

## **Attachment B**

<b>Recommended Conditions of Consent</b>
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**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

**Obligation to Minimise Harm to the Environment**

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

**Terms of Consent**

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) generally in accordance with the EIS and Response to Submissions unless otherwise specified in a condition of consent;
  - (c) in accordance with the approved plans in the table below:

<b>Architectural Drawings prepared by KHA</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
A0510	C	Demolition Plan Ground Floor	22.11.24
A0511	C	Demolition Plan Level 1	22.11.24
A0512	C	Demolition Plan Level 2	22.11.24
A0520	C	Demolition Elevation	22.11.24
A0530	C	Demolition Section 01	22.11.24
A0531	C	Demolition Section 02	22.11.24
A0532	C	Demolition Section 03 Historic Facade	22.11.24
A0990	C	Plan Basement 1	22.11.24
A1000	C	Plan Ground Floor	22.11.24
A1010	C	Plan Level 1	22.11.24
A1020	C	Plan Level 2	22.11.24
A1030	C	Plan Level 3	22.11.24
A1040	C	Plan Level 4	22.11.24
A1050	C	Plan Level 5	22.11.24
A1060	C	Plan Level 6	22.11.24
A1070	C	Plan Level 7-8,11-12,15-16,19-20	22.11.24
A1090	C	Plan Level 9-10,13-14,17-18,21	22.11.24
A1220	C	Plan Level 22	22.11.24
A1230	C	Plan Level 23-24, 27-28	22.11.24
A1250	C	Plan Level 25-26, 29-30	22.11.24
A1310	C	Plan Level 31-32, 35-36	22.11.24
A1330	C	Plan Level 33-34	22.11.24
A1370	C	Plan Level 37-38	22.11.24
A1390	C	Plan Level 39-40,43-44	22.11.24
A1410	C	Plan Level 41-42, 45	22.11.24
A1460	C	Plan Level 46,49-50	22.11.24
A1470	C	Plan Level 47-48	22.11.24
A1510	C	Plan Level 51-52,55-56	22.11.24

Architectural Drawings prepared by KHA			
A1530	C	Plan Level 53-54	22.11.24
A1570	C	Plan Level 57	22.11.24
A1580	C	Plan Level 58	22.11.24
A1590	C	Plan Level 59	22.11.24
A1600	C	Plan Level 60 – Roof	22.11.24
A1800	C	Historic Building Part Plans	22.11.24
A2001	C	Section A (East-West) & Section B (North-South)	22.11.24
A2010	C	Detailed Section Urban Room	22.11.24
A2012	C	Detailed Section Historic Facade – Proposed	22.11.24
A3001	C	North Elevation & West Elevation	22.11.24
A3002	C	South Elevation & East Elevation	22.11.24
A3020	C	Detailed Street Elevation Pitt Street	22.11.24
A4000	C	Facade Type Overview	22.11.24
A4200	C	Facade Type 1: Tower Typical Low Level	22.11.24
A4201	C	Facade Type 2: Tower Mid-Level Expression	22.11.24
A4202	C	Facade Type 3: Tower Typical High Level	22.11.24
A4203	C	Facade Type 4: Tower Top-Level Expression	22.11.24
A4204	C	Facade Type 5 Typical North and South Blade Walls	22.11.24
A4210	C	Facade Type 6: Podium Landscape Vessel	22.11.24
A4211	C	Facade Type 7: Podium Faceted Glazed Facade and Roof	22.11.24
A4212	C	Facade Type 8: Podium/Tower Typical East Tower and Low Level Podium	22.11.24
A4213	C	Facade Type 9: Podium Typical Ground Level Façade and Awning	22.11.24
A4214	C	Facade Type 10: Podium Typical Level 4 Facade and Awning	22.11.24

- A3. The conditions of this consent prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(b). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(b), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### Limits of Consent

- A4. This consent lapses five years after the date of consent unless work is physically commenced.

### Prescribed Conditions

- A5. The Applicant must comply with all relevant conditions of development consent under Part 4, Division 2, Subdivision 1 of the EP&A Regulation.

### Evidence of Consultation

- A6. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### Staging

- A7. The project may be constructed and operated in stages, with relevant conditions being satisfied prior to the issue of a relevant Construction Certificate, where specified in the conditions of consent and the details set out in the EIS as follows:

Stage	Description
CC1	Earthworks / Earth Retaining and Stabilising Structures (ERSS) / Excavation and Demolition / Piling
CC2a	Substructure / Superstructure / Architectural Walls / Facade / MEP (Electrical / Mech / Fire / Plumbing / Plant and equipment)
CC2b	Interior Fit-out: Bathpod, Commercial Areas FFE / Lighting
CC3	Facade Services Fit-out

### Structural Adequacy

- A8. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

#### Notes:

- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*
- *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.*

### External Walls and Cladding

- A9. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### Applicability of Guidelines

- A10. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A11. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

### Monitoring and Environmental Audits

- A12. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act.

This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

### **Compliance**

- A13. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### **Incident Notification, Reporting and Response**

- A14. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A15. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

### **Non-Compliance Notification**

- A16. The City must be notified in writing to [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au) seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the City must be notified in writing to [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au) seven days after they identify any non-compliance.
- A17. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A18. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### **Design Modifications**

- A19. The design of the building must be modified as follows:
- (a) All ground floor shopfronts including awnings are to be reconstructed to interpret their original configuration and form, retaining and reusing elements of the existing shopfronts and awnings, as outlined in the Heritage Impact Statement prepared by Urbis (Issue 3, dated 12 February 2024) (Figure 49 in particular) and the accompanying Schedule of Conservation Works prepared by Urbis (Issue 3 and dated 12 February 2024).
  - (b) The hydraulic booster is to be relocated from the Pitt Street elevation to the northern elevation/side wall of 374 Pitt Street at ground floor, and the historical shopfront be reconstructed.
  - (c) Additional vertical masonry elements are to be included at the base of the tower, comparable to that of the design competition scheme, providing solidity to the façade as it meets the landscape vessel.
  - (d) The 2x under awning signage zones to the Pitt Street elevation are to be amended to reduce the width of the awning profiles from 400mm to 150mm.
- A20. The modifications are to be submitted to and approved by Council's Executive Director City Planning, Development and Transport prior to the issue of a Construction Certificate for above ground works.

### **Staged approval – D/2024/36 and D/2024/446**

- A21. This development consent is the detailed design State Significant development consent D/2024/446.

A22. The following shall be provided to Council's Area Planning Manager/Area Coordinator Planning Assessments prior to any construction certificate being issued for this development consent D/2024/446 or any work commencing on-site, whichever is earlier.

- (a) Confirmation that a notice of modification has been lodged and determined by Council for D/2021/1504, as per Section 67 of the *Environmental Planning & Assessment Regulation 2021*.

