Attachment A

Recommended Conditions of Consent

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below in Schedules 1 and 2.

SCHEDULE 1

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

(a) Development must be in accordance with the following drawings prepared by Stewart Architecture:

Drawing Number	Drawing Name	Date
DA0110 Rev D	Site Plan	11.09.2026
DA0330 Rev B	Demolition Plan	12.03.2026
DA0331 Rev B	Genesian Theatre – Demolition Works	12.03.2026
DA1002 Rev C	Plan – Basement 2	17.07.2026
DA1003 Rev C	Plan – Basement 1	17.07.2026
DA1004 Rev C	Plan – Lower Ground (Kent)	17.07.2026
DA1005 Rev C	Plan – Mezzanine (Kent)	17.07.2026
DA1006 Rev C	Plan – Upper Ground (Kent)	17.07.2026
DA1007 Rev D	Plan – Level 1	11.09.2026
DA1008 Rev D	Plan – Level 2	11.09.2026
DA1009 Rev D	Plan – Level 3	11.09.2026
DA1010 Rev D	Plan – Level 4	11.09.2026
DA1011 Rev D	Plan – Level 5	11.09.2026
DA1012 Rev D	Plan – Level 6	11.09.2026
DA1013 Rev D	Plan – Level 7	11.09.2026
DA1014 Rev D	Plan – Level 8	11.09.2026

Drawing Number	Drawing Name	Date
DA1015 Rev D	Plan – Level 9	11.09.2026
DA1016 Rev D	Plan – Level 10	11.09.2026
DA1017 Rev D	Plan – Level 11	11.09.2026
DA1018 Rev D	Plan – Level 12	11.09.2026
DA1019 Rev D	Plan – Level 13	11.09.2026
DA1020 Rev D	Plan – Level 14	11.09.2026
DA1021 Rev D	Plan – Level 15	11.09.2026
DA1022 Rev C	Plan – Roof	17.07.2026
DA1050 Rev A	Plan – Roof Services Diagram	17.07.2026
DA1803 Rev D	Unit Types (Pre-Adapted)	11.09.2026
DA1804 Rev D	Unit Types (Post-Adapted)	11.09.2026
DA 2001 Rev D	Elevation – West – Kent Street	11.09.2026
DA 2002 Rev D	Elevation – East – Clarence Street	11.09.2026
DA 2004 Rev D	Elevation – Public Domain – North	11.09.2026
DA 2005 Rev D	Elevation – Public Domain – South	11.09.2026
DA 2006 Rev B	Elevation – West – Kent Street Open Screens & Glazing	11.09.2026
DA 2007 Rev B	Elevation – East – Clarence Street Open Screens & Glazing	11.09.2026
DA 2008 Rev B	Elevation – Public Domain – North Open Screens & Glazing	11.09.2026
DA 2201 Rev D	Materials & Finishes Schedule	11.09.2026
DA 2202 Rev D	Materials & Finishes Schedule	11.09.2026

Drawing Number	Drawing Name	Date
DA 3001 Rev D	Sections	11.09.2026
DA 3002 Rev D	Sections	11.09.2026
DA 3003 Rev D	Sections – Public Domain	11.09.2026
DA 3009 Rev C	Sections – Car Stacker	17.07.2026
DA 3010 Rev B	Sections	11.09.2026
DA 3301 Rev B	Facade Sections	11.09.2026
DA 3302 Rev A	Facade Section	22.09.2026

and as amended by the conditions of this consent.

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

Reason

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

(2) SURRENDER OF DEVELOPMENT CONSENT D/2018/1577

Pursuant to Section 4.17(1)(b) of the Environmental Planning and Assessment Act, unless otherwise lapsed, Development Consent D/2018/1577 is to be surrendered prior to any works of any kind associated with this development consent being carried out, including minor works or demolition.

Reason

To ensure the development consent does not conflict with previous approvals.

(3) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

(a) The Floor Space Ratio of the proposal must not exceed 7.712:1 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 6,223 sqm.

(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Reason

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

(4) MATTERS NOT APPROVED

No approval is granted or inferred for any original windows within the heritage item at 420 Kent Street to be removed and replaced for the purposes of acoustic attenuation.

Reason

To preserve heritage fabric.

(5) BUILDING HEIGHT

(a) The height of the building must not exceed RL 70.75 (AHD) to the top of the building, RL 67.35 (AHD) to the parapet of the building, and RL 68.05 (AHD) to the top of the balustrade above the parapet of the building.

(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(6) APPROVED DESIGN ROOF - TOP PLANT

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

Reason

To ensure the constructed development complies with the approved height.

(7) USE - SEPARATE DA REQUIRED

This consent approves the building shell only for the non-residential tenancies.

No consent is granted or implied for the occupation, fit-out or operation of any food and drink premises, indoor recreation facility or other non-residential tenancies within the new building.

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

Reason

To require separate consent to be obtained for a use.

(8) LAND SUBDIVISION – SEPARATE DA REQUIRED

Land subdivision will require a separate application through the NSW Planning Portal to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the Environmental Planning and Assessment Act 1979.

Reason

To ensure separate development consent is sought for land subdivision.

(9) STRATA SUBDIVISION – DEVELOPMENT CONSENT

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

Reason

To ensure separate development consent is sought for strata subdivision.

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

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

Reason

To clarify the scope of the consent.

(11) SIGNS - SEPARATE DA REQUIRED

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

Reason

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

(12) SWINGING DOORS OVER PUBLIC WAY

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

Reason

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

(13) TREE APPROVED FOR REMOVAL

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

Table 1 – Tree Removal:

Tree Number	Species:	Location
1	*Fraxinus pennsylvanica* (Green Ash)	Street Tree – Clarence Street

(b) Tree removal works must be carried out by a qualified Arborist (minimum AQF Level 3) and in accordance with SafeWork's Code of Practice - Amenity Tree Industry.

(c) The removal of any street tree approved by the City of Sydney Urban Forest Team must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following tree removal.

Reason

To identify the trees that can be removed.

(14) TREE THAT MUST BE RETAINED

(a) The tree detailed in the table below must be retained and protected in accordance with the conditions throughout development works.

(b) Approval is NOT granted for the removal of the tree detailed in the table below, which the City of Sydney has determined to be important landscape elements.

Table 2 – Tree Retention:

Tree Number	Species:	Location
2	Populus simonii (Simon's Poplar)	Street Tree – Kent Street

Reason

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

(15) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

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

Reason

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

(16) GENERAL HERITAGE

(a) The proposed works to the building at 420 Kent Street are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.

(b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the Construction Management Plan.

(c) All conservation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.

(d) New services are to be installed with minimal impact to heritage fabric and significant spaces. Where possible new services are to use existing service runs.

(e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.

(f) The face brickwork/stone/tiles must not be rendered, painted or coated.

Reason

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

(17) REPAIRS AND WORKS FOR MAKING GOOD

All new repairs and works for making good of existing building fabric are to be carried out on a like for like basis and match the existing in terms of materials, colours, finishes, sizes, profile and properties.

Reason

To ensure repairs and works for making good are appropriate.

(18) ARCHAEOLOGICAL INVESTIGATION

(a) The applicant must apply to Heritage NSW for an excavation permit under Section 140 of the *Heritage Act 1977*.

(b) Should any potential archaeological deposit likely to contain Aboriginal objects be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to Heritage NSW for an excavation permit for Aboriginal objects.

(c) The applicant must comply with the conditions and requirements of any excavation permit required and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.

(d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.

(e) Should any relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.

(f) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*;

(g) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to issue of any Occupation Certificate.

Reason

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

(19) NO OBSTRUCTIONS

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

Reason

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

(20) PAVING MATERIALS

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

Reason

To ensure appropriate and safe paving materials are used.

(21) WASTE AND RECYCLING MANAGEMENT - GENERAL

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

Reason

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

(22) SIGNAGE STRATEGY

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

Reason

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

(23) SIGNS AT EGRESS

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

(a) Compelling drivers to stop before proceeding onto the public way

(b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

Reason

To ensure the safety of surrounding pedestrians and cyclists.

(24) SERVICE VEHICLE SIZE LIMIT

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

Reason

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

(25) ASSOCIATED ROADWAY COSTS

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

Reason

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

(26) COST OF SIGNPOSTING

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

Reason

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

(27) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the City's Traffic Operations team to approve any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use. The proposal may require a submission to the Local Pedestrian, Cycling, Traffic Calming and Transport Forum (LPCTCTF) for advice.

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

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

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

Reason

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

(28) VEHICLE ACCESS

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

Reason

To increase pedestrian safety at the site access.

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

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

Note: Information and downloadable forms may be found on the City's website in the 'Construction permits and approvals' section.

Reason

To ensure that approval under the Roads Act is obtained.

(30) AUSGRID UNDERGROUND CABLES ARE IN THE VICINITY OF THE DEVELOPMENT

(a) 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.

(b) It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA)

(c) In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:

(i) SafeWork Australia – Excavation Code of Practice.

(ii) Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

(d) The following points should also be taken into consideration.

(i) Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

(ii) Should ground 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.

(iii) 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.

Reason

To comply with Ausgrid's requirements

(31) 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.

Reason

To comply with Ausgrid's requirements

(32) 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

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

Reason

To comply with Ausgrid’s requirements

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(33) DESIGN MODIFICATIONS

(a) The design of the building must be modified as follows:

(i) The lost buttresses and boarded up windows on the southern wall of the heritage item at 420 Kent Street, are to be reinstated.

