) In event of unforeseen circumstance, approval to vary the authorised work may be sought from, and then approved to the written satisfaction of the Council's Area Planning Manager in the form a written request to temporarily undertake a specific activity prior to its occurrence or after substantiated breach of a condition in this determination. At a minimum, this report will specify:
  - (i) The proposed hours and days of operation,
  - (ii) The tasks that the equipment will be used for,
  - (iii) Justification in writing why the intrusive appliance cannot be substituted for a lower impact apparatus,
  - (iv) Provide for how noise will be managed to comply with the above code, and if it cannot, provide for how it will be managed to the lowest reasonable and feasible levels,
  - (v) Indicate a timeframe for completion of the associated task,
  - (vi) Provide details of liaison which has occurred with affected persons,
- (c) Council's Area Planning Manager may:
  - (i) Provide restriction on operating conditions, inclusive limits on equipment, capacity and provide permitted times of use and respite periods.
  - (ii) Set a period of time the approval is valid for, i.e. provide temporary approval for an activity,
  - (iii) Set an alternate noise criteria for a specific activity.

- (iv) This notice will form part of this consent, and the temporary approval may be revoked should breach of the terms given occur.

### **Reason**

To ensure that noise and vibration impacts are monitored and managed appropriately.

### **(117) ASBESTOS REMOVAL WORKS**

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

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

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the workplace: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).

- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30-point type size.

The site notice board must include the following:

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

**Reason**

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

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

The site is to be remediated and validated in accordance with a Remediation Action Plan and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

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

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

**Reason**

To ensure that the site is appropriately remediated.

**(119) 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.



## **(120) 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 (2022) Sampling Design Guidelines.

### **Reason**

To ensure that imported fill is not contaminated.

## **(121) 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 EPA Waste Classification Guidelines, Part1: Classifying Waste (November 2014)*. 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 a 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.

## **(122) 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.

### (123) 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.

### (124) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

All recommendations contained in the Acid Sulphate Soils Management Plan prepared by Environmental Investigations Australia reference E25991.E14\_Rev0 dated 9 May 2024 (Council Ref: 2024/327983) must be implemented.

#### Reason

To ensure that Acid Sulphate Soils are appropriately managed.

### (125) TREE SENSITIVE EXCAVATION

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

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

Tree No	Species	Tree Location	SRZ (m) from Trunk
1	<i>Celtis australis</i> (Nettle Tree)	Street Tree – Hunter Street	1.8
2	<i>Platanus x acerifolia</i> (London Plane Tree)	Street Tree – Pitt Street	2.7
3	<i>Fraxinus pennsylvanica</i> (Green Ash)	Street Tree – Pitt Street	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.

**(126) STREET TREE PROTECTION**

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

- (a) Tree trunk and major branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.
  - (ii) Tree trunk/s and/or major branches to a height of two metres, must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.

- (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within [specify] metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

**Reason**

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

**(127) 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.

**(128) 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. With 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.

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

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

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

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

**Reason**

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

**(130) 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.

## **(131) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION**

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

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

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

### **Reason**

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

## **(132) HOLD POINTS**

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

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

### **Reason**

To ensure hold points are adhered to during construction works.

### **(133) STORMWATER DRAINAGE CONNECTION**

For approval of a connection into the City of Sydney's underground drainage system, approved detailed stormwater construction plans must be submitted to the City's Public Domain Team with the Public Domain Plan Detailed Documentation for Construction for review and approval prior to an approval being issued for the construction of stormwater drainage connection.

#### **Reason**

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

### **(134) PUBLIC DOMAIN LIGHTING RETICULATION**

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

The Public Domain Manual and all other relevant documents are available for download from Council's website at

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

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

#### **Reason**

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

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

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

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

- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

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

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

### **Reason**

To protect the amenity of the surrounding area.

## **(136) 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)).



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

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

#### **Reason**

To protect the amenity of the surrounding area.