### **Sydney Water**

A23. A Letter of Conditions (with approval) is required to be issued by Sydney Water as part of the Out of Scope Building Plan Approval prior to the issue of any Construction Certificate or commencement of any works on-site, whichever is earlier. A copy of the approval is to be provided to Council's Area Planning Manager / Area Coordinator Planning Assessments and the Registered Certifier.

A24. Any conditions imposed by Sydney Water as part of the Out of Scope Building Plan Approval are to be complied with during the construction of the development.

### **Design Quality Excellence**

A25. 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:

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

A26. 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.

### **Section 7.12 Contributions Payable – Submitted and Verified Prior to Issue of Construction Certificate**

A27. 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.

A28. 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%

A29. The Section 7.12 levy is payable to the City of Sydney in accordance with the following:

- (a) Prior to any Construction Certificate being issued or commencement of works, whichever is earlier, 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.
- (e) 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.

**Affordable Housing Contribution – Residual Land or Central Sydney – Payment in Lieu of Floor Space Contribution – Prior to Construction Certificate**

- A30. In accordance with the City of Sydney Affordable Housing Program and prior to the issue of any Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- A31. The contribution is \$2,998,352.19 (indexed at 1 March 2025). This is calculated by establishing the sum of the equivalent monetary contribution \$11,646.80 multiplied by 1% of the total floor area for non-residential development (25,744sqm).
- A32. If the contribution is paid after the indexation period in which the consent is granted, being March 2025 to February 2026, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.

- A33. Contribution payable at Time of Payment =  $C \times \text{MDP2} / \text{MDP1}$ , where:
- (a) C is the original total contribution amount payable to the City of Sydney as shown above;
  - (b) 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
  - (c) 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 2025 to February 2026.
  - (d) 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.

#### **Materials And Samples Board – Major Development**

- A34. A final physical material sample board which specifies all proposed materials, finishes and colours, keyed to each building elevation must be submitted to and approved by Council's Executive Director City Planning, Development and Transport, prior to a Construction Certificate for above ground structure being issued. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

#### **Compliance With Submitted Materials and Samples Board**

- A35. The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications as approved in Condition A30 above.

#### **Floor Space Ratio – Central Sydney**

- A36. The following applies to Floor Space Ratio:
- (a) The Floor Space Ratio of the proposal must not exceed 14.16:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 16,144sqm.
  - (b) Prior to the issue of any Construction Certificate or commencement of works, whichever is earlier, Council's written verification must be obtained, confirming that 2,512sqm 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 8:1 as specified in the Sydney Local Environmental Plan 2012.
  - (c) 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 Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifier.

#### **Building Height**

- A37. The height of the building must not exceed RL 206.1 (AHD) to the top of the building.
- A38. 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.

#### **Approved Design Roof – Top Plant**

- A39. All roof-top plant and associated equipment must be located within the approved building envelope.

#### **Reflectivity**

- A40. Prior to issue of the above ground 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%.

#### **Use - Separate Consent Required**

- A41. No consent is granted or implied for the fit-out of each individual food and drink or function space tenancy.



- A42. A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fitout of each individual tenancy prior to that fit-out or use commencing.

#### **Signs At Egress**

- A43. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:
- (a) Compelling drivers to stop before proceeding onto the public way
  - (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

#### **Signal System**

- A44. 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.

#### **Service Vehicle Size Limit**

- A45. The size of vehicles servicing the property must be a maximum length of 6.4m

#### **Associated Roadway Costs**

- A46. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

#### **Cost Of Signposting**

- A47. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

#### **Vehicle Access**

- A48. The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

#### **Swinging Doors Over Public Way**

- A49. 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.

#### **No Obstructions**

- A50. 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.

#### **Tactile Ground Surface Indicators and Handrails**

- A51. 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.

#### **Flood Risk Management**

- A52. Details of proposed flood barriers and their operation to demonstrate:
- (a) Flood control devices or systems can withstand flood-related forces including hydro static load and dynamic load and impacts in a probable maximum flood event.
  - (b) Flood control devices or systems have been certified by an appropriately experienced engineer registered on the National Engineers Register (NER).
  - (c) Flood control devices or systems are integrated into the driveway of a building to descend from above or ascend from below to exclude floodwater.

- (d) Automatic closure of flood control devices or systems, together with an anti-opening mechanism to prevent them from being opened in a flood event.
- (e) Appropriate peripheral safety measures will be provided to support the operation of the flood control devices or systems, including, but not limited to:
  - (i) an independent back-up power supply, to be used in the event of a power failure; and
  - (ii) audible and visual alarm systems to warn of the operation of the flood doors and barriers. The alarm system must be linked to the building management system which indicates the status of the failsafe operation and back-up supply power;
  - (iii) flood sensors linked to the alarm system to provide information on the status of the operation of the flood doors and barriers; and
  - (iv) passenger lift programming is to ensure that the lift is deactivated when flood doors and barriers are activated.
- (f) All building structures are to be designed to ensure structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the 100 year flood level plus 0.5m or Probable Maximum Flood level, whichever is the greater. For example, where glass is used, it must be toughened glass to resist the impact of hydraulic forces of floodwaters and impact loading of debris. Details of these works shall be submitted to and shall be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate for above ground works.
- (g) Flood protection is required for all flood events up to and including the minimum flood planning levels applicable to the basement level.
- (h) Flood proofing is to be maintained for the life of the development. The design of the flood proofing is to be certified by a suitably qualified practitioner engineer with experience in flood proofing and is to be compatible with the design of the development set out in this development consent. The certification must ensure compliance with the relevant Australian Standards and codes for structural engineering. The certification must be supplied by the Applicant to the Certifying Authority.
- (i) All flood protection features requiring power to operate must have alternative backup power source.
- (j) All electrical features including power points and other mechanical equipment must be set above the Flood Planning Level. This must be shown on the detailed plans prior to the issue of the Construction Certificate for the basement.
- (k) A design certification report prepared by a suitably qualified practitioner engineer demonstrating compliance has been achieved of these requirements above shall be submitted to and shall be approved by the Principal Certifying Authority prior to the issue of any Occupational Certificate.

#### **Flood Emergency Response Plan**

- A53. A Flood Emergency Response Plan is to be prepared by a suitably qualified flood engineer. The Flood Emergency Response Plan is to be implemented and operated by the building owner and/or Owners Corporation at all times.
- A54. The Flood Emergency Response Plan must include all measures required to be implemented to ensure the ongoing management of flooding risk in relation to the building, including (but not limited to) the following:
  - (a) Describe the flood conditions in the vicinity of the site.
  - (b) If appropriate, direct persons on the site to seek refuge above the Probable Maximum Flood level for all levels of the building that are flood affected. Shelters in place for flood affected parts of the building is not permissible.
  - (c) Include a map directing residents and visitors to a refuge via a flood free pathway within the building.