(ii) A set of 1:50 or 1:20 plans showing all new works (including acoustic treatments and conservation works) to the heritage item at 420 Kent Street, including ground level plan, mezzanine level plan, reflective ceiling plan, west elevation, south elevation, and east-west cross section and north-south sections, are to be provided.

(iii) The drawings must demonstrate how all acoustic treatments to the heritage item are reversible and minimise impacts to heritage fabric and features, and be supported by a Heritage Impact Statement. Amendments to the proposed acoustic treatments contained within the acoustic report may be required.

(iv) The existing projecting sign on the heritage item (Kent Street elevation) is to be removed. The demolition plans are to be updated accordingly.

(v) The drawings must demonstrate how the through-site link is to be secured with an appropriate barrier/gate(s), with access restricted to occupants of the building only.

(b) The landscape design of the through-site link must be modified as follows:

(i) The planted embankment design adjacent to the stairs is to be modified to introduce stepped or terraced planters that respond to and align with the stair levels.

(ii) The planting area that is flush with the level of the upper landing is to be provided with appropriate edge protection to prevent public access to, or falls into, the planted embankment.

(iii) Soil depths and soil volumes are to be increased along the through-site link, in accordance with the City Sydney Landscape Code, to support the long-term healthy growth of the proposed trees and tree ferns.

(iv) Trees are to be located only at the upper and lower landings of the stairs where adequate soil volume and safe, practical maintenance access can be provided.

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

Reason

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

(34) SECTION 7.12 CONTRIBUTIONS PAYABLE - CENTRAL SYDNEY - COST SUMMARY REPORT TO BE SUBMITTED AND CONTRIBUTIONS PAID PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

(a) Prior to any Construction Certificate being issued, the Registered Certifier must be provided with:

(i) a copy of Council's Statement of Contributions Owing detailing the contribution amount payable; and

(ii) evidence that the levy has been paid in accordance with this condition.

(b) The applicant must not pay the contribution until it is accompanied by a Statement of Contributions Owing from the City of Sydney Council setting out the amount payable. To obtain this Statement, one of the following must be submitted to the City's Planning Administration team at planningsystemsadmin@cityofsydney.nsw.gov.au:

(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 (see report template for definition) and submitted to the City of Sydney together with the Construction Certificate plans. A template of the *Cost Summary Report* is available from the City's website at www.cityofsydney.nsw.gov.au; or

(ii) **For development more than $3,000,000** – The City of Sydney *Quantity Surveyor's Detailed Cost Report* must be completed by an AIQS Certified Quantity Surveyor (Australian Institute of Quantity Surveyors) or a RICS Chartered Quantity Surveyor (Royal Institution of Chartered Surveyors). It must be submitted to the City of Sydney together with the Construction Certificate plans. A template of the *Quantity Surveyor's Detailed Cost Report* is available from the City's website at www.cityofsydney.nsw.gov.au.

(c) The development cost is to be estimated 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.

(d) The City will consider the documentation submitted under subclause (b) and determine the development cost for contributions purposes having regard to the information submitted and to such other matters as it considers appropriate. The City will issue a Statement of Contributions Owing.

(e) Payment may be made by EFTPOS (debit card only), credit card (up to $300,000 only) or bank cheque made payable to the City of Sydney Council. Payments by direct bank transfer may be made only in consultation with the City. Direct debit, personal cheques and company cheques will not be accepted.

(f) Written evidence that the required payment has been made must be verified by the Registered Certifier prior to the issue of a Construction Certificate.

(g) If the contribution is not paid within three months from the date of issue of the Statement of Contributions Owing, then the applicant must provide the City with a revised Cost Summary Report / Quantity Surveyor's Detailed Cost Report (as applicable). The City will then issue the applicant with a revised Statement of Contributions Owing. Alternatively, and at the City's discretion, the City may use the Australian Bureau of Statistics Consumer Price Index (Sydney - All Groups) to adjust the contributions payable from the date the original Statement of Contributions was issued to the date a revised Statement of Contributions is issued.

Reason

To ensure Section 7.12 development contributions are paid to assist in funding local infrastructure in Central Sydney.

(35) AFFORDABLE HOUSING CONTRIBUTION - CENTRAL SYDNEY - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION - PRIOR TO CONSTRUCTION CERTIFICATE

(a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of any Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council in accordance with this condition.

(b) The contribution is $2,200,324.04 (indexed at 1 March 2026). This is calculated by establishing the sum of the equivalent monetary contribution $11,223.28 multiplied by 1% of the total floor area for non-residential development (2,484 sqm) and the equivalent monetary contribution $11,223.28 multiplied by 3% of the total floor area for residential development (5,707 sqm).

(c) If the contribution is paid after the indexation period in which the consent is granted, being March 2026 to March 2027, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.

(d) Contribution payable at Time of Payment = C x MDP2 / MDP1, where:

(i) C is the original total contribution amount payable to the City of Sydney as shown above;

(ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA applicable at the time of indexation of the equivalent monetary contribution rate, established by averaging the four most recently published NSW Government Rent and Sales Reports for the current period; and

(iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Reports used to establish the currently applicable equivalent monetary contribution rate, being March 2026 to March 2027.

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

Reason

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

(36) HOUSING AND PRODUCTIVITY CONTRIBUTION

Before the issue of any Construction Certificate the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	**Amount**
Housing and productivity contribution (base component)	$280,306.37
Transport project component	$0
Total housing and productivity contribution	**$280,306.37**

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering *the Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Reason

To require contributions towards the provision of regional infrastructure.

(37) EXTERNAL WALLS AND CLADDING FLAMMABILITY

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

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

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

Reason

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

(38) SANDSTONE RECYCLING (FOR LARGE SCALE DEVELOPMENTS INVOLVING EXCAVATION TO A DEPTH OF AT LEAST ONE BASEMENT LEVEL)

(a) A Geotechnical Report prepared by a suitably qualified geotechnical engineer is to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate. The report is to include an investigation of the nature of the existing subsurface profile using appropriate investigation methodology and borehole testing techniques.

(b) The Geotechnical Report is to analyse the quality of the material, including contamination, and to assess the suitability of the rock for removal by cutting into quarry blocks for use as high quality building construction material, including for building conservation.

(c) Subject to confirmation that the rock is of a suitable quality for reuse in other construction, the Geotechnical Report is to include an Excavation Work Method Statement with recommendations as to the depth of the most suitable profile, details excavation methodologies, cutting methods and procedures for the removal of all sandstone material in a useable form and size, noise and dust attenuation measures in addition to recommendations for monitoring, notifications and review.

(d) In addition, details of any required storage of material off site must be submitted. If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is 'Yellow Block' sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse or sold for conservation work. Storage may be able to be facilitated by the Council or NSW Public Works. The Minister's Stonework Program Manager at NSW Public Works can be contacted on 1300 00 88 88 to discuss procurement or storage of your stone.

(e) The programming of the works is to take into account, the above process.

Reason

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

(39) MATERIALS AND SAMPLES BOARD

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

The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

Reason

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

(40) REFLECTIVITY

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

Reason

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

(41) LETTERBOXES

(a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate.

(b) Letterboxes are to be discreetly located, must not obstruct and/or dominate the public way and must be of a type and specification that minimises opportunities for mail theft.

(c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

Note: The applicant is strongly advised to contact Australia Post to discuss how the letterboxes within the lobby will be accessed.

Reason

To ensure letterboxes are located in an appropriate location on the site to prevent mail theft.

(42) INSTALLATION OF WATER EFFICIENT SHOWER HEADS

Within non-residential areas, 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 Construction Certificate being issued.

Reason

To ensure the provision of water efficient shower heads.

(43) INSTALLATION OF WATER EFFICIENT TAPS

Within non-residential areas, 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 Construction Certificate being issued.

Reason

To ensure the provision of water efficient taps.

(44) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT

Prior to the issue of any construction certificate, the applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW and submit a copy of the final plan to TfNSW for endorsement via development.CTMP.CJP@transport.nsw.gov.au.

The CPTMP needs to specify matters including, but not limited to, the following:

(a) Site information and building construction plan

(i) A description of the development;

(ii) Proposed Construction program and construction methodology;

(iii) Construction hours;

(iv) A detailed plan of any proposed hoarding and/or scaffolding;

(v) Details of crane arrangements including location of any crane(s);

(vi) Location(s) where it is proposed to park construction vehicle;

(vii) Location of any proposed work zone(s).

(b) Access and movement

(i) Pedestrian, cyclists and traffic management measures;

(ii) Haulage routes;

(iii) Predicted number of construction vehicle movements and detail of vehicle types.

(c) Impacts

(i) Identify any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;

(ii) Cumulative construction impacts of projects. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the surrounding road network.