### **(138) 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.

### **(139) APPROVED HOURS OF WORK AND RESTRICTION ON HIGHLY INTRUSIVE WORK AND USE OF INTRUSIVE APPLIANCES**

(a) Standard hours of work approved for this development are as follows:

- (i) Monday to Friday – 7.00am to 6.00pm
- (ii) Saturday – 7.00am to 5.00pm
- (iii) No work is permitted on Sundays or Public Holidays or outside the hours approved in (i) and (ii) above.

(b) The following additional restrictions on use are applicable for 'Highly Intrusive Work / Use of Intrusive Appliances' as outlined in Condition (XX) in addition to part (a) of this condition:

- (i) Weekdays (Monday to Friday):
  - a. Highly Intrusive Work / Use of Intrusive Appliances permitted between 12.00pm and 1.00pm and between 4.00pm to 6.00pm
  - b. Respite Periods – No operations permitted between 9.0am and 12.00pm and 1.00pm and 4.00pm
- (ii) Saturdays:
  - a. Highly Intrusive Work / Use of Intrusive Appliances permitted between 7.00am and 9.00am and 12.00pm and 2.00pm

- b. Respite Periods – No operations permitted between 7.00am and 9.00am and 2.00pm and 5.00pm
- (iii) Where there is a demonstrable benefit to the City's Satisfaction in alternative work hours, temporary variation/s to the above may occur via the COMPLIANCE WITH THE DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN AND DEMOLITION METHODOLOGY REPORT Condition (116) parts (b) and (c) or more permanently through a modification application in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
- (iv) The applicant for this development is notified that the City may act to alter approved work hours under an order or notice of this Act or another if work noise has an excessive impact on separate land.

**Reason**

To protect the amenity of the surrounding area.

**(140) NOISE AND VIBRATION CRITERIA – CONSTRUCTION, DEMOLITION, EXCAVATION AND ANCILLARY WORKS**

- (a) All works conducted on and adjacent to this site as demolition, excavation, site remediation, construction activities and any other works associated with the development must comply with the following noise and vibration criteria:
- (b) External noise criteria:
  - (i) When Highly Intrusive Work / Use of Intrusive Appliances is permitted within the 'DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN (Condition (43)), the cumulative LAeq, 15minute noise level from all work must not exceed the following levels when measured at a separate facade:
    - a. The greater of 75dB(A) or  $L_{A90\ 15\text{minute}} + 10\ \text{dB}$
  - (ii) When Respite Periods are in effect within the 'DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN (Condition (43)), the cumulative LAeq, 15minute noise level from all work must not exceed the following levels when measured at a separate facade:
    - a. The lesser of 65 dB(A) or  $L_{A90\ 15\text{minute}} + 10\ \text{dB}$ .
  - (iii) A 2.5 dB façade reflection correction may be taken for measurements where the façade of the noise sensitive building is built to the boundary. The levels above include penalties for annoying characteristics.
  - (iv) Noise levels ought to be measured at the most affected level of a separate façade where possible. A higher degree of compliance with external noise levels may be necessary to comply with internal criteria.