- (d) Describe the audible and visual alarm system for the basement area, including the linkage of this system to the building management system, details of failsafe operations and alternate power arrangements.
  - (e) Provide details (as an appendix) of all proposed flood sensors, their purpose, operation and maintenance (including the frequency of maintenance).
  - (f) Provide details of lift design and operation in the event of a flood and specify how the lift will be deactivated in the event of a flood.
  - (g) Provide details of access to flood free areas for disabled persons.
  - (h) Provide details of all flood protection design features of the building (flood doors and the like) and describe their operation, maintenance, repair and replacement arrangements. Repairs are to be completed to ensure that the flood doors/gates/barriers remain operational and effective at all times.
  - (i) A pumping option needs to be shown, along with the location of pumps (in case mechanical failures of flood barriers occur). The pumps must be designed to pump out the full range of flood volumes within 6 hours after floodwaters have receded.
  - (j) Details of the operations and maintenance of the pumps are to be included. Any pumping equipment used to disperse flood waters should have the same maintenance schedule as the flood doors; and
  - (k) Make provision for three monthly testing by the building owner and/or Owners Corporation.
- A55. The building owner and/or Owners' Corporation must enter into a service arrangement by which all identified faults or defects to all flood designed features of the building must be repaired within 24 hours.
- A56. No toxic or other hazardous materials are to be stored below the Flood Planning Level or in the basement levels.
- A57. Prior to the issue of any Construction Certificate for the basement, the Flood Emergency Response Plan (FERP) is to be submitted to and approved by Principal Certifying Authority (PCA).

### **General Heritage**

- A58. 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 retained part of the existing buildings.
- A59. The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- A60. All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- A61. 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 conservation and reconstruction works.
- A62. The new windows and doors on the existing building must match the original material, which is timber joinery.

### **Materials for Making Good**

- A63. New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

### **Public Art**

- A64. 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 '372-382A Pitt Street Preliminary Public Art Plan', Ref. P2938, dated January 2025, the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments.

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

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

### **Waste and Recycling Management - General**

- A65. 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.

### **External Lighting**

- A66. A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

### **Signs - Separate DA Required**

- A67. A separate development application for any proposed signs forming part of the approved signage strategy (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

### **Restriction on Strata Subdivision – Hotel**

- A68. Any strata subdivision of the hotel site to create individual lots for hotel rooms is not permitted.

### **New and Existing Easements**

- A69. An Easement for Access and Fire Egress of 1 metre minimum width, unlimited in height, and limited in stratum where covered, must be created pursuant to Section 88B of the Conveyancing Act, 1919 prior to the issue of any Occupation Certificate. The easement must extend from Pitt Street along Carruthers Place, to encompass all fire doors along the southern elevation of the adjoining development to the north (SP 46628) at 362-370 Pitt Street and to Council's satisfaction.
- A70. The terms of the Easement for Access and Fire Egress must be to the satisfaction of Council.
- A71. Any existing easements, covenants or restrictions affected by the new development are to be released or varied to Council's satisfaction prior to the issue of any Occupation Certificate.

## **PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **External Walls and Cladding**

- B1. Prior to the issue of any construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **Lot Consolidation & Redefinition / Delimitation Plan (Prior to Construction Certificate)**

- B2. All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with NSW Land Registry Services, prior to any Construction Certificate being issued.
- B3. Prior to the issue of a Construction Certificate a Redefinition/Delimitation Plan, removing the limitation from Lot 3702 in DP1124741 must be registered with the office of NSW Land Registry Services. A copy of the new title must be provided to the Principal Certifier prior to the issue of a Construction Certificate.

### **Construction Environmental Management Plan**

- B4. Prior to the issue of any Construction Certificate or commencement of work, whichever is earlier, 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.
- B5. All works must be undertaken onsite in accordance with the approved Construction Environmental Management Plan.

### **Construction Traffic Management Plan**

- B6. The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- B7. A Construction Traffic Management Plan must be submitted to and approved by Council prior to any Construction Certificate being issued, or works commencing, whichever is earlier.
- B8. The approved plan must be complied with during any demolition and/or construction work.

### **Dilapidation Report – Major Excavation / Demolition**

- B9. Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 362-370 Pitt Street, 386 Pitt Street and 388 Pitt Street; 66 Goulburn Street, 267-277 Castlereagh Street and 279-283 Castlereagh Street (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of a Construction Certificate.

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

- B10. 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.
- B11. Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

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

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

- B12. All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Inhabit Australasia Pty Ltd, dated 24 May 2024, rev 03 titled '372-382 Pitt Street Well Smart Group DA Acoustic Report', Council Ref 2024/349570; and DA Acoustic Report Addendum prepared by Acoustic Logic, dated 9 October 2024, ref 20240976.2/0711A/R1/HD, titled '372-382A Pitt Street, Sydney - Addendum Operational Noise Assessment', Council Ref 2024/680027, must be implemented in the development prior to the commencement of its use.
- B13. 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.
- B14. 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).*

- B15. All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

### **Demolition, Excavation and Construction Noise And Vibration Management Plan**

- B16. A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate or commencement of work, whichever is earlier. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm).
- B17. The plan must include but not be limited to the following with
- (a) identification of noise sensitive receivers near to the site.
  - (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
  - (c) A representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
  - (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
  - (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
  - (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
  - (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

### Parking Design

- B18. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

### Allocation of Parking

- B19. 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
Small rigid vehicle loading dock(s)	1
Courier/ Service vehicle spaces (Australian Standard B99 size maximum)	1
Total	2

### Bicycle Parking and End of Trip Facilities

- B20. The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Staff/employee	19	Spaces must be Class 2 bicycle facilities
Visitor	30	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	25	

- B21. All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

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

- B22. 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.

### Heritage Interpretation Plan

- B23. An interpretation plan for the site must be submitted to and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to a Construction Certificate being issued for above ground works. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- B24. The interpretation plan must detail how information on the history and significance of the site and existing buildings 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.
- B25. The plan must specify the location, type, making materials and contents of the interpretation device being proposed.

- B26. Prior to an 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.

#### **Photographic Archival Documentation (Major Works)**

- B27. Prior to any Construction Certificate being issued, an archival photographic recording of the existing buildings 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.
- B28. 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.
- B29. 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.
- B30. 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.
  - (c) 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'.
  - (d) 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 46MB, 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 nonexclusive 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.

#### **Sites in the vicinity of a heritage item**

- B31. The approved works must ensure that the retained buildings and adjacent heritage buildings are properly protected during the construction process. The contractor or developer must conduct consultations with the stakeholders of the neighbouring heritage site, record and monitor the conditions of the heritage building and take suitable measures to control and minimize any risks to the heritage fabric during construction. The protection measures must be incorporated into the construction management plan. Details of the protection plan must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate.

#### **Heritage Conservation Works - Other Buildings**

- B32. The Schedule of Conservation Works is to be incorporated into detailed design of the development and conservation works must be carried out in accordance with the schedule.
- B33. 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.
- B34. INSPECTION AND APPROVAL: The conservation works are to be inspected by Council's Heritage Specialists 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.