(d) Mitigation

(i) Measures to minimise movement delays. i.e. Vehicle movements are to be minimised during peak network demand periods;

(ii) Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads;

(iii) 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;

(iv) Measures to avoid construction worker vehicle movements;

(e) Ongoing activities

(i) Details of the monitoring regime for maintaining the simultaneous operation of buses, light rail and construction vehicles on roads surrounding the site;

(ii) Consultation strategy for liaison with surrounding stakeholders, including other developments under construction; and

(iii) Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Transport for NSW (via development.CTMP.CJP@transport.nsw.gov.au to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

Reason

To comply with Transport for NSW requirements

(45) DELIVERY AND SERVICING MANAGEMENT

Prior to the issue of any Construction Certificate, the applicant shall prepare a detailed Delivery and Servicing Plan (DSP) in consultation with TfNSW. This plan shall ensure that any potential traffic and safety impacts associated with the loading dock operation are mitigated. The applicant shall submit a copy of the final plan for TfNSW endorsement. The Plan needs to specify, but not be limited to, the following:

(a) Details of the development's loading and servicing profile, including the forecast delivery and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;

(b) Details of delivery and servicing operations which appropriately manages the forecast demand of the development; and

(c) Details of operational measures to manage any potential traffic and safety impacts of the loading dock operation in particular potential queuing on public roads as well as safety incidents between pedestrian / cyclists and service vehicles.

The Delivery and Servicing Plan shall be implemented by the applicant following the issue of the Occupation Certificate.

Transport for NSW has prepared guidance which can be viewed at: https://www.transport.nsw.gov.au/industry/freight-hub/urban freight#Delivery_and_Servicing_Plan_Guidance_

Reason

To comply with Transport for NSW requirements

(46) ALL ELECTRIC DEVELOPMENT – RESIDENTIAL ACCOMMODATION

The development must not include indoor fossil fuel gas appliances, such as gas cooktops, ovens, or space heaters within residential areas.

Plans demonstrating the above requirement are to be submitted to and approved by the relevant certifier prior to the issue of any Construction Certificate.

Reason

To ensure the development is consistent with the requirements of the Sydney DCP 2012.

(47) PRELIMINARY PUBLIC ART PLAN

The submitted Preliminary Public Art Plan is to be amended to expand on the artist selection and note the City's Principles of Cooperation with the Metropolitan Local Aboriginal Land Council. The amended plan is to be submitted to and approved by Council's Executive Director City Planning, Development & Transport prior to issue of any Construction Certificate for above ground works.

Note: The outcomes of this consultation should be documented in the Detailed Public Art Plan.

(48) PUBLIC ART

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

(a) The public artwork must be in accordance with the Preliminary Public Art Plan, dated March 2026 (as amended), 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 Executive Director City Planning, Development & 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 Executive Director City Planning, Development & Transport prior to the issue of any Occupation Certificate.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at https://www.cityofsydney.nsw.gov.au/public-art please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

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

(49) HERITAGE CONSERVATION MANAGEMENT PLAN

A Heritage Conservation Management Plan for the heritage item at 420 Kent Street must be prepared in accordance with Guidance on Developing a Conservation Management Plan (Department of Premier and Cabinet, 2021) and submitted to the satisfaction of Council's Area Planning manager prior to the issue of any construction certificate.

Note: In accordance with recommended management summary in the State Heritage Inventory, the CMP must address all stained glass in the building.

(50) TELECOMMUNICATIONS PROVISIONS

(a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Registered Certifier prior to any Construction Certificate being issued.

(b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

Reason

To ensure the development adequately provides for telecommunications.

(51) MECHANICAL PARKING FACILITIES (CAR LIFT / STACKER / TURNATABLE)

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

(a) A comprehensive review of the proposed installation by the manufacturer, ensuring its suitability for implementation according to the manufacturer's specifications. This includes but is not limited to, compliance with the Preliminary Design Principles outlined in Part 2.3.1 and Part 3.5 of AS/NZS 2890.1 2004 and AS/NZS 2890.6 for adaptable users.

(b) Implementation of mechanisms to address potential safety concerns including but not limited to:

  (i) Noise and vibration levels as received by occupiers of the building including reference to relevant standards.

  (ii) The trip hazard posed by platforms to pedestrians within the parking areas.

  (iii) The risk of vehicles traversing the platforms despite the activation of the anti-collision mechanism (e.g. cars reversing over the platforms while on paths of travel).

(c) Management of the use and operation of the car stacker / turntable, covering:

  (i) Periods of vehicle queueing.

  (ii) During any system failure.

  (iii) Consistency with the manufacturer's specifications.

  (iv) Manufacturer's documentation, including information on service rates.

  (v) And induction training required prior to use.

(d) Any further information requested by the Principal Certifying Authority.

Reason

To ensure the safety of users operating mechanical parking facilities.

(52) SIGNAL SYSTEM

A system of traffic lights and/or mirrors must be installed at the car lift, to indicate traffic movement on the car lift and driveway. This system must be detailed in the application for the 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 lift or driveway.

The traffic light system must be installed within the site at the building face and must not protrude over the footpath and must be visible from street level on the Clarence Street driveway entry. The details must be submitted to and approved by the principal certifying authority prior to the issue of a construction certificate.

Reason

To maintain the orderly operation of vehicle parking areas.

(53) ADAPTABLE HOUSING

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

(a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia.*

(b) Demonstrating (in a checklist) compliance with Australian Standard AS4299.

Reason

To ensure the provision of adaptable housing.

(54) APPROVED ACOUSTIC REPORT

The Renzo Tonin report dated 2 September 2026, ref TP417-01F02 Acoustic Report for DA (r9), titled DA Acoustic Assessment is approved. The approved acoustic report includes addendums to the report as required by this consent.

Where there is a conflict between the approved acoustic report and this development consent, this consent prevails.

Reason

To specify an acoustic report for reference in other noise control conditions.

(55) ADDENDUM TO APPROVED ACOUSTIC REPORT – IMPACT OF RAIL NOISE OR VIBRATION ON NON-RAIL DEVELOPMENT

Prior to the issue of a Construction Certificate, an addendum to the approved Acoustic Report must be submitted and approved by the City of Sydney Area Planning Manager.

The addendum to the report must be prepared by a Suitably Qualified Acoustic 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) in accordance with Clause 2.100 of the SEPP (Transport and Infrastructure) 2021, detailing the physical noise attenuation and other measures required to ensure the following LAeq levels are not exceeded:

(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,

(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Reason

To demonstrate how compliance with the legislative requirements pertaining to rail noise and vibration have been satisfied.

(56) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION CERTIFICATE

Prior to the issue of a relevant construction certificate, the Certifier must ensure the following:

(a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

(b) The consultant is required to review the relevant building plans, specifications, and associated documentation, and must:

(i) Verify that the construction plans, drawings, and construction methodology for the development are consistent with the approved acoustic report and comply with all relevant conditions and documentation of this consent.

(ii) Resolve any non-compliances through amended construction plans, drawings, and construction methodology as necessary.

(iii) Ensure that all requirements under this clause are completed to the written satisfaction of the Certifier.

(c) Following completion of the above tasks, the consultant must provide written notification to the Certifier outlining any identified non-compliances.

Reason

To ensure detailed construction and fit plans comply with the relevant standards in the approved acoustic report.

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

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

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

(b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

(c) A representative background noise measurement ($L_{A90,\ 15\ minute}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.

(d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.

(e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.

(f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.

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

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

Reason

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

(58) PARKING DESIGN

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

Reason

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

(59) ALLOCATION OF PARKING

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

Car Parking Type	Number
Residential spaces (in an automated car lift, turntable and stacker system. Access will be from Clarence Street. The lift cabin must be large enough to cater for accessible users).	25
Small Rigid Vehicle loading dock (with turntable at Kent street frontage)	1
Total	26

Reason

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

(60) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Residential	25	Spaces must be provided within the apartments.
Residential visitor	3	Spaces must be Class 3 bicycle rails
Non-residential	3	Spaces must be Class 2 bicycle facilities
Non-residential visitor	11	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	5	

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

Notes:

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

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

Reason

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

(61) HERITAGE INTERPRETATION PLAN

(a) An interpretation plan for the church building at 420 Kent Street and warehouse buildings to be demolished at 422 Kent Street and 275 and 277 Clarence Street must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.

(b) The interpretation plan must detail how information on the history and significance of the church (including its use as a theatre) and the warehouse 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. Any archaeological finds during the excavation must be incorporated into the interpretation.

(c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.

(d) Prior to the issue of any Occupation Certificate, the approved interpretation plan must be implemented to the satisfaction of Council's Area Planning Manager.

Reason

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

(62) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

An archival photographic recording of the church building at 420 Kent Street and warehouse buildings to be demolished at 422 Kent Street and 275 and 277 Clarence Street is to be prepared to Council's satisfaction. The recording is to be in digital form, prepared in accordance with the 'Guidelines for Photographic Recording of Heritage Sites, Buildings and Structures', published by Department of Climate Change, Energy, the Environment and Water in April 2025. One digital copy of the record is to be submitted to Council.

Note: For items on the State Heritage Register of NSW, this condition does not need to be imposed if it is already included in the General Terms of Approval for an IDA or in the Section 60 Approval.

Procedure

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.

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 any 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 and approved by Council prior to any Occupation Certificate being issued.

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

(c) For each of the two submissions listed above in (a) and (b), the digital form of the recording is to be as follows:

(i) The Development Application number and the Condition of Consent number must be noted.

(ii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.

(iii) The electronic images are to be taken with a minimum 8-megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images.

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

(v) The report is to be submitted via 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 image: location, image subject/description and date.

Reason

To ensure appropriate archival documentation of the building.