- (v) Noise should otherwise be measured in general accordance with AS10551997.
- (c) Internal Noise Criteria:
- (i) When Highly Intrusive Work / Use of Intrusive Appliances is permitted within the 'DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN (Condition (43)), the cumulative  $L_{Aeq, 15\text{minute}}$  noise level from all work must not exceed the following levels when measured inside a habitable room (e.g. not a cupboard, garage, communal property hall room) of a separate sensitive receiver:
    - a. Internal noise criteria in Table 3 of the NSW EPA Interim Construction Noise Guideline. This includes childcare centres and early education centres for the purpose of this consent.
    - b. Other habitable area in residential or tourist and visitor accommodation and commercial premises – Must not exceed 55 dB(A) or  $L_{A90, 15\text{minute}} + 10$  dB.
  - (ii) When respite periods are in effect within the within the 'DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN (Condition (43)) the cumulative  $L_{Aeq, 15\text{minute}}$  noise level from all work must not exceed the following levels when measured inside a habitable room (e.g. not a cupboard, garage, communal property hall room) of a separate sensitive receiver:
    - a. Internal noise criteria in Table 3 of the NSW EPA Interim Construction Noise Guideline. This includes childcare centres and early education centres for the purpose of this consent.
    - b. Other habitable area in residential or tourist and visitor accommodation and commercial premises – Must not exceed 45 dB(A) or  $L_{A90, 15\text{minute}} + 10$  dB.
- (d) Vibration limits:
- (i) All reasonable and feasible attempts to mitigate vibration to a level below human perceptibility should be made.
  - (i) When respite periods are in effect, vibration impact must be imperceptible.
  - (ii) When highly intrusive work / use of intrusive appliances is permitted, vibration levels must not exceed those limits prescribed by the DIN 41503, line 3 Technical Standard for prevention of cosmetic damage to buildings.
- (e) The applicant for this development is notified that the City may act to alter the above noise and vibration criteria under an order or notice of this Act or another if work noise has an excessive impact on separate land.

**Reason**

To protect the amenity of the surrounding area.

**(141) COVERING OF LOADS**

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

**Reason**

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

**(142) HAZARDOUS AND INDUSTRIAL WASTE**

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

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

**Reason**

To ensure hazardous/ industrial waste is managed appropriately.

**(143) VEHICLE CLEANSING**

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

**Reason**

To ensure sediment is not tracked onto the roadway.

**(144) SYDNEY WATER CERTIFICATE**

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

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

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

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

**Reason**

To ensure the requirements of Sydney Water are met.

**(145) 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.

**(146) 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.

**(147) 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.

**(148) USE OF MOBILE CRANES**

The following requirements apply:

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

**Reason**

To ensure mobile cranes are used appropriately.

**BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

**(149) STACKED PARKING EMPLOYEES OR TENANTS ONLY**

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to any Occupation Certificate being issued. The moving of stacked vehicles must occur wholly within the property.

**Reason**

To maintain the orderly operation of vehicle parking areas.

**(150) VALET MANAGEMENT PLAN**

A Valet Management Plan is to be prepared for distribution to relevant tenants outlining how the car parking will be managed and used by all relevant tenants. The Plan must include, but is not limited to, management of booking, retrieval of a car, procedure to be followed at the site entry driveway and into the queuing areas, minimise conflict between service vehicles to ensure pedestrian and users safety.

The plan is to be prepared and submitted to and approved by Council's Area Coordinator Planning Assessments prior to issue of an Occupation Certificate.

Once approved, this management plan is to be provided to all relevant tenants and external users of the building.

**Reason**

To ensure that the car parking is appropriately managed.

**(151) LOADING DOCK MANAGEMENT PLAN**

A Loading Dock Management Plan is to be prepared for distribution to relevant tenants outlining how the loading dock will be managed and used by all relevant tenants. The Plan must include, but is not limited to, management of deliveries to ensure vehicles are not waiting on public streets to enter the site.

The management plan must include a loading and delivery booking system, onsite consolidation to increase efficiency, management of short-term courier deliveries, and tandem spaces. The plan must include a strategy to minimise pedestrian vehicle conflict in the loading areas and ensures safety will not be comprised for valet users, delivery vehicle, turntable operation and other people walking in the loading/queuing area.

The plan is to be prepared and submitted to and approved by Council's Area Coordinator/ Area Planning Manager prior to issue of an Occupation Certificate.

Once approved, this management plan is to be provided to all relevant tenants and external users of the loading area.

**Reason**

To ensure that the loading dock is appropriately managed.

**(152) TRANSPORT ACCESS GUIDE**

A Transport Access Guide must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times.