#### **Site Audit Statement**

- B35. 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)
- B36. 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.

#### **Dewatering – Approval NSW Office of Water**

- B37. If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water under the provisions of Part V of the Water Act 1912. The NSW Office of Water licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

*Note: The Department's instructions to Council are that they will not endorse the extraction of groundwater in perpetuity i.e. permanent dewatering around a development site, because it considers such development to be unsuitable. For this reason any proposed basement or other area that requires dewatering on an ongoing basis may need to be fully tanked.*

### **Accessible Green Roofs**

- B38. A detailed green roof plan 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 Planning Manager/Coordinator prior to the issue of a Construction Certificate for above ground works. These documents must include:
- (a) A statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments.
  - (b) Location and details of existing and proposed services, walls, planters, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (c) Engineers report confirming structural capacity of building for proposed roof terrace loads.
  - (d) Details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
  - (e) 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.
  - (f) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
  - (g) Green roof maintenance plan for Level 1 and Level 4 landscaping including planting beyond the balustrade. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
- B39. Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
- B40. All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

### **Design for Environmental Performance**

- B41. Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report are incorporated into the relevant construction plans and accompanying documentation:
- (a) Section 4 – Energy Efficiency and Greenhouse Gas Abatement
  - (b) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
  - (c) Section 6 – On site Renewable Energy Generation and Storage
  - (d) Section 7 – Design for Resilience to Climate Change
  - (e) Section 8 – Designing for mains potable water savings and water efficiency
  - (f) Section 9 – Storm water quality
- B42. Changes to any commitments as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager/Coordinator prior to the issue of any relevant Construction Certificate.

### **Energy Performance – NABERS**

- B43. The design of the building and its services must achieve a National Australian Built Environment Rating System (NABERS) Energy rating of 4.5 Star in operation for the whole 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 whole 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.
- B44. The required documents specified above are to be submitted to and approved by Council's Area Planning manager prior to the issue of a Stage 2a 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) Whole building refers to the base building and tenant occupied spaces, as defined under NABERS.
- (iv) Estimate report refers to the report created by the Estimator which sets out a realistic estimate of the operational performance of the project determined.
  - In accordance with the NABERS Handbook; and
  - Without reference, calculation or consideration to GreenPower or other offsite renewable energy.
- (v) Independent Design Review report is a report prepared in respect to the Independent Design Review by the Reviewer.

#### **Energy Performance – Green Star**

- B45. The design of the building must achieve 4 Star Green Star Buildings certification, with all Minimum Expectations met plus a minimum of 18 points. This is 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.

#### **Installation of Dual-Flush Toilets**

- B46. 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 Stage 2a Construction Certificate being issued.

#### **Installation of Water Efficient Urinals**

- B47. 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 6-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 Stage 2a Construction Certificate being issued.

### **Installation of Water Efficient Shower Heads**

- B48. 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.

### **Installation of Water Efficient Taps**

- B49. 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.

### **Public Domain Damage Bond**

- B50. A Public Domain Damage Deposit calculated on the basis of 135 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.
- B51. 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.
- B52. The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

### **Protection of Stone Kerbs**

- B53. The existing stone kerbs on the Pitt Street frontage of the site are to be retained and properly protected during demolition, excavation and construction works.
- B54. 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 reinstalled 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.
- B55. Note the following:
- (a) All costs associated with the works are to be borne by the developer.
  - (b) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
  - (c) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
  - (d) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
  - (e) Council approval is required before kerbs are removed.
  - (f) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
  - (g) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

### **Survey Infrastructure - Identification and Recovery**

- B56. 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.
- B57. 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.

B58. Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

### **Public Domain Levels and Gradients – Major**

B59. 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/publicdomainworks/daassociatedworks>.

B60. Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

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

### **Stormwater Drainage Design**

B61. Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professionals must be submitted to and approved by the City's Public Domain Unit and must include:

- (a) A certified stormwater drainage design complying with:
  - (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.

B62. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/daassociatedworks>.

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

### **Stormwater Quality Assessment**

B63. The development must comply with the MUSIC-link Report 372 Pitt Street report dated 18 October 2024 approved with this development application.

B64. 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.

### **Flood Planning Levels**

B65. The development must be constructed to comply with the recommended flood planning levels indicated in Plan Showing 1% AEP & PMF Levels Sketch SKCV 02 of the Civil Design Advice Rev E prepared by WSP, undated.

- B66. 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.

#### **Dilapidation Report – Public Domain**

- B67. Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's Public Domain Manual is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>
- B68. 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 nonexclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

#### **Temporary Dewatering During Construction**

- B69. 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.
- B70. Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or offsite disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

#### **Waste and Recycling Management – Commercial**

- B71. The Operational Waste Management Plan prepared by Elephants Foot (Council reference 2024/680019) accompanying the Development Application has been approved by this consent responsive to architectural plans dated November 2024. 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.

#### **Mechanical Ventilation**

- B72. 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.
- B73. 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 relevant Construction Certificate.
- B74. Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

#### **Microbial Control In Water Systems**

- B75. 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.

B76. Notification forms are available on Council's website [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)

#### **Future Food Use - Mechanical Ventilation Provision**

B77. Prior to the issue of a relevant Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with *AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and *AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings*.

#### **Demolition / Site Rectification**

B78. The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) A bank guarantee to be provided in the sum of \$284,975 dollars as security for the costs of such works provided that:
    - the maximum liability under the Deed must not exceed \$284,975 dollars; and
    - the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
  - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
    - demolition of the existing building has commenced but not been completed;
    - the existing building has been demolished; or
    - the site has been excavated; or
    - the erection of the structure has commenced.
  - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
    - make the building safe and of an appearance acceptable to Council at ground level;
    - allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
    - for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or

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



## **PART C PRIOR TO COMMENCEMENT OF WORKS**

### **Notification of Commencement**

- C1. The Applicant must notify the City of Sydney in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **Certified Drawings**

- C3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### **Structural Integrity of Retained Building Elements**

- C4. 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 Area Planning Manager. The report must explain how the retained building elements, such as building facades and party walls are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

### **Use of a Structural Engineer**

- C5. 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.

### **Use of Geotechnical Engineer**

- C6. 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.
- C7. The recommendations of the geotechnical engineer engaged must be implemented, and where relevant be included in the Excavation Work Method Statement required by a separate condition below.