(63) SITES IN THE VICINITY OF A HERITAGE ITEM

The approved works must ensure that all heritage items within the site or in the vicinity of the development site are suitably protected during the construction process. The contractor or developer must conduct consultations with the stakeholders of the neighbouring heritage site, record and monitor the conditions of the heritage building and take suitable measures to control and minimize any risks to the heritage fabric during construction. The protection measures must be incorporated into the construction management plan. Details of the protection plan must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

Reason

To ensure the protection of adjacent/nearby heritage items.

(64) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS – MAJOR DEVELOPMENT

Stone, bricks, roof tiles joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses must be salvaged and where possible reused on the project.

Salvaged building materials surplus to the project must either be stored on site for future reuse or transferred to an established second building material dealer for recycling.

Documentation of the salvage methodology and details of the reuse of the materials, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate.

Reason

To ensure the salvaging and reuse of traditional building materials.

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

Any building works at the former church building at 420 Kent Street required to ensure compliance with the NCC (previously known as BCA) or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to issue of any Construction Certificate.

Reason

To ensure an appropriate heritage outcome.

(66) HERITAGE CONSERVATION WORKS – HERITAGE ITEM OR SIGNIFICANT BUILDINGS

(a) Prior to the issue of the Construction Certificate, a schedule of conservation works for 420 Kent Street to be undertaken concurrent with the works is to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager for approval.

(b) The schedule is to specify the scope of work to each building element of the exterior and interior of the church building. It is not limited to maintenance and repair works but also include reinstatement of lost features such as the stain glass windows and buttresses. The schedule is to be based on investigations of the existing building fabric by experienced heritage tradespeople or professionals.

(c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building. The repair work to stonework is to be specified block by block.

(d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building. Any departure from approved plans requiring additional demolition/chasing of significant fabric is to be discussed with City of Sydney Heritage Specialists for acceptance.

(e) A schedule of site inspections at key points during construction (like after demolition, before covering significant fabric with new ceilings and floors and/or when design changes impacting significant fabric need to be implemented and required to be discussed with Council) is required to be submitted to City of Sydney for approval.

(f) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.

(g) INSPECTION AND APPROVAL: The conservation works are to be progressively inspected by the applicants heritage consultant in accordance with approved scheduled site inspections as per point (e) and be implemented to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Occupation Certificate or commencement of the use, whichever is the earlier.

Reason

To ensure the carrying out of appropriate heritage conservation works.

(67) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT

(a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The 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.

(b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of any Construction Certificate or commencement of work on site whichever is the earlier.

(c) Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:

(i) Undertake site inspections of not less than fortnightly intervals or as required.

(ii) Maintain a diary of site inspections that includes photographs of the works.

(iii) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.

(d) Upon completion of the works, the final report, supported by photographs, is to be submitted for approval by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

Reason

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

(68) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(b) The plan is to comply with the requirements of TfNSW set out in the condition entitled 'Construction Pedestrian and Traffic Management'.

(b) The approved plan must be complied with during any demolition and/or construction work.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

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

(69) DEWATERING - APPROVAL NSW OFFICE OF WATER

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 on-going basis may need to be fully tanked.

Reason

To ensure dewatering is undertaken appropriately.

(70) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

(a) Before the issue of any Construction Certificate, a construction environmental management plan (CEMP) must be prepared for the site by a suitably qualified environmental consultant and submitted to the Certifier and Council.

(b) The CEMP must consider all potential environmental impacts from the approved works including but not limited to sediment and erosion control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

(c) All works must be undertaken onsite in accordance with the approved CEMP.

Reason

To ensure that construction is appropriately managed to prevent pollution impacts.

(71) LANDSCAPING OF THE SITE

(a) A detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate. These documents must include:

(i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.

(ii) Location and details of existing and proposed structures on the site including, but not limited to, paving, walls, services, furniture, shade structures, lighting and other features.

(iii) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.

(iv) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.

(v) Details of drainage, waterproofing and watering systems.

(vi) Landscape maintenance plan. This plan is to be complied with during occupation of the property.

(b) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

Reason

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

(72) ACCESSIBLE GREEN ROOFS

(a) A detailed green roof design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate. These documents must include:

(i) A statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments.

(ii) Location and details of existing and proposed services, walls, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.

(iii) Engineers report confirming structural capacity of building for proposed roof terrace loads.

(iv) Wind study (if applicable) confirming suitability of the roof for intended use.

(v) 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.

(vi) 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.

(vii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.

(viii) Green roof maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.

(b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.

(c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

Reason

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

(73) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE (NO PLAN PRIOR TO CC)

(a) One Fraxinus Pennsylvanica (Green Ash) must be planted in Clarence Street in association with the development and be included on the Public Domain Plans required to be submitted under condition tilted 'Public Domain Plan'. The plan must:

(i) Specify the planting of tree species consistent with the City of Sydney Street Tree Master Plan (refer to relevant streets) or other relevant guidance document for park tree planting. Species substitutes will not be accepted.

(ii) Depict the location and construction methodology of the tree pits in accordance with the City of Sydney Street Tree Master Plan (Technical Guidelines) or other relevant guidance document. The tree pit design must include structural soils to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines).

(iii) Nominate a tree planting delivery method, being a choice of one of two options:

a. Method 1 - The Applicant is to undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City of Sydney Urban Forest Team.

OR

b. Method 2 - The City of Sydney is to supply, plant, and maintain each required street or park tree on the Applicant's behalf in return for the payment of a Tree Planting fee. The fee is consistent with the City of Sydney Schedule of Fees and Charges.

(b) If the Applicant nominates tree planting delivery method 1, the following requirements must be met by the Applicant:

(i) Tree(s) must be grown in accordance with the Australian Standard 2303 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting;

(ii) Tree(s) must be supplied in a minimum container size of 400 litres at the time of planting;

(iii) Prior to the tree(s) being planted, certification from the tree supplier submitted to the City of Sydney Urban Forest Team and Public Domain Officer to certify that the tree(s) have been grown and comply with the requirements of AS2303. Any new tree(s) which do not conform will be rejected by the City of Sydney;

(iv) Tree(s) must be planted by a qualified Horticulturist or Arborist (minimum AQF Level 3);

(v) Tree(s) are required to be inspected and approved by the City of Sydney Urban Forest Team (or their nominated representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period;

(vi) Tree(s) must be planted prior to issuing of any Occupation Certificate;

(vii) Tree(s) must be maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of 12 months, commencing from the date the planted trees are inspected and approved under condition (b)(v). Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree;

(viii) At the end of the 12-month maintenance period, the Applicant must apply to the City of Sydney for release of the Public Domain Bond triggering the final inspection of the trees under condition (b)(v).

(ix) If the tree(s) fail to thrive and successfully establish during the maintenance period, then the City of Sydney will request payment for a replacement tree(s) and establishment period according to the City of Sydney Schedule of Fees and Charges.

(c) If the Applicant nominates tree planting delivery method 2, the following requirements must be met to the satisfaction of the City of Sydney before any Occupation Certificate is issued;

(i) The tree pits must be created in accordance with the approved Public Domain Plan;

(ii) The Tree Planting fee/s must be paid to the City of Sydney. Note: The City may undertake the tree planting following the issuing of the Occupation Certificate where all other above conditions have been satisfied.

Reason

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

(74) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

(a) Prior to the issue of any Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

(b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

Reason

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

(75) DESIGN FOR ENVIRONMENTAL PERFORMANCE

(a) 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 prepared by Yanpei Li dated Monday, 30 March 2026 (Council ref: 2026/179989) are incorporated into the relevant construction plans and accompanying documentation

(i) Section 3 – BASIX

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

Note: Any requirement detailed in the accompanying BASIX Certificate must be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Division 1 of Part 6 of the EP&A Regulation, 2021.

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

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

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

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

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

(vii) Section 9 – Storm water quality

(viii) Section 10 – City Greening

(ix) Section 11 – Promoting Active Transport and Reducing Transport Emissions

(x) Section 12 – Materials, Embodied Carbon and Circularity

(xi) Section 13 – Waste Management and Resource Recovery

(xii) Section 14 – Third Party Certification and Design, Construction or Technology Innovations

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

Reason

To ensure the environmental performance of the development.

(76) EMBODIED EMISSIONS REPORTING

Prior to the issue of any Construction Certificate, as per requirements under the Sustainable Buildings SEPP, embodied emissions reporting is to be updated to reflect finalised material specifications and increased design detail. If the NABERS Embodied Emissions Tool is active prior to submission of construction certificate documentation, then reporting is to be provided through the tool.

Reason

To ensure quantification of embodied emissions from the development.

(77) PUBLIC DOMAIN DAMAGE BOND

(a) A Public Domain Damage Deposit calculated on the basis of 70 square metres of stone and 100 square metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.

(b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.

(c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

Reason

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

(78) PROTECTION OF STONE KERBS

(a) The existing stone kerbs on the Kent Street and Clarence Street frontages of the site are to be retained and properly protected during demolition, excavation and construction works.

(b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.

(c) Note the following:

(i) all costs associated with the works are to be borne by the developer.

(ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.

(iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.

(iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.

(v) Council approval is required before kerbs are removed.

(vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

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

(viii) Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure the protection of stone kerbs.

(79) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

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

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

(a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or

(b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

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

Note: Refer to Clause 4.7 in the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure the preservation of existing survey infrastructure.

(80) PUBLIC DOMAIN CONCEPT PLAN

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

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

Reason

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

(81) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

The public domain levels and gradients prepared by BG& E are not approved.