The following information shall be submitted to and approved by Council's Coordinator/Area Planning Manager prior to the issue of an Occupation Certificate for the site/use:

- (a) A Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes.
- (b) Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

**Reason**

To ensure that sustainable transport options are considered and communicated effectively.

### **(153) HISTORIC MARKER**

A plaque of high-quality material (e.g. bronze or stainless steel) describing the history of the site and building must be installed on the facade of the building prior to any Occupation Certificate being issued. The design, location and wording must be submitted for the approval of Council's Urban Design and Heritage Manager prior to manufacture and installation. The marker is to be incorporated into the heritage interpretation plan if a plan is required by this consent.

#### **Reason**

To ensure that the heritage of the site is appropriately interpreted and incorporated into the development.

### **(154) CYCLICAL MAINTENANCE PLAN**

In relation to works covered by any conservation management plan, a cyclical maintenance plan specifying frequency and methodologies to conduct building inspections and maintenance works to building elements and services must be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of any Occupation Certificate / registration of heritage floor space. The maintenance plan is to be prepared by a suitably qualified heritage consultant and endorsed by the building owner.

#### **Reason**

To ensure appropriate ongoing maintenance of the building.

### **(155) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT**

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

#### **Reason**

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

### **(156) PUBLIC DOMAIN WORKS COMPLETION**

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

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



### **Reason**

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

### **(157) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION**

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

### **Reason**

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

### **(158) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate:

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

### **Reason**

To protect underground drainage system.

### **(159) SURVEY INFRASTRUCTURE – RESTORATION**

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

- (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;
- (iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

**Reason**

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

**(160) CONSTRUCTED FLOOR LEVELS**

A certification report prepared by a suitably qualified practitioner engineer (NER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the approved floor assessment report.

**Reason**

To ensure the development achieves the required floor levels.

**(161) FLOOD RISK MANAGEMENT**

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

**Reason**

To ensure flood risk management measures are complied with.

**(162) 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.

**(163) 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.

**(164) RESTRICTION OF END OF JOURNEY FLOOR SPACE**

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant to the effect that 550sqm of the building has been approved as end of journey floor space is to be registered on the Title of the development site pursuant to section 88E of the *Conveyancing Act 1919*. The covenant is to be created appurtenant to Council and at no cost to Council.

**Reason**

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

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

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service car spaces, are not to be used other than by an occupant or tenant of the subject building.
- (b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

**Reason**

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

**(166) REDEFINITION AND CONSOLIDATION PLAN**

- (a) Prior to the issue of any Staged or Final Occupation Certificate, a consolidation plan over the entire site, including all lots, shall be completed and registered with the Office of NSW Land Registry Services, showing the relevant components of the building and creating any easements as necessary. Evidence of registration of the consolidation plan shall be supplied to the Principal Certifier prior to the issue of a Staged or Final Occupation Certificate.
- (b) Prior to the issue of any Staged or Final Occupation Certificate, a redefinition plan along with the consolidation plan, shall be completed and registered with the Office of NSW Land Registry Services, showing the relevant components of the building and creating any easements as necessary. Evidence of registration of the redefinition plan shall be supplied to the Principal Certifier prior to the issue of a Staged or Final Occupation Certificate. It should be noted that, due to the age of the base plan, a redefinition plan will be required by NSW Land Registry Services to be lodged in conjunction with, or prior to, any future strata plan for the site.

**Reason**

To ensure the orderly development of land

### **(167) EASEMENT FOR ELECTRICAL SUBSTATION**

An appropriate Easement is to be created over the electrical substation(s), pursuant to Section 88B of the *Conveyancing Act 1919*. The Easement is to burden the consolidated subject lot and benefit the relevant authority, granting rights of access to and the use of the substation area, and is to be created in appropriate terms acceptable to Council and the authority benefited, with the Council being an authority whose consent is required to release, vary or modify the easement.