### **Demolition, Excavation and Construction Management**

- C8. Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:
  - (a) 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.
  - (b) 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.)
  - (c) An Excavation Work Method Statement prepared by an appropriately qualified person.
  - (d) 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.
  - (e) 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.*

- C9. Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; City'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:
- (a) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
  - (b) The name and address of the company/contractor undertaking demolition/excavation works.
  - (c) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
  - (d) The name and address of the transport contractor.
  - (e) The type and quantity of material to be removed from site.
  - (f) Location and method of waste disposal and recycling.
  - (g) Proposed truck routes, in accordance with this development consent.
  - (h) 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).
  - (i) Measures to control noise emissions from the site.
  - (j) Measures to suppress odours.
  - (k) Enclosing and making the site safe.
  - (l) Induction training for on-site personnel.
  - (m) 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.
  - (n) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
  - (o) Disconnection of utilities.
  - (p) 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).
  - (q) 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).
  - (r) Waterproofing of any exposed surfaces of adjoining buildings.
  - (s) 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).
  - (t) Working hours, in accordance with this development consent.
  - (u) Any SafeWork NSW requirements.
- C10. 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.
- C11. All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.
- C12. These records must be available for sighting on request by an authorised Council officer.

## **Erosion and Sediment Control**

C13. Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifier. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include a drawing(s) that clearly shows:
  - (i) location of site boundaries and adjoining roads
  - (ii) approximate grades and indications of direction(s) of fall
  - (iii) approximate location of trees and other vegetation, showing items for removal or retention
  - (iv) location of site access, proposed roads and other impervious areas
  - (v) existing and proposed drainage patterns with stormwater discharge points
  - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
  - (i) timing of works
  - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
  - (iii) access protection measures
  - (iv) nature and extent of earthworks, including the amount of any cut and fill
  - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
  - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
  - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
  - (viii) frequency and nature of any maintenance program
  - (ix) other site-specific soil or water conservation structures.

## **Utility Services**

C14. To ensure that utility authorities are advised of the development:

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

## **Application For Hoardings and Scaffolding Installed on or Above a Public Road and Operating Hoisting Devices Including Building Maintenance Units Over a Public Road**

C15. 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.

C16. Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:

- (a) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (b) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (c) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (d) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (e) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
  - (f) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
  - (g) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
  - (h) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
  - (i) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).
- C17. If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be made to Council to obtain approval.

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

#### **Other Approvals**

- C18. Any activity which is proposed to be undertaken in, on or above a road reserve or the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the *Local Government Act 1993* and/or Section 138/139 of the *Roads Act 1993* prior to the commencement of work/activities within the road reserve/public domain. Such activities include but not limited to:
- (a) installation of construction-related temporary structures including hoardings/scaffolding;
  - (b) installation and/or alterations to advertising/business signs;
  - (c) installation and/or alterations to street awnings;
  - (d) crane operation and other hoisting activities;
  - (e) temporary works (e.g. barricading, road openings, mobile hoisting devices);
  - (f) works zones (for loading and unloading from the roadway); and
  - (g) temporary ground anchoring and shoring to support a roadway when excavating; and
  - (h) any other structure or encroachment including facade elements/architectural features.

#### **Public Domain Works Construction Approval Under Section 138 Roads Act 1993**

- C19. 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.

**Footpath Awnings**

- C20. 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.
- C21. Documentation must be submitted to the City's Construction and Building Certification Services Unit with the application demonstrating that the awning height complies with Development Control Plan 2012. 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.

## **PART D DURING CONSTRUCTION**

### **Operation of Plant and Equipment**

- D1. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### **Air Quality**

- D2. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D3. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

### **Emergency Management**

- D4. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

### **Survey**

- D5. All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

### **Check Surveys During Construction**

- D6. Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying and 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 approved under this consent.

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

- D7. All works conducted on site which form part of this development must be carried out in accordance with the approved Demolition, Excavation and Construction Management Plan prepared in accordance with Condition B14-B15 above.
- D8. Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP) Such periods must be set and agreed to by Council's Health and Building Unit.

### **Use of Intrusive Appliances – Not Approved**

- D9. This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992”.
- D10. A separate Section 4.55 application must be submitted to the Council for the use of any equipment of a highly intrusive nature (such as pile drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992.

### **Use of Heritage Consultant - Minor Development**

- D11. A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant 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. Evidence and details of the above commission on the above terms are to be provided to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the commencement of work on site.
- D12. The heritage consultant must sign off the completed project and submit a final report to Council's Area Coordinator Planning Assessments / Area Planning Manager specifying how the heritage conditions are satisfied prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

### **Salvage, Reuse and Recycling of Traditional Building Materials**

- D13. Traditional building materials surplus to the project (including stone, bricks, timber joinery, doors, windows, stairs, chimney pieces etc) must not be scrapped and are to be carefully salvaged and transferred to an established dealer in second hand heritage building materials for recycling.

### **Archaeological Discovery During Excavation**

- D14. 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.
- D15. 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.
- D16. 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.
- D17. If the discovery is on Council's land, Council must be informed.

### **Land Remediation (Where Site Auditor Engaged)**

- D18. The site is to be remediated and validated in accordance with the Remedial Action Plan REV B prepared by WellSmart Investment Holding (Bris) PTY LTD and dated January 2025 and the Letter of Interim Advice #5 dated 29/01/2025, referenced SA003 and prepared by NSW Environment Protection Authority accredited Site Auditor Loek Munnichs. 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.
- D19. 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.

- D20. 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.

#### **Notification – New Contamination Evidence**

- D21. 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.

#### **Imported Fill Materials**

- D22. 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.
- D23. 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.

#### **Classification of Waste**

- D24. 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.

#### **Discharge of Contaminated Groundwater**

- D25. Contaminated groundwater must not be discharged into the City's stormwater drainage system.
- D26. Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or offsite disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

#### **Stockpiles**

- D27. 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.
- D28. All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.
- D29. All stockpiles of soil or other materials likely to generate dust or odours must be covered.
- D30. All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours

#### **Land Contamination**

- D31. Any conditions mentioned in the Site Auditor Statement are to be implemented by the owners of the Site.



### **Drainage And Service Pit Lids**

- D32. All existing or proposed drainage and service pit lids throughout the public domain must be to City of Sydney specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

### **Public Domain Plan Detailed Documentation for Construction**

- D33. A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights: Public Domain Design Code and Sydney Streets Technical Specification. The documentation must be checked, accurate, and comply with specified requirements. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be for Construction issue and will be approved under Section 138 of the Roads Act.
- D34. 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>.
- D35. The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, details must be submitted for approval with the public domain plan and additional fees may apply.

### **Hold Points**

- D36. A set of hold point inspections will be included in the Public Domain works approval letter for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works.
- D37. These hold point inspections must be adhered to during construction works. Prior to the issue of any Occupation Certificate, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Principal Certifier.

### **Stormwater Drainage Connection**

- D38. For approval of a connection into the City of Sydney's drainage system an "*Application for Approval of Stormwater Drainage Connections*" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to approval being issued for the construction of public domain work.

### **Hours Of Work and Noise – CBD**

- D39. 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.*

### **Notification of Excavation Works or Use of High Noise Emission Appliances / Plant**

- D40. 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.

### **Site Notice of Projects Details and Approvals**

- D41. 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.

### **Erosion and Sediment Control**

- D42. The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.
- D43. During the construction period: -
- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
  - (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
  - (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

### **Hazardous and Industrial Waste**

D44. 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.