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

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

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

Reason

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

(82) STORMWATER DRAINAGE DESIGN

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) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;

(b) Council's Sydney Streets Technical Specifications, Standard Drawings;

(c) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;

(d) Council's Stormwater Drainage Manual; and

(e) All relevant Australian Standards.

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

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

Reason

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

(83) STORMWATER ON-SITE DETENTION

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

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

Reason

To ensure the requirements of Sydney Water are complied with.

(84) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 4.1 of the report titled 420-424 Kent Street & 275-277 Clarence Street Flood Impact & Risk Assessment (Project number S24247, Version B) prepared by L Baxter of BG&G dated 25/02/2026.

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

Reason

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

(85) DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

Reason

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

(86) TEMPORARY DEWATERING DURING CONSTRUCTION

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

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

Reason

To ensure dewatering is managed appropriately.

(87) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

(a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 263 Clarence Street, Sydney and 426-430 Kent Street Sydney (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 any Construction Certificate.

UPON COMPLETION OF EXCAVATION / DEMOLITION

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

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

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

(88) FOOTPATH AWNINGS

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

Documentation must be submitted to the City's Construction and Building Certification Services Unit 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.

Reason

To ensure footpath awnings comply with city standards.

(89) MECHANICAL VENTILATION

(a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings.*

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

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

Reason

To ensure the ventilation complies with relevant standards.

(90) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL

The Operational Waste Management Plan dated 10 July 2026 (Council ref: 2026/423344) accompanying the Development Application has been approved by this consent. 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 any Construction Certificate.

Reason

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

(91) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL

The Operational Waste Management Plan dated 10 July 2026 (Council ref: 2026/423344) accompanying the Development Application has been approved by this consent. Should the architectural plans be updated, an updated Operational Waste Management Plan must be submitted to Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

Reason

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

(92) WASTE INFRASTRUCTURE – RESIDENTIAL

Prior to the issue of **Construction Certificate**, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager. The waste management facilities to be provided responsive to Council's controls, policies, and guidelines, including but not limited to:

(a) Waste and recycling stream(s) storage area(s) to be designed and constructed in accordance with Reference D of *Council's Guidelines for Waste Management in New Developments.* Floors to be waterproofed across all intersections that extend a minimum 1200mm high on the walls.

(b) Waste chute system to be designed in accordance with Section B and Reference E of the City of Sydney Guidelines for Waste Management in New Developments.

Reason

To allow for the safe and hygienic storage of waste and recycling and support provision of a safe and efficient waste collection service.

(93) WASTE INFRASTRUCTURE – COMMERCIAL

Prior to the issue of **Construction Certificate**, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager. The waste management facilities to be provided are to be responsive to Council's controls, policies, and guidelines, including but not limited to:

(a) Waste and recycling stream(s) storage area(s) to be designed and constructed in accordance with Reference D of *Council's Guidelines for Waste Management in New Developments.* Floors to be waterproofed across all intersections that extend a minimum of 1200mm high on the walls.

Reason

To allow for the safe and hygienic storage and collection of waste and recycling from the use of the building.

BEFORE BUILDING WORK COMMENCES

(94) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

(a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:

(i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.

(ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with SafeWork NSW. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)

(iii) An Excavation Work Method Statement prepared by an appropriately qualified person.

(iv) A Waste and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.

(v) Plans and elevations showing the location, construction and installation of temporary site fencing and any construction related temporary structures placed on and/or above roads used in connection with the development.

Note: Construction related temporary structures, including hoardings and scaffolding, proposed for erection on and/or above City-owned and controlled land (footways and roadways), and other activities, must comply with Council's Code of Practice: Construction related Temporary Structures On and Above Roads and the Code of Practice: Hoisting and Construction Activities On and Above Roads including obtaining all required approvals from Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

(b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:

(i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.

(ii) The name and address of the company/contractor undertaking demolition/excavation works.

(iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.

(iv) The name and address of the transport contractor.

(v) The type and quantity of material to be removed from site.

(vi) Location and method of waste disposal and recycling.

(vii) Proposed truck routes, in accordance with this development consent.

(viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).

(ix) Measures to control noise emissions from the site.

(x) Measures to suppress odours.

(xi) Enclosing and making the site safe.

(xii) Induction training for on-site personnel.

(xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.

(xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.

(xv) Disconnection of utilities.

(xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).

(xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).

(xviii) Waterproofing of any exposed surfaces of adjoining buildings.

(xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).

(xx) Working hours, in accordance with this development consent.

(xxi) Any SafeWork NSW requirements.

(c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

(d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

Reason

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

(95) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM

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*.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

(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.

Reason

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

(96) ROAD OPENING APPLICATION

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

(a) excavation in or disturbance of a public way, or

(b) excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure that approval under the Roads Act is obtained.

(97) HAZARDOUS MATERIALS SURVEY REQUIRED

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

Reason

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

(98) RUN-OFF, EROSION AND SEDIMENT CONTROL

(a) Before the commencement of any works, all sediment and erosion controls must be implemented and maintained in accordance with the document titled Managing Urban Stormwater Soils & Construction Volume 1 (Landcom, 2004).

(b) Sediment control structures must be maintained throughout remediation works to prevent runoff of any potentially contaminated water or soil to the surrounding environment.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure that construction is appropriately managed to prevent pollution impacts.

(99) STREET TREE PRUNING

(a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.

(b) Any pruning that has been approved by Council, must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

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

(100) TREE PROTECTION ZONES (FOR STREET TREES)

(a) Tree Protection Zone(s) (TPZs) must be established in accordance with Australian Standard 4970 'Protection of trees on development sites' before the commencement of and until completion of the development works.

(b) The TPZ's are to be established in the locations as outlined in the following table:

Tree No.	Species	Tree Location	TPZ radius(m) from truck	SRZ radius (m) from trunk
2	Populus simonii (Simon's Poplar)	Street Tree – Kent Street	5.5	2.7

(c) Tree trunk and major branch protection must be installed prior to the issuing of any Construction Certificate and maintained for the duration of all construction work, and must include:

(i) Tree trunk(s) and/or major branches to a height of 2 metres protected by wrapped thick underlay carpet or similar padding material to limit damage.

(ii) Timber planks (50mm x 100mm) placed around tree trunk(s). The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick carpet underlay or padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.

(iii) Young street trees protected by the installation of three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.

(iv) Tree trunk and major branch protection must remain in place for the duration of the development works and be removed at the completion of the development works.

(d) Materials or goods, including sheds, must not be stored or placed:

(i) around or under the tree canopy or;

(ii) within two (2) metres of tree trunks or branches or any street trees.

(e) Temporary signs or any other items must not be fixed or attached to any street tree.

(f) Where installed, hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on exposed tree roots.

(g) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the City of Sydney Tree Team.

(h) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any Tree Protection Zone (TPZ). Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed.

(i) Any damage sustained to street tree(s) as a result of any construction activities (including demolition), must be immediately reported to the City of Sydney Urban Forest Team on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

(j) Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

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

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

(a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.

(b) Where an approval (Permit) is granted allowing the placement of construction related temporary structures (hoardings/scaffolding) on and/or above a public road the structures must comply fully with Council's Code of Practice: Construction related Temporary Structures On and Above Roads*;* and the conditions of approval (Permit) granted including:

(i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;

(ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.8);

(iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.12.2);

(iv) maintaining temporary structures and the public space adjoining the worksite in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.12.2, 2.12.1(d), 3.8.17(c), and 3.10.2(g));

(v) maintaining a watertight deck (Type-B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.5.2(h) and 3.11.3);

(vi) approved site sheds and equipment on the decks of a Type-B hoarding being fully screened from the public place (Clause 3.5.2(c));

(vii) material and equipment not being placed or stored on the deck of Type-B hoardings, unless specifically approved by Council (Clause 3.15.5(a));

(viii) providing and maintaining operational artificial lighting systems under Type-B hoardings including at high-bay truck entry points (Clause 3.16); and

(ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Part 06).

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 1: '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 2025*).

Note 2: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure the necessary approval is obtained for construction related temporary structures and hoisting activities over a public road.

(102) OTHER REQUIRED APPROVALS

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

(a) installation of construction-related temporary structures including hoardings/scaffolding which must comply with the Code of Practice; Construction related Temporary Structures On and Above Roads;

(b) installation and/or alterations to advertising/business signs;

(c) installation and/or alterations to street awnings;

(d) crane operation and hoisting activities over roads and which must comply with the Code of Practice: Hoisting and Construction Activities On and Above Roads;

(e) temporary works (e.g. barricading, road openings, mobile hoisting devices) which must comply with Code of Practice: Hoisting and Construction Activities On and Above Roads;

(f) works zones (for loading and unloading from the roadway); and

(g) temporary ground-anchoring and shoring to support a roadway when excavating; and

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

Reason

To ensure use of a public place is managed appropriately.

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

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

Reason

To ensure relevant approvals for public domain work are obtained.

(104) RODENT TREATMENT PROGRAMME – PRE DEMOLITION AND/OR EXCAVATION

(a) Prior to the commencement of any demolition and/or excavation works, a programme of baiting and monitoring of rodent activity is to be put in place at the site.

(b) A licensed Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved/endorsed by Council's Area Coordinator Planning Assessments/Area Planning Manager.

Reason

To ensure that the potential impact of rodents during the demolition, excavation and construction phase is appropriately managed.