#### **Reason**

To ensure the orderly use of the Substation

### **(168) STRATA TERMINATION – PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to the issue of an occupation certificate of the building, an application must be made pursuant to Section 142 of the Strata Schemes Development Act 2015 to terminate the existing strata schemes SP 69888 & SP 60693.
- (b) An application should be made through the Department of Planning's Planning Portal to terminate the strata plan(s), which will require advertising the proposed termination and payment of all debts. A NSW-LRS form 15ST must be executed by council and the Owners Corporation prior to lodgement through the Planning Portal
- (c) Evidence must be provided to the Principal Certifier in the form of a current title, less than 6 months old, for the underlying lot, prior to issuing any occupation certificate.

#### **Reason**

The building that defines the existing strata title boundaries is demolished. These boundaries should be extinguished prior to occupation.

### **(169) EASEMENT FOR PUBLIC ACCESS – THROUGH-SITE LINK**

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Easement for Public Access, limited in stratum if so required, is to be created and registered on the Title of the development site. The Easement is to be defined over:
  - (i) An area of land of variable width, extending from the western alignment of Pitt Street to the northern boundary of the site at Hunter Street, generally in accordance with the 'Plan of Proposed Easement' by Surveyor Richard Abbott dated 24/7/2024 reference 192625-2.

The Easements are to be created appurtenant to Council in terms granting rights for public pedestrian access, without vehicles, exclusive of wheelchairs for people with disability, to Council's satisfaction.

- (b) Prior to the issue of an Occupation Certificate for the development or the commencement of the use, whichever occurs earlier, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Easement for Public Access and is to require the maintenance of a \$20,000,000 public indemnity insurance policy to which Council is a named party and is to require the maintenance, upkeep, repair and lighting of the Easement for Public Access in accordance with Council's requirements and to the satisfaction of Council.

The terms of the above easement and positive covenant must be to the satisfaction of Council and can be provided by Council's Director City Planning Development & Transport upon request.

**Reason**

To formalise public access to the through site link and provide requirements for maintenance and public liability insurance.

**(170) EASEMENT FOR ACCESS & MAINTENANCE – PUBLIC ART**

Prior to the issue of an Occupation Certificate for the development, a documentary Easement for Access and Maintenance, limited in stratum if so desired, is to be created and registered on the Title of the development site. The easement is to be created in terms giving rights of access to, and allowing periodic maintenance of, any item of public art that is to be dedicated to the City. Any such easements are to be created appurtenant to Council in terms granting rights of access for the purposes of maintenance to Council's satisfaction.

**Reason**

To ensure compliance with VPA.

**(171) ADDITIONAL EASEMENTS AND COVENANTS**

Aside from Easements mentioned in the above conditions, any further Easements and/or Covenants required as a consequence of the development are to be created via Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

**Reason**

To ensure orderly operation of the development

## **(172) STREET ADDRESSES OF LOTS**

In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2017, the street addresses for each lot must be shown on the Administration Sheet for the final plan of consolidation. An application must be made to Council's Spatial Services Unit prior to the lodgement of the plan at NSWLRS, to obtain the correct street address for each lot. The street addresses allocated by Council must be provided to the registered surveyor for inclusion in a schedule on the Administration Sheet.

### **Reason**

To ensure street addresses are appropriately allocated, and subsequently issued to the State's emergency services divisions, police departments and postal service.

## **(173) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL**

Prior to the issue of an **Occupation Certificate** or commencement of the use, whichever is earlier, the building owner/tenant is to enter into a contract with a licensed waste service provider for the removal of all waste and recycling stream(s). A copy of the commercial waste and recycling contract and invoices are to be made available upon request by an authorised Council officer at any time.

### **Reason**

To ensure arrangements are in place to manage commercial waste without reliance on public place or residential waste bins.

## **(174) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

Prior to the issue of an **Occupation Certificate**, the Principal Certifier is to ensure all waste management, collection, loading and supporting infrastructure is provided in accordance with the stamped plans, approved Operational Waste Management Plan and specifications approved at the Construction Certificate.