### **Vehicle Cleansing**

D45. 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.

### **Loading And Unloading During Construction**

D46. The following requirements apply:

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

### **No Obstruction of Public Way**

D47. Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

### **Access Driveways to Be Constructed**

D48. Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

### **Use of Mobile Cranes**

D49. The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

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

#### **Covering of Loads**

- D50. 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.

#### **Sydney Water Certificate**

- D51. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
- D52. 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.
- D53. 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.
- D54. The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to any Occupation Certificate or subdivision/strata certificate being issued.

## **PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **PHYSICAL MODELS**

- E1. Prior to the issue of any Occupation Certificate an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the City Model in Town Hall House.

*Note:*

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

### **SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

- E2. 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.
- E3. The data required to be submitted within the surveyed location must include and identify:
- (a) building design above and below ground in accordance with the development consent;
  - (b) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (c) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.
- E4. 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.
- E5. The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

### **Plan of Management**

- E6. A revised Plan of Management must be prepared and submitted to Council's Area Planning Manager prior to the issue of an Occupation Certificate. The revised Plan of Management must be prepared in accordance with Schedule 3.2 of the Sydney Development Control Plan 2012 and is to be updated to address functions held within the hotel, including type, capacity and operation within the approved hours of operation of this consent.
- E7. The use must always be operated / managed in accordance with the Plan of Management, approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

### **External Walls and Cladding**

- E8. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

### **Waste and Recycling Collection Contract – Commercial**

- E9. 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.

## **Waste and Recycling Management Commercial**

- E10. 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.

## **Public Domain Works Completion**

- E11. 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.
- E12. The public domain work must be inspected and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

## **Public Domain Completion – Work as Executed Documentation**

- E13. 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.

## **Survey infrastructure – restoration**

- E14. Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
- (a) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with
  - (b) 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
  - (c) Timestamped 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.

## **Constructed Floor Levels**

- E15. 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 Plan Showing 1% AEP & PMF Levels Sketch SKCV 02 of the Civil Design Advice Rev E prepared by WSP, undated.

## **Flood Risk Management**

- E16. 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.

## **Flood Protection Features**

- E17. Prior to the issue of any Occupation Certificate, the proposed Flood Protection System including all its features are to be tested by an independent floodplain management consultant, and a report confirming the full operation of the system is to be submitted to and approved by Principal Certifying Authority.

**Survey Certificate at Completion**

- E18. A Survey Certificate prepared by a Registered Surveyor must be submitted to the Principal Certifier at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

## **PART F OCCUPATION AND ONGOING USE**

### **Operation of Plant and Equipment**

- F1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

### **Warm Water Systems and Cooling Systems**

- F2. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### **Energy Performance Certification – NABERS**

- F3. Within 24 months from the day on which an occupation certificate is issued (if the development requires an occupation certificate), or the day on which the building may be occupied or used (if the development does not require an occupation certificate), an assessment of the NABERS rating for energy use achieved by the development that is prepared by an assessor accredited under NABERS is to be submitted to Council.
- F4. The assessment must specify the following:
- (a) The rated annual electricity use,
  - (b) If the development will not achieve the energy use standards – the difference between the rated annual electricity use and the energy use standards, calculated for the first 5 years of operation,
  - (c) The rated use of on-site fossil fuels and the associated amount of carbon dioxide measured as carbon dioxide equivalent or CO<sub>2</sub>e, calculated for the first 10 years of operation.

### **Unobstructed Driveways and Parking Areas**

- F5. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### **Use of Hotel Amenities**

- F6. The use of hotel amenities on Level 57 must only be used by hotel guests and their guests.

### **Hours of Operation**

- F7. The hours of operation are regulated as follows:
- (a) The hours of operation for the function and food and drink premises are restricted as follows:
    - (i) Ground Floor Lobby bar/café – 7:00am to 9:00pm Monday to Sunday, inclusive.
    - (ii) Ground Floor retail – 7:00am to 10:00pm Monday to Sunday, inclusive.
    - (iii) Level 1 bar – 4:00pm to 11:00pm Monday to Sunday, inclusive.
    - (iv) Level 4 all day dining restaurant – 7:00am to 10:00pm Monday to Sunday, inclusive (indoor and outdoor areas).

### **Maximum Capacity of Persons**

- F8. The maximum number of persons permitted in the level 4 all day dining restaurant area at any one time is as follows:
- (a) Terrace area – 80 persons
  - (b) Indoor area – 200 persons
- F9. The capacity for each area must not exceed the maximum numbers at any given time.
- F10. The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.



- F11. A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details are to be provided to the satisfaction of the Accredited Certifier prior to issue of a Construction Certificate and the Principal Certifier is to confirm compliance prior to the issue of an Occupation Certificate.

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

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

### **No Spruiking Noise**

- F12. No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

### **No Speakers or Music Outside**

- F13. Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain, unless otherwise permitted in the approved acoustic report. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

### **Plan of Management**

- F14. The use must always be operated / managed in accordance with the Plan of Management, once approved by this consent. In the event of any inconsistency, the conditions of this consent will prevail over the Operational Management Plan.

### **Copies Of Consents And Management Plans**

- F15. A full and current copy of all current development consents for the operation of the licensed premises, and the Plan of Management (once approved) must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

### **Surveillance Cameras**

- F16. CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:
- (a) principal entrance/s and exits;
  - (b) all areas within the premise occupied by the public (excluding toilets);
- F17. All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the identification of patrons, offenders and incidents within the depth of field view of the cameras.
- F18. CCTV recordings shall have time and date auto recorded and be retained for 28 days before being re-used, destroyed or deleted. A digital copy must be handed to the Council or Police Officer on request.
- F19. All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. All reasonable steps must be taken to ensure repairs to the system are completed as soon as practicable within 24 hours.
- F20. The CCTV recording device must be kept in a secured location.

## **Removal Of Glass**

- F21. Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises (except from any approved bottle shop area) or approved outdoor dining area included in the boundaries of the licensed premises.

## **Noise From Glass Removal**

- F22. Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

## **Neighbourhood Amenity**

- F23. Signs must be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage must be in bold letters not less than 25mm in height on a contrasting background.
- F24. The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

## **Queuing**

- F25. No persons are to be permitted to drink or queue outside the premises at any time. Security officers are to ensure that there is no queue for the premises and take all reasonable steps to ensure compliance with this condition.

## **Incidents – Recording and Notification**

- F26. The manager/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

## **Noise – Structure Borne Impact on Separate Residential Premise**

- F27. Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate residential accommodation:
- (a)  $LA_{1, \text{Slow } 15 \text{ minute}} \leq LA_{90, 15 \text{ minute}} \text{ dB(A)}$ .

## **Noise Structure Borne Impact on Separate Commercial Premise**

- F28. Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate commercial premise:
- (a)  $LA_{1, \text{Slow } 15 \text{ minute}} \leq LA_{90, 15 \text{ minute}} + 3 \text{ dB(A)}$

## **Vibration**

- F29. Operation of the use is not to result in the transmission of any perceptible vibration to an occupiable area within a separate premises.