DURING BUILDING WORK

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

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

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

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

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

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

(106) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

(a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.

(b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974.*

(c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.

(d) If the discovery is on Council's land, Council must be informed.

Reason

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

(107) ASBESTOS REMOVAL WORKS

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

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

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

(c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2025* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines.*

(d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

(e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.

(f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.

(g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).

(h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.

(i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

(i) contact person for the site;

(ii) telephone and facsimile numbers and email address; and

(iii) site activities and time frames.

Reason

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

(108) NOTIFICATION – NEW CONTAMINATION EVIDENCE

(a) Council and the Certifier (AND/OR ACCREDITED SITE AUDITOR IF REQUIRED) must be notified immediately of any new information which arising during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.

(b) Once identified, remediation, demolition or construction work must immediately cease.

(c) A certified environmental consultant must be appointed to undertake an assessment of the potential contaminants and works required to make the site safe from potential human health and environmental harm.

(d) If the duty to report contamination to the NSW EPA under Section 60 of the Contaminated Land Management Act 1997 is triggered, the NSW EPA and Council must be notified immediately.

Reason

To ensure that any new contamination evidence or unexpected finds is reported and the site is appropriately remediated.

(109) IMPORTED FILL MATERIALS

(a) All fill material imported to the site must be certified and validated by a certified environmental consultant. It should be accompanied by documentation from the consultant that confirms its classification and suitability for the intended use. The fill must also be compatible with the existing soil characteristics to support site drainage.

(b) Imported fill must be limited to the following:

(i) Virgin excavated natural material (VENM), classified in accordance with the Protection of the Environment Operations Act 1997.

(ii) Excavated natural material (ENM), certified in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.

(iii) Waste-derived materials subject to a Resource Recovery Exemption under Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW EPA as “fit for purpose” for the proposed development.

(c) Any waste-derived material received under a resource recovery exemption must be accompanied by documentation from the NSW EPA confirming compliance with the exemption conditions. This documentation must be provided to the Certifier and Council:

(i) Upon request.

(ii) Before the commencement of works under the Protection of the Environment Operations Act.

(iii) Before the issue of a construction certificate or occupation certificate or

(iv) As part of the validation report for the remediation, as applicable.

(d) All imported fill must be accompanied by certification from the supplier confirming the material is not contaminated, based on analysis of the source site’s history and/or sampling and analysis must be conducted in accordance with the NSW EPA (2022) Sampling Design Guidelines.

(e) Any existing soils proposed for reuse onsite must be analysed and classified by a suitably qualified and experienced environmental consultant. This assessment must follow the relevant NSW EPA guidelines and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013), to confirm suitability for the proposed land use. The results must be included in the validation report for the remediation

Reason

To ensure that imported fill is not contaminated.

(110) CLASSIFICATION OF WASTE

(a) All excavated material removed from the site must be classified in accordance with the EPA’s Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise lawfully managed.

(b) The classification, and the volume of material removed, and the receival facility’s details must be reported to the Certifier or Council (where a Certifier is not required).

Reason

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

(111) DISCHARGE OF CONTAMINATED GROUNDWATER

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

(b) Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by an EPA NSW licensed liquid waste contractor and disposed of by transporter to an appropriate licensed waste treatment/processing facility.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

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

(112) STOCKPILES

(a) Soil or other materials must not be stockpiled on footpaths or nature strips without prior written approval from Council.

(b) All stockpiles must be managed to prevent contamination of the underlying soil.

(c) Potentially contaminated soil must be stockpiled on a hardstand surface or over polyethylene sheeting.

(d) Stockpiles must:

(i) Be bunded to prevent runoff of potentially contaminated materials.

(ii) Be stabilised through compaction and contouring to minimise wind exposure and allow access for water trucks.

(iii) Not exceed the height of perimeter fencing to assist in controlling dust and odour emissions.

(iv) Be clearly labelled with a unique identification number and include records of the soil's volume and origin to enable tracking from excavation to final disposal or reuse.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

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

(113) PUBLIC DOMAIN WORKS SECURITY BOND

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

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

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

Reason

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

(114) DRAINAGE AND SERVICE PIT LIDS

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

Reason

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

(115) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

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

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

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

Reason

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

(116) HOLD POINTS

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

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

Reason

To ensure hold points are adhered to during construction works.

(117) STORMWATER DRAINAGE CONNECTION

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

Reason

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

(118) HOURS OF WORK AND NOISE – CBD

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

(a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.

(b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

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

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

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

Note: Refer also to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To protect the amenity of the surrounding area.

(119) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

(a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;

(b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;

(c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;

(d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;

(e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.

(f) All notices and signs must be displayed in locations as specified in the City's Code of Practice: Construction related Temporary Structures On and Above Roads.

Reason

Prescribed condition EP&A Regulation 2021, Section 70.

(120) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

(a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 199*2 and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the following hours: Mondays to Fridays, 7am to 9am, 12pm to 2pm and 4pm to 7pm and on Saturdays, 8am to 1 pm. No work on Sundays or Public Holidays

(b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Reason

To protect the amenity of the surrounding area.

(121) SYDNEY WATER CERTIFICATE

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

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

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

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

Reason

To ensure the requirements of Sydney Water are met.

(122) COVERING OF LOADS

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

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information and requirements.

Reason

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

(123) VEHICLE CLEANSING

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

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information and requirements.

Reason

To ensure sediment is not tracked onto the roadway.

(124) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

(a) All loading and unloading associated with construction activity must be accommodated on site, where possible.

(b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

(c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

(d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

Note: Refer also to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To protect the amenity of the public domain.

(125) NO OBSTRUCTION OF PUBLIC WAY

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

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To protect the amenity of the public domain.

(126) ACCESS DRIVEWAYS TO BE CONSTRUCTED

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

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To allow adequate vehicular access to the site.

(127) USE OF MOBILE CRANES

The following requirements apply:

(a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

(b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

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

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure mobile cranes are used appropriately.

(128) SURVEY SETOUT

Prior to the commencement of construction all footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor.

The building shall be sufficiently set back to ensure that no component of the building (such as the roof, guttering, or downpipes) encroach upon or overhang the boundaries of the site.

The registered surveyor shall provide a survey and report to the Principal Certifier indicating the position of the footings, walls and floor slabs in relation to the boundaries of the allotment.

Reason

To ensure the development does not encroach onto neighbouring properties.

(129) FLASHINGS TO BOUNDARY WALLS

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

Note: Attachments or connections to party walls may require the consent of the adjoining property owner/s.

Reason

To prevent water entering between the walls of adjoining properties.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(130) VERIFICATION OF ACOUSTIC REPORT PRIOR TO OCCUPATION CERTIFICATE

Prior to the issue of any occupation certificate, the Certifier must ensure the following:

(a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney - Environmental Noise Technical Requirements, dated October 2025.

(b) The consultant must inspect and review the completed development and ensure that:

(i) The final building work is assessed for compliance with the relevant acoustic Construction Certificate(s), the approved acoustic report, and all applicable noise-related conditions and documentation of this consent.

(ii) Any non-compliances identified under (i) above are documented in writing, with specific reference to the relevant acoustic criteria, and must include a scope of work necessary to rectify the issues and achieve compliance.

(iii) All requirements under this clause are completed to the written satisfaction of the Certifier.

(c) Following completion of item (b), the consultant must notify the Certifier in writing of any identified non-compliances.

Reason

To ensure the development complies with construction and fit out plans and the relevant standards in the approved acoustic report.

(131) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

(a) The accommodation portion of the building (levels 1-15 inclusive) must be used as permanent residential accommodation only and not for the purpose of a boarding house or hostel, hotel or motel accommodation, serviced apartments, tourist and visitor accommodation or any other use.

(b) A Restriction on the Use of Land is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from shop top housing as defined in Sydney Local Environmental Plan 2012. The restriction is to be registered on title prior to any type of Occupation Certificate being issued or the use commencing, whichever is earlier. The covenant restriction must contain terms reasonably required by Council and will be drafted by Council's solicitor, at the cost of the applicant, in accordance with the City's Fees and Charges, or included with a Section 88B Instrument for the future strata plan and burdening all residential strata lots where no subdivision will occur.

(c) If a lot contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.

(d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation.

Reason

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

(132) HISTORIC MARKER

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

Reason

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

(133) COSTED HERITAGE ASSET MAINTENANCE PLAN

(a) To ensure the continued protection of heritage significance of the heritage item and to guide the future maintenance on heritage fabric, a costed Heritage Asset Maintenance Plan is to be developed. The following is to apply:

(i) The Plan is to be based the NSW Heritage Office publication: 'Preparing a maintenance plan', and is to be a guide for the effective, continuous, protective maintenance of all significant heritage fabric for a minimum period of 20 years.

(ii) The Plan is to include all fabric identified as being of heritage significance, specification notes and methodologies based on the Articles of the Australian ICOMOS Burra Charter 2013 and best conservation practise, and a list of appropriate consultants and suppliers together with the projected costing for each item of work.

(iii) The Plan is to be prepared by the applicant's heritage consultant and is to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager for approval prior to the issue of any Occupation Certificate.

Reason

To ensure the continued protection of the heritage significance of the heritage item and to guide the future maintenance of heritage fabric.

(134) PHYSICAL MODELS

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

Note:

(i) The models must be constructed in accordance with the Model Specifications available online at https://www.cityofsydney.nsw.gov.au/design-codes-technical-specifications/requirements-scale-models Council's modellers must be consulted prior to construction of the model.