### **Reason**

To ensure all on-site infrastructure has been provided to support scheduled collections responsive to the Council endorsed OWMP and requirements of the Guidelines for waste management in new developments 2018.

## **OCCUPATION AND ONGOING USE**

### **(175) 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.

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

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

**Reason**

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

**(177) 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.

**(178) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**Reason**

To protect neighbouring properties.



### **(179) 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.

### **(180) 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.

### **(181) AWNING MAINTENANCE**

The awnings must be inspected, and regular maintenance be carried out to ensure the awning's structural integrity, aesthetic and functional qualities are maintained.

#### **Reason**

To ensure that awnings are appropriately maintained.

### **(182) 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.

### **(183) ENERGY PERFORMANCE CERTIFICATION – NABERS**

The building and its services must achieve a National Australian Built Environment Rating System (NABERS) Energy rating of 5.5 Stars +25% in operation of the base building.

Within 24 months from the day on which any occupation certificate is issued, a NABERS Energy rating application for the development is to be prepared by a NABERS Accredited Assessor and lodged with the NABERS National Administrator. Once certified, a copy of the NABERS certificate and report are to be submitted to Council.

The NABERS report must demonstrate the following:

- (a) The rated annual energy use and associated emissions achieve both the NABERS star band requirement and the agreed City overperformance requirement of +25%;
- (b) If the development will not achieve the energy use standards – the difference between the rated annual electricity use and the energy use standards, is achieved and calculated for the first 5 years of operation.

**Reason**

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

**(184) ENERGY PERFORMANCE CERTIFICATION – GREEN STAR**

Within 24 months from the day on which an occupation certificate is issued, a Green Star certificate, along with reporting confirming that a Green Star Buildings 6 Star rating has been achieved, is to be submitted to Council.

**Reason**

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

## TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by WaterNSW are as follows:  
**(185) DEWATERING**

Condition Number	Details
GT0116-00001	<p>Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required unless the use of the water is for a purpose for which a development consent is in force.</p>
GT0117-00001	<p>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.</p>
GT0118-00001	<p>If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.</p>

GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme).
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website <a href="http://www.waternsw.com.au/customer-service/water-licensing/dewatering">www.waternsw.com.au/customer-service/water-licensing/dewatering</a> .

GT0150-00001	<p>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.</p> <p>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.</p>
GT0151-00001	<p>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.</p>
GT0152-00001	<p>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.</p>
GT0155-00001	<p>The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.</p>

## STATE AGENCY CONDITIONS

The following conditions have been recommended by NSW State agencies:

### AUSGRID

#### (186) AUSGRID UNDERGROUND CABLES ARE IN THE VICINITY OF THE DEVELOPMENT

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

### FLYSAFE – AIRSPACE PROTECTION

#### (187) FLYSAFE – AIRSAFE PROTECTION CONDITIONS

- (a) The building **must not exceed** a maximum height of **225 metres AHD, including all** lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- (b) Separate approval **must be sought** under the Regulations for any equipment (e.g. cranes, concrete pumps) required to construct the building. Construction cranes or concrete pumps may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is

advisable that approval to operate construction equipment (e.g. cranes, concrete pumps) be obtained prior to any commitment to construct.

- (c) The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-863.
- (d) Following completion of the building, the Proponent **must advise** SACL, in writing:
  - (i) that the future owner(s)/manager(s) of the building **have been informed** of their **obligation to maintain** the obstacle lighting in accordance with conditions of this approval; and
  - (ii) the contact details of the person/position **responsible for the maintenance** of the obstacle lighting. These details **must be reviewed regularly** and kept up to date.
- (e) On completion of construction of the building, the Proponent **must provide** SACL with a written report from a certified surveyor on the finished height of the building.
- (a) A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.