## **Noise – Entertainment**

- F30. The  $LA_{eq, 15 \text{ minute}}$  noise level from the use must not exceed the background noise level ( $LA_{90, 15 \text{ minute}}$ ) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- F31. The  $LA_{eq, 15 \text{ minute}}$  noise level from the use must not exceed the background noise level ( $LA_{90, 15 \text{ minute}}$ ) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- F32. Notwithstanding (F30) above, the  $LA_{eq, 15 \text{ minute}}$  noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:

- (a) The existing internal LA90, 15 minute (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
  - (b) If the LZ90, 15 minute background level is below the hearing threshold curve (Tf Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's LZeq 15 minute noise criteria level.
- F33. Notwithstanding (F31) above, the LA1 15 minute noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:
- (a) The existing internal LA90, 15 minute (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,
  - (b) If the LZ90, 15 minute minus 10 dB level is below the hearing threshold curve (Tf Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's LZ1 15 minute noise criteria level.
- Note: Leq, L01, and L90, metrics and 'A' (weightings) are as per the definitions in the standard AS105520148. 'Z' means unweighted noise. An internal LA90 level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External LA90 levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.*

#### **Noise Commercial Plant/Industrial Development**

- F34. Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI) unless agreed to by the City's Area Planning Manager. Further:
- (a) Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.
  - (b) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- F35. An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
- (a) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
  - (b) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- F36. Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

#### **On-site Loading Areas and Operation**

- F37. 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.
- F38. 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.

#### **Coach and Guest Pick-Up / Drop-off Management Plan**

- F39. A Coach Parking Management Plan, must be submitted to and approved by Council prior to the issue of the first Occupation Certificate for the site/use being granted,
- F40. The plan must include, but is not limited to the following:

- (a) An outline of the quantity and frequency of visits per day, including time of day, of vehicles likely to be received for guest drop-off and pick-up and bus/coach arrivals, tour groups/services.
- (b) Location coach/bus parking spaces available in proximity to the site and how arrivals will be managed.
- (c) Details of nearby coach parking and passenger pickup and drop off locations.
- (d) Details of coach/vehicle sizes likely to be used to accommodate guest arrivals, departures and tours.
- (e) Details of how guest arrivals and departures would be managed with the existing street parking restrictions who need point to point transport.
- (f) Management of guests, luggage and/or trolleys to ensure the public footpath remains unobstructed for use of pedestrians.

F41. Once approved, this management plan must be provided to all tenants and external users.

#### **Bicycle Parking Signage and Wayfinding Plan**

F42. Signage directing users to the bicycle parking facilities are to be installed from the street level, between the bicycle riders entry point/s at the site boundary and the entry point to the bike parking and End of Trip facilities. Signage is to be generally in accordance with signage shown in Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities.

F43. Signage is to be installed before the issue of any Occupation Certificate.

#### **Loading Dock and Servicing Management Plan**

F44. 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 and not only the hotel. 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 plan also details about the traffic management of one way vehicle access on Pitt St to and from the loading dock.

F45. The Loading and Servicing Management Plan must include the strategy for the management of all servicing of the site including delivery vehicles, garbage collection, service vehicles and should include information such as arrivals to the site, the anticipated numbers of arrivals per week, time of day of the arrivals, length of stay, vehicle type etc. along with how these will be managed to prevent disruption to public streets.

F46. The plan is to be prepared and submitted to and approved by Council's Area Planning Manager, prior to issue of an Occupation Certificate.

F47. Once approved, this management plan is to be provided to all relevant tenants and external users of the loading area.

#### **Transport Access Guide**

F48. 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 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) Nearby suitable drop off/pick up locations, taxi rank, public car parking to assist who need point to point transport.
- (c) Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

#### **Scheduled Collections Commercial**

F49. Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's Guidelines for Waste Management in New Developments, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for Managing Waste in Public Places.

- F50. In accordance with the approved waste management plan, waste and recycling stream(s) bins must not be placed on the street for collection. Waste collection will occur within the site at all times.
- F51. Unimpeded access must be provided to the waste and recycling stream(s) storage area(s) at all times.
- F52. Unobstructed access is to be provided for waste collection vehicles to set down within 10m of the waste storage and collection area(s) during zone collection times on collection days.

#### **Ongoing Waste Management – Commercial**

- F53. The ongoing use of development/tenancy must be in accordance with the approved Operational Waste Management Plan, Council's Guidelines for Waste Management in New Developments, the City of Sydney's DCP, and the Conditions of Consent.
- F54. All general waste and recycling materials emanating from the premises must be stored in the designated waste storage area(s), must not be stored outside the premises (including the public domain) at any time.
- F55. All waste and recycling stream(s) storage area(s) are to only be used for the purposes of storing waste and recycling from the premises in accordance with the original consent and approved Operational Waste Management Plan and not be converted to a different use.
- F56. Scheduled collections and waste management arrangements of the development/tenancy is the responsibility of the business owner or property manager and are to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan and this consent. These arrangements include:
  - (a) arranging an adequate number of bins and the servicing regime matched to the needs of the premises.
  - (b) actively managing waste streams and supporting infrastructure to ensure bins are not overflowing, damaged or leaking and lids are fully closed at all times.
  - (c) routine cleaning and maintenance of waste storage area(s) to inhibit the permeation of odour and prevent litter and pests.
  - (d) the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney.
- F57. Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.

#### **Defects Liability Period Public Domain Works**

- F58. All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of completion will be nominated by Council on the Public Domain Works Letter of Completion Operational Acceptance.

#### **Encroachments – Public Way**

- F59. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

#### **Encroachments – Neighbouring Properties**

- F60. No portion of the proposed structure shall encroach onto the adjoining properties.

#### **Energy Performance Certification – NABERS**

- F61. The building and its services must achieve a National Australian Built Environment Rating System (NABERS) Energy rating of 4.5 star in operation for the whole building. Within 24 months from the day on which an 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.
- F62. The NABERS report must demonstrate the following:

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

**Energy Performance Certification – Green Star**

F63. Within 24 months from the day on which an occupation certificate is issued, a Green Star certificate, along with reporting confirming that the required level of achievement in 4 star Green Star rating under the Green Star Buildings v1 tool has been met, is to be submitted to Council.

**Occupation Certificate To Be Submitted**

F64. 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.