(ii) The models are to comply with all of the conditions of the Development Consent.

(iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

Reason

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

(135) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

(a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.

(b) The data required to be submitted within the surveyed location must include and identify:

(i) building design above and below ground in accordance with the development consent;

(ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;

(iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

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

(c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at https://www.cityofsydney.nsw.gov.au/design-codes-technical-specifications/requirements-scale-models Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Reason

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

(136) NON-ROAD FRONTAGE SHOP NUMBERING - EASE OF IDENTIFICATION

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

Reason

To ensure shops can be easily identified.

(137) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL

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

Reason

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

(138) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

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

Reason

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

(139) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL

(a) Prior to the issue of an **Occupation Certificate**, Council's review and written approval of the as-built waste infrastructure, facilities, and vehicle access is required. The City Cleansing & Resource Recovery Unit of Council must be satisfied that:

(i) All waste management facilities, storage, and collection infrastructure comply with the stamped plans, approved Operational Waste Management Plan and Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.

(ii) All waste rooms, corridors, doors, and gates to be accessed by Councils collection contractor(s) are to be fitted and accessible via Council's master key system. Specifications of locks, barrels, and supporting infrastructure are to be submitted to Council's City Cleansing & Resource Recovery Unit.

(b) Site inspections are to be conducted by Council's City Cleansing & Resource Recovery Unit to review the site on-site waste collection, storage and loading bay infrastructure prior to the issue of an **Occupation Certificate**. The inspections are to be conducted a minimum 6-months prior to projects anticipated construction completion. Prior to the inspection an electronic copy of the latest architectural plans are to be submitted.

(c) An updated Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery Unit that aligns with the latest version of architectural plans and waste related updates identified during the site inspections. The plan is to be reviewed by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of an **Occupation Certificate**.

(d) The developer is to enter into a formal agreement with the City of Sydney Council for the utilisation of Councils Waste Collection Service. A signed agreement is to be submitted to Council's City Cleansing & Resource Recovery unit prior to the issue of an **Occupation Certificate**.

(e) The assigned strata manager for the development and direct contact details are to be provided to Council's City Cleansing & Resource Recovery Unit prior to the issue of an **Occupation Certificate**.

Reason

To ensure that facilities and arrangements are in place to enable the provision of a safe and efficient waste collection service responsive to Council's policies and contractual service provisions.

(140) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report as approved must be complied with.

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

Reason

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

(141) LOT CONSOLIDATION

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 type of Occupation Certificate being issued.

Note: Council consent will not be required prior to registration.

Reason

To ensure land titles within the site are consolidated.

(142) TERMINATION OF CURRENT STRATA SCHEME

Prior to the issue of an Occupation Certificate, a separate application is to be made to Council to obtain permission for the termination of the existing Strata Scheme over the property at 277 Clarence Street, and the endorsement of the "Termination of Strata Scheme" Form (15ST) by Council under Section 142 of the *Strata Schemes Development Act 2015*.

Reason

To ensure the future consolidation of the site is managed appropriately.

(143) PUBLIC DOMAIN WORKS COMPLETION

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

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

Reason

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

(144) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION

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

Reason

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

(145) SURVEY INFRASTRUCTURE – RESTORATION

(a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:

(i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;

(ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;

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

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

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

(146) FLOOD RISK MANAGEMENT

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

Reason

To ensure flood risk management measures are complied with.

(147) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Prior to the issue of any type of Occupation Certificate for the building, a Final Identification Survey prepared and signed by a Surveyor registered under the Surveying & Spatial Information Act 2002 must be submitted at the completion of the building work certifying the location of the building and showing offsets in relation to the boundaries of the allotment.

Any encroachments of the building including gutters and downpipes over the side boundaries or rear lane that are not approved in the DA must be removed, or where approved, appropriate easements under Section 88B of the Conveyancing Act 1919, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to the issue of any type of Occupation Certificate. Encroachments upon public roads must, if supported, be approved by Council's Area Planning Manager prior to the issue of any type of Occupation Certificate.

Reason

To ensure that either the building does not encroach, or that any encroachments are formalised on title.

(148) WAYFINDING SIGNAGE

Wayfinding signage is to be installed at both frontages to advise of accessible and inaccessible routes/connections through the site. The signage is to be prepared and installed to the satisfaction of the Principal Certifying Authority prior to the issue of an occupation certificate.

OCCUPATION AND ONGOING USE

(149) ON SITE LOADING AREAS AND OPERATION

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

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

Reason

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

(150) LOADING DOCK AND CAR LIFT MANAGEMENT PLAN

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

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

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

Reason

To ensure that the loading dock is appropriately managed.

(151) ONGOING WASTE MANAGEMENT – COMMERCIAL

(a) 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 developments Conditions of Consent.

(b) 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.

(c) 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.

(d) 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:

(i) arranging an adequate number of bins and the servicing regime matched to the needs of the premises.

(ii) actively managing waste streams and supporting infrastructure to ensure bins are not overflowing, damaged or leaking and lids are fully closed at all times.

(iii) routine cleaning and maintenance of waste storage area(s) to inhibit the permeation of odour and prevent litter and pests.

(iv) the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney.

(e) 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.

Reason

To promote good waste management arrangements and minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(152) SCHEDULED COLLECTIONS – COMMERCIAL

(a) 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.*

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. Unimpeded access must be provided to the waste and recycling stream(s) storage area(s) at all times.

(c) 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.

(d) The collection of waste and recycling stream(s) is to only occur during designated zone collection times outlined within the Local Approvals Policy for *Managing Waste in Public Places* to minimise impacts to residential amenity.

Reason

To minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(153) ONGOING WASTE MANAGEMENT – RESIDENTIAL

(a) The ongoing use of development 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 developments Conditions of Consent.

(b) All general waste and recycling stream(s) materials emanating from the premises must be stored in the designated waste storage area(s) integrated within the built form and must not be stored outside the premises (including any public place) at any time.

(c) The property manager is responsible for lodging requests for damaged/broken bins, managing the rotation of bins, ensuring the full allocation of relevant bins are available for scheduled collections, management of odour and the routine cleaning and maintenance of all waste storage areas.

(d) 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.

(e) The property manager is responsible for the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney Council responsive to the approved Operational Waste Management plan.

(f) Commercial waste and recycling stream(s) and supporting infrastructure to be stored in a separate lockable, enclosed, and walled area free from the residential waste and recycling stream(s) rooms. The residential rooms to have relevant locks to inhibit commercial tenants access to Councils residential waste streams.

Reason

To support the safe and efficient scheduled Council waste collection service and ensure the impacts of waste management on the public domain and public health are minimised.

(154) SCHEDULED COLLECTIONS - RESIDENTIAL

(a) Scheduled collections and waste management arrangements of Council's residential waste stream(s) is to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan, the developments Conditions of Consent and the City's Local Approvals Policy Managing Waste in Public Spaces.

(b) Council's Domestic Waste Charge is applied to all residential rate accommodation properties in accordance with section 496 of the *Local Government Act 1993.* Residential accommodation is defined in accordance with the *Sydney Local Environmental Plan 2012* dictionary.

(c) Unobstructed access to be provided for Councils standard waste collection vehicles to access the waste and recycling storage area(s), loadings bays and supporting infrastructure between the hours 6am and 6pm on collection day(s) to support the provision of a safe and efficient waste collection service to the site.

Reason

To support the safe and efficient scheduled residential waste collection service and minimise the impacts on public amenity and safety.

(155) MAINTENANCE OF TREES ON SITE

(a) Tree maintenance must be implemented and complied with immediately following the tree planting, and until the tree reaches the required minimum height limit of 5 metres in height and 2 metres canopy width.

(b) The newly planted tree on site must be appropriately maintained on an on-going basis.

(c) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.

(d) If the newly planted tree fails to establish or does not reach a height of 5 metres and canopy width of 2 metres it must be replaced with a tree of comparable qualities and container size of 100 litres.

(e) The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

Reason

To ensure the ongoing maintenance of trees planted on the site.

(156) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

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

Reason

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

(157) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

(158) ENCROACHMENTS – PUBLIC WAY

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

Reason

To protect the public way.

(159) UNDER AWNING LIGHTING

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

(a) the maximum horizontal luminance level must not exceed 200 lux including light spill from shop windows. Lux level may be increased to 220 lux in some areas in Central Sydney CBD;

(b) the horizontal illuminance uniformity ratio (Eavg/Emin) must not exceed 4:1 to ensure safe movement of pedestrians;

(c) the intensity, colour, period of intermittency and hours of illumination must be varied if adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting* is being caused to the amenity of the area;

(d) where nearby residents are located above the level of the under awning lighting, details are to be provided to show that light is not directed upwards toward such residences.

Reason

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

(160) AWNING MAINTENANCE

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

Reason

To ensure that awnings are appropriately maintained.

(161) NUMBER OF ADULTS PER ROOM

(a) No more than two adult people shall permanently occupy any bedroom, and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.

(b) The total number of adults residing in one unit must not exceed twice the number of approved bedrooms.

Reason

To prevent overcrowding.

(162) USE OF COMMON AREAS AND FACILITIES

The communal spaces on Level 11 must be available for the use all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

Reason

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

(163) OCCUPATION CERTIFICATE TO BE SUBMITTED

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

Reason

To ensure the site is authorised for occupation.