## HERITAGE NSW

### (188) HERITAGE NSW

- (a) Prior to any ground disturbance works occurring on site, the Applicant must obtain an approved s.140 application under the Heritage Act 1977 to undertake subsurface archaeological investigation of the site. The Applicant must comply with all conditions of the s.140 approval.
- (b) In the event the site is found to contain substantially intact State significant archaeological relics, a modification of the detailed design to avoid harm and retain these in situ should be undertaken. Additional approval under s.140 of the Heritage Act 1977 may be required to harm such remains if detailed design cannot be redesigned to avoid harm to these resources in whole or part.

*Reasons: The subject site has potential to contain historical archaeological relics, which are protected under s.139 of the Heritage Act 1977. The Applicant must obtain an approval under s.141 of the Heritage Act 1977 prior to any harm occurring to relics.*

- (c) Prior to the release of the Occupation Certificate for this site, the Applicant must write to Council and demonstrate they have satisfied the requirements for lodging all final archaeological excavation reports required under any and all s.140 applications under the Heritage Act 1977 which have been approved by the Heritage Council of NSW for this site.

*Reason: The results of the archaeological excavation are an important part of documenting, reporting on and explaining the results of the excavation*

*and explaining those results to the broader community. This report should be linked to the occupation certificate so there is a clear milestone which links the Applicant to ensuring this document is produced.*

- (d) Prior to the issue of a Construction Certificate, a Construction Heritage Management Plan (CHMP) must be prepared to ensure the protection of the Tank Stream (SHR 00636) during construction. The CHMP must be prepared in conjunction with a Structural Engineer who has experience with heritage buildings, and a suitably qualified and experienced Heritage Consultant. The CHMP must include a program of vibration monitoring and measures to avoid impacts to the Tank Stream and must be provided to Heritage NSW for approval.

*Reason: Direct and indirect impacts to the Tank Stream (SHR 00636) are not authorised and must be prevented.*

## **TRANSPORT FOR NSW**

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

Prior to the issue of a Construction Certificate, a Construction Pedestrian and Traffic Management Plan (CPTMP) must be prepared. The CPTMP should be prepared in consultation with TfNSW and a copy of the final CPTMP should be submitted to TfNSW at [development.ctmp.cjp@transport.nsw.gov.au](mailto:development.ctmp.cjp@transport.nsw.gov.au) for endorsement, prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is earlier.

The CPTMP should include, but not be limited to, the following:

- (a) A description of the development
- (b) Construction program and construction methodology
- (c) Proposed construction hours
- (d) A detailed plan of any proposed hoarding and/or scaffolding
- (e) Details of crane arrangements including location of any crane(s)
- (f) Location(s) where it is proposed to park construction vehicles
- (g) Location of any proposed work zone(s)
- (h) Access points to the site
- (i) Pedestrian and traffic management measures.
- (j) Haulage routes.
- (k) Predicted number of construction vehicle movements and detail of vehicle types.
- (l) Identify any potential impacts to general traffic, cyclists and pedestrians, bus services and existing signalised pedestrian crossings and intersections



within the vicinity of the site from construction vehicles during the construction of the proposed works.

- (m) 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.
- (n) Measures to minimise movement delays (i.e. vehicle movements are to be minimised during peak network demand periods);
- (o) Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads;
- (p) 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.
- (q) Measures to avoid construction worker vehicle movements.
- (r) Details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site.
- (s) Consultation strategy for liaison with surrounding stakeholders, including other developments under construction.
- (t) Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and TfNSW (via [development.ctmp.cjp@transport.nsw.gov.au](mailto:development.ctmp.cjp@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.

## **SYDNEY AIRPORT**

### **(190) SYDNEY AIRPORT CONDITIONS**

- (a) At the completion of the construction of the building, a certified surveyor is to notify (in writing) the Sydney Airport Manager, Airfield Spatial & Technical Planning of the finished height of the building.