## **PART G GOVERNMENT AGENCY CONDITIONS**

### **TfNSW (as Rail Authority Sydney Trains)**

#### **Concurrence conditions as advised by TfNSW (Sydney Trains) are as follows:**

- G1. Prior to the issue of a Construction Certificate, the Applicant shall provide a detailed survey locating the development with respect to rail land, tunnel reserves and easements. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains.
- G2. Prior to the issue of a Construction Certificate, a geotechnical report is needed to evaluate the impact of the development on the rail tunnel below the subject site. The Applicant shall submit a Geotechnical Report for review and written endorsement by Sydney Trains to ensure that the proposed development is structurally sound and will not jeopardise the structural integrity of the existing rail tunnel.
- G3. Prior to the issue of a Construction Certificate, the following final version rail specific items are to be submitted to Sydney Trains for review, comment, and written endorsement:
  - (a) Machinery to be used during excavation/construction.
  - (b) Excavation/construction methodology and staging.
- G4. The Certifier is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.
- G5. Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- G6. Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- G7. The Applicant/Developer may need power outages (shutting of power to Sydney Trains/TAM's facilities) to be able to undertake the proposed development. If required, prior to the issue of a Construction Certificate, the Applicant/Developer shall enter into an Agreement with Sydney Trains, enabling this work to be planned and to proceed in a safe and controlled manner. The Certifier shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains that this condition has been satisfied.
- G8. The developer is required to enter into an agreement with Sydney Trains defining the controls to be implemented in managing the potential impacts of the development on rail, and the involvement of rail staff in ensuring appropriate the appropriate safety and technical standards are complied with throughout the development.
- G9. The Applicant shall provide Sydney Trains documentation detailing how the proposed works are to be undertaken and confirmation from an appropriately qualified engineer(s) that there will be no negative impact on rail infrastructure (including below ground tunnels) or rail operations. This documentation shall also include details of any loading impacts on below ground tunnels that may arise due to the use of scaffolding for the facade works and/or machinery used during and post construction for maintenance which may remain in a stationary position for any given time. All work is to comply with the standard "T HR CL 12051 ST Development Near Rail Tunnels"
- G10. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- G11. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- G12. If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- G13. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority and Council certifying that the completed development meets the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.
- G14. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAM (Transport Asset Manager of NSW, formerly TAHE) property or easements, unless agreed to by TAM (Transport Asset Manager of NSW, formerly TAHE). The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- G15. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - (b) acts as the authorised representative of the Applicant; and
  - (c) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- G16. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- G17. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface, and they can be contacted via email on [Central\\_Interface@transport.nsw.gov.au](mailto:Central_Interface@transport.nsw.gov.au).
- G18. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAM (Transport Asset Manager of NSW) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.



## **Sydney Metro**

### **Concurrence conditions as advised by Sydney Metro are as follows:**

- G19. All concurrence conditions as advised by Sydney Metro for this development are to be complied with.

## **TfNSW**

### **Conditions as advised by TfNSW are as follows:**

- G20. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2022 and AS 2890.2-2018.
- G21. Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the proponent shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW.
- G22. The CPTMP shall include (but not be limited to) the following:
- (a) A description of the development;
  - (b) Location of any proposed work zone(s)
  - (c) Details of crane arrangements including location of any crane(s);
  - (d) Haulage routes;
  - (e) Construction vehicle access arrangements;
  - (f) Proposed construction hours;
  - (g) Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
  - (h) Construction program and construction methodology;
  - (i) Any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
  - (j) Cumulative construction impacts of projects and Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.
  - (k) Submit a copy of the final plan to TfNSW for endorsement; and
  - (l) Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre within TfNSW 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.
- G23. Please send information to [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.
- G24. The proponent shall prepare a Green Travel Plan (GTP) and Travel Access Guide (TAG) in consultation with TfNSW. The NSW Government provides a range of resources to help in the development of a GTP at [www.mysydney.nsw.gov.au/travelchoices/tdm#support](http://www.mysydney.nsw.gov.au/travelchoices/tdm#support)
- G25. Please send information of the final GTP and TAG 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 Occupation Certificate.
- G26. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the classified road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

## Ausgrid

### Conditions as advised by Ausgrid are as follows:

- G27. **Ausgrid Underground Cables are in the vicinity of the development:** Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.
- G28. 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).
- G29. In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:
- (a) SafeWork Australia – Excavation Code of Practice.
  - (b) Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.
- G30. The following points should also be taken into consideration.
- (a) Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
  - (b) Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.
  - (c) 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.
- G31. **Ausgrid Chamber Substation in the vicinity of the development:** The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.
- G32. In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.
- G33. Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.
- G34. The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).
- G35. For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.
- G36. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.
- G37. **New Driveways - Proximity to Existing Poles:** Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

- G38. **New or modified connection:** To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>
- G39. Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: [www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)

### **Sydney Airport**

#### **Conditions as advised by Sydney Airport are as follows:**

- G40. The building must not exceed a maximum height of 206.1 metres AHD, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- G41. 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.
- G42. The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing [ifp@airservicesaustralia.com](mailto:ifp@airservicesaustralia.com) and quoting YSSY-CA-933.
- G43. 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.
- G44. 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 (Department of Climate, Energy, the Environment and Water)**

- G45. We recommend a copy of the unredacted report is provided to Heritage NSW to enable consideration of comments received from Registered Aboriginal Parties and adherence to the 'Aboriginal cultural heritage consultation requirements for proponents'.
- G46. It is recommended that a copy of the Archaeological Research Design and field methodology is provided to Heritage NSW for review and comment.

### **Sydney Water**

#### **Conditions as advised by Sydney Water are as follows:**

##### **Section 73 Compliance Certificate**

- G47. A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extension, adjustment or connection to our mains. Make early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an occupation or subdivision certificate will be issued.
- G48. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.
- G49. Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

## **Building Plan Approval**

- G50. The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.
- G51. Sydney Water recommends developers apply for Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

## **Tree Planting**

- G52. Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.
- G53. For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.
- G54. For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

## **Trade Wastewater Requirements**

- G55. If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.
- G56. The permit application can be made on Sydney Water's web page via Sydney Water's Tap in™.
- G57. A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.
- G58. If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

## **Backflow Prevention Requirements**

- G59. Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.
- G60. All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.
- G61. Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.
- G62. Before you install a backflow prevention device:
- G63. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
- G64. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.
- G65. For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website: <https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

### **Water Efficiency Recommendations**

- G66. Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.
- G67. Some water efficiency measures that can be easily implemented in your business are:
- (a) Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
  - (b) Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.htm> I
  - (c) Install water-monitoring devices on your meter to identify water usage patterns and leaks.
  - (d) Develop a water efficiency plan for your business.
- G68. It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

### **Contingency Plan Recommendations**

- G69. Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.
- G70. Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.
- G71. Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.
- G72. Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.
- G73. For further information please visit the Sydney Water website at: <https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au).

## **APPENDIX 1 ADVISORY NOTES**

### **General**

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

### **Long Service Levy**

AN2. For work costing \$250,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Corporation on 131 441.

### **Access for People with Disabilities**

AN3. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### **Utilities and Services**

AN4. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN5. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### **Road Occupancy Licence**

AN6. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### **SafeWork Requirements**

AN7. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

### **Hoarding Requirements**

AN8. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### **Handling of Asbestos**

AN9. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### **Fire Safety Certificate**

AN10. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

## **APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **Written Incident Notification Requirements**

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A14 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.