SCHEDULE 2

PRESCRIBED CONDITIONS

The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021* which apply to the development:

Refer to the NSW State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: http://www.legislation.nsw.gov.au

SCHEDULE 3

GENERAL TERMS OF APPROVAL – WATER NSW

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with D/2026/304 as provided by Council:

- Statement of Environmental Effects - 420-424 Kent Street & 275-277 Clarence Street, Sydney_PAN-626529
- Detailed Site Investigation - 420-424 Kent St & 275-277 Clarence St, Sydney_PAN-626529
- Architecture - 420-424 Kent St & 275-277 Clarence St, Sydney_PAN-626529
- Heritage Impact Assessment - 420-424 Kent St & 275-277 Clarence St, Sydney_PAN-626529
- Ground Water Impact Assessment - 420-424 Kent St & 275-277 Clarence St, Sydney_PAN-626529
- Geotech Report - 420-424 Kent St & 275-277 Clarence St, Sydney_PAN-626529

(164) GT0115-00001

Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

(165) GT0119-00001

All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

(166) GT0120-00001

The design and construction of the building must prevent:

(a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;

(b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and

(c) any elevated water table from rising to within 1.0 m below the natural ground surface.

(167) GT0122-00001

Construction Phase Monitoring programme and content:

(a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):

(i) Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.

(ii) Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;

(iii) Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;

(iv) QA: Include details of quality assurance and control

(v) Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.

(b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

(168) GT0123-00001

(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.

(b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):

(i) All results from the Approved Monitoring Programme; and

(ii) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website.

(iii) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/waterlicensing/dewatering

(169) GT0150-00001

The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June).

The applicant may apply to WaterNSW to increase the extraction limit under this condition.

Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment.

Advisory note: Any application to increase the extraction limit should include the following:

(a) Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation

(b) Survey plan showing ground surface elevation across the site

(c) Architectural drawings showing basement dimensions

(d) Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS))

(e) Laboratory test results for soil sampling testing for ASS

(f) If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

(170) GT0151-00001

Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval).

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

(171) GT0152-00001

This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001.

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

(172) GT0155-00001

The following construction phase monitoring requirements apply (Works Approval):

(a) The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW.

(b) The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme).

(c) The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

(173) GT0174-00001

Construction phase monitoring bore requirements GTA:

(a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval

(b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.

(c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval.

(d) The monitoring bores should be used to develop a water table map for the site and its near environs.

(e) The monitoring bores must be protected from construction damage.

Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.

(174) GT0279-00001

A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity.

Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

(175) GT0280-00001

A water access licence, for the relevant water source, must be obtained and nominate an occupational phase water supply work approval, to account for ongoing dewatering, unless an exemption applies.

(176) GT0281-00001

A water access licence, for the relevant water source, must be obtained prior to extracting groundwater, unless an exemption applies.

Advisory Note: See Schedule 4 of the Water Management (General) Regulation 2025.

(177) GT0323-00002

GT0-280-00001 applies to the portion of the basement which is authorised to be constructed as a drained structure to any part of the excavation above RL3.6m AHD.

GT0-115-00001 and GT0-120-00001 applies to the tanked portion of the basement which is authorised to be constructed to any excavation below RL3.6m AHD.

SCHEDULE 4

CONCURRENCE – TRANSPORT FOR NSW

(178) GENERAL CONDITIONS

(a) All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development that have a potential impact on the CBD Rail Link (CBDRL) must be designed, constructed and maintained in accordance with design criteria specified by the Transport for NSW (TfNSW);

(b) The design and construction of the basement levels, shoring and foundations for the approved development are to be completed to the satisfaction of TfNSW. If ground anchors or similar systems are later proposed, these must also be subject to TfNSW review and approval;

(c) The applicant must make allowances that are to be agreed with TfNSW in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;

(d) The design and construction of the foundations for the approved development are to be completed to the satisfaction of TfNSW. If ground anchors or similar systems are later proposed, these must also be demonstrated to be acceptable to TfNSW. An accurate plan/CAD model should be included for the proposed foundations, to enable verification against the CBDRL alignment model. The foundation design and any encroachment into Type 1 Zone and beyond must comply with the limitations of the CBDRL protection zones as required by TfNSW;

(e) No modifications may be made to the approved design without the consent of TfNSW;

(f) The applicant must provide access by representatives of TfNSW upon request to the site of the approved development and all structures on that site during all stages of the development;

(g) TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought;

(h) Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records; and

(i) All TfNSW costs associated with review of plans, designs and legal must be borne by the applicant.

(179) PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

The applicant should consult with TfNSW to confirm the timing of each construction certificate and associated documentation and activities prior to preparation of requested documentation. The applicant should provide the information to TfNSW for review and endorsement. The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until received written confirmation from TfNSW that the following conditions have been complied with.

(a) Prior to issue of any Construction Certificate, the applicant shall address the adverse effects of the approved development on the CBD Rail Link (CBDRL) identified in State Environmental Planning Policy (Transport & Infrastructure) 2021. The applicant must:

(i) Provide the following for TfNSW review and endorsement:

a. Geotechnical Report - An updated Geotechnical Report with an engineering assessment of the ground/structure interaction, associated with the future tunnel construction shall be required. An assessment of the impact of Oxford Street dyke and a detailed geotechnical and hydrological analysis shall be undertaken to the satisfaction of TfNSW to demonstrate likely movements of the ground due to the future CBDRL.

b. The applicant shall update the Geotechnical Report and the details are provided below:

i. Further investigation will be required to verify foundation conditions across the site. If a significant dyke feature (e.g. near vertical column of clay say 1-2 m wide) is encountered, then it may be necessary to use deeper piles or some form of bridging footing to span the dyke.

c. Geotechnical Impact Assessment – An updated Geotechnical Impact Assessment Report shall be prepared for the detailed design phase. The applicant shall update the Geotechnical Impact Assessment Report and the details are provided below:

i. Consider to providing piles or some form of bridging footing to span the dyke;

ii. All structural design drawings need to be attached to the report;

iii. The building will be supported on piles and the building loads modelled as a Uniformly Distributed Load (UDL) of 330 kPa on top of U4 rock (RL-5.2). This has not been modelled to assess whether future CBDRL construction would have an impact on the building foundations;

iv. Future CBDRL tunnel support was based on a bolt spacing of 1m by 1m. A sensitivity analysis needs to be undertaken for a wider spacing of bolt patterns;

v. Based on the PLAXIS Output, the results are based on the potential building foundation level at RL-5.2 with a UDL. The potential impacts of future CBDRL construction on the building would be differential movements between the foundations. This risk needs to be assessed; and

vi. Based on the PLAXIS Output, the foundation piles are not modelled. the potential impacts of tunnel construction induced displacement and vibrations along the piles adjacent to the future CBDRL (which is not sleeved) need to be assessed.

d. Structural Impact Assessment - Structural Impact Assessment Report shall be updated with final structural foundation design and associated drawings and to confirm the appropriate consideration of the future CBDRL to enable verification of compliance to TfNSW requirements in relation to the foundation loadings and layout, bearing pressures, settlement value allowance, soil /structure interaction stresses and movements in the protection zones. The report shall provide analysis demonstrating that loads at retained foundations within the Type 1 and Type 2 protection zones will not increase as a result of the proposed development. Structural drawings should show details of mitigation measures and shoring/retention and offsets to the CBDRL including protection zones in both plan and elevation sections.

e. Acoustic and Vibration Assessment - Acoustics Report shall be updated in accordance with the TfNSW Corridor Protection requirements such as all structures must be designed, constructed and maintained so as to avoid any damage or other interference which may occur as a result of noise and vibration from railway operations, on the assumption that source vibration level from trains as a result of attenuation provided by the track structure.

f. Electrolysis Report - All Structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of stray electrical currents, electromagnetic effects and the like from future railway operations. An Electrolysis Report shall be submitted to TfNSW demonstrating the Electrolysis Risk to the development. The applicant must incorporate in the development all the measures recommended in the report to control that risk.

(ii) Make allowances that are to be agreed with TfNSW in the design for the future construction of railway tunnels in the vicinity of the approved development;

(iii) Consult with TfNSW including preparation of a detailed regime for consultation with and approval by TfNSW for the excavation of the site and the construction of the building foundations for the approved development. If ground anchors or similar systems are later proposed, these must also be specifically reviewed by TfNSW. The documentation may include geotechnical and structural certification in the form required by TfNSW;

(iv) Provide detailed survey information to TfNSW, to confirm the property boundaries are consistent with the setting out on the CBDRL drawings;

(v) Provide to TfNSW drawings, reports and other information related to the design, construction and maintenance of the approved development; and

(vi) Address such other matters that TfNSW considers is appropriate.

(b) The applicant is to submit a report to TfNSW demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline". All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of air-borne noise, ground-borne noise and vibration that may emanate from the (future) rail corridor construction and rail operations to the proposed development. The applicant must incorporate in the development all the measures recommended in the report.

(180) PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Prior to the issue of any Occupation Certificate, the applicant shall provide the following:

(a) As-built drawings certified by a Registered Surveyor; and

(b) Depth of each pile and confirmation from a Geotechnical Engineer that these piles have not encroached on the future tunnel protection zone.

The Principal Certifying Authority is not to issue the Occupation Certificate until the written confirmation received from TfNSW that this condition has been satisfied.