

Attachment A

Recommended Conditions of Consent
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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 Development Application No. D/2024/890 dated 28 October 2024 and the following drawings prepared by Architecture AND:

Drawing Number	Drawing Name	Date
DA-050	Demolition Plan – Ground Floor	29.05.2025
DA-051	Demolition Plan – First Floor	29.05.2025
DA-101	Site Plan	29.05.2025
DA-102	Basement 2	29.05.2025
DA-103	Basement 1	29.05.2025
DA-104	Ground Floor	29.05.2025
DA-105	Level 1	29.05.2025
DA-106	Level 2	29.05.2025
DA-107	Level 3	29.05.2025
DA-108	Level 4	29.05.2025
DA-109	Level 5-9	29.05.2025
DA-110	Level 10	29.05.2025
DA-111	Level 11-28	29.05.2025
DA-112	Level 29	29.05.2025
DA-113	Level 30	29.05.2025
DA-114	Lower Roof	29.05.2025

Drawing Number	Drawing Name	Date
DA-115	Upper Roof	29.05.2025
DA-200	Elevation – North	29.05.2025
DA-201`	Elevation – East	29.05.2025
DA-202	Elevation – South	29.05.2025
DA-203	Elevation – West	29.05.2025
DA-204	Elevation – Heritage	29.05.2025
DA-205	Elevation – Shopfronts	29.05.2025
DA-206	Elevation - Laneway	29.05.2025
DA-300	Sections	29.05.2025
DA-301	Sections – Heritage Façade	29.05.2025

and as amended by the conditions of this consent.

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

Reason

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

(2) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal above ground level, must not exceed 11.1:1 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 11,409sqm.
- (b) The Floor Space Ratio of the proposal below ground level, must not exceed 0.74:1 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 763sqm.
- (c) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under *Sydney Local Environmental Plan 2012* applicable at the time of development consent, to the satisfaction of the Principal Certifier.

- (d) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that 443sqm of heritage floor space was allocated (purchased, transferred and registered by Council as an allocation) to the development, being that gross floor area in excess of *Sydney Local Environmental Plan 2012*.

Reason

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

(3) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 117.87 (AHD) to the top 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.

(4) 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.

(5) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement dated 24 April 2023 entered into between the City of Sydney and Samprian Pty Ltd are to be complied with.

Reason

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

(6) DESIGN QUALITY EXCELLENCE

- (a) As the proposal has been awarded bonus floor space for achieving design excellence and in order to ensure the design quality excellence of the development is retained to completion:
 - (i) The design architects comprising Architecture AND are to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages;

- (ii) The design architects) are to have full access to the site and are to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;
 - (iii) Evidence of the design architect's commission must be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director Planning, Development and Transport.

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

Reason

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

(7) RESTRICTION ON STRATA SUBDIVISION - HOTEL

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

Reason

To restrict subdivision of the hotel component of the development.

(8) USE - SEPARATE DA REQUIRED

No consent is granted or implied for the fitout or specific use of commercial premises on basement level, ground level, and level 2.

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

Reason

To require separate consent to be obtained for a use.

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

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

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

Development cost *	Levy
Up to and including \$250,000	NIL
More than \$250,000, up to and including \$500,000	1%
More than \$500,000, up to and including \$1,000,000	2%
More than \$1,000,000	3%

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

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, one of the following must be submitted:
 - (i) **For development between \$250,000 and \$3,000,000** – the City of Sydney *Cost Summary Report* must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Cost Summary Report* is available from the City's website at www.cityofsydney.nsw.gov.au; or
 - (ii) **For development more than \$3,000,000** – The City of Sydney *Registered Quantity Surveyor's Detailed Cost Report* must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Registered Quantity Surveyor's Detailed Cost Report* is available from the City's website at www.cityofsydney.nsw.gov.au.

- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Registered Certifier accordingly.
- (d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.

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

Reason

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

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

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- (b) The contribution is \$1,992,651 (indexed at 1 March 2025). This is calculated by establishing the sum of the equivalent monetary contribution \$11,646.80 multiplied by 1% of the total floor area for non-residential development (171.09sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2025 to 28 February 2026, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment = $C \times \text{MDP2} / \text{MDP1}$, where:
 - (i) C is the original total contribution amount payable to the City of Sydney as shown above;
 - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
 - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being 1 March 2025 to 28 February 2026.

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.

(11) 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)	\$365,160
Transport project component	0
Total housing and productivity contribution	\$365,160

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.

(12) 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 a Construction Certificate being issued for above ground works.

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.

(13) 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 *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 Area Planning Manager prior to the issue of any Occupation Certificate.

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

Reason

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

(14) 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.

(15) 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.

(16) SIGNS/GOODS IN THE PUBLIC WAY

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

Reason

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

(17) 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.

(18) TREES THAT MUST BE RETAINED

- (a) The tree(s) detailed in Table 1 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(s) detailed in the table below, which Council has determined to be prominent landscape elements

Table 1 – Tree Retention:

Tree No	Species:	Location
1	<i>Platanus x acerifolia</i> (London Plane)	Street Tree - George St
2	<i>Platanus acerifolia</i> (London Plane)	Street Tree - George St northern boundary

Reason

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

(19) 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.

(20) 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.

(21) SERVICE VEHICLE SIZE LIMIT

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

Reason

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

(22) ASSOCIATED ROADWAY COSTS

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

Reason

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

(23) 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.

(24) CHANGES TO KERB SIDE PARKING RESTRICTIONS

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

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

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

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

Reason

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

(25) VEHICLE ACCESS

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

Reason

To increase pedestrian safety at the site access.

(26) MECHANICAL PARKING FACILITIES (SRV TURNABLE)

The following details must be submitted to and approved by the Registered Certifying Authority prior to the issuance 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
- (b) Implementation of mechanisms to address potential safety concerns, including but not limited to:
 - (i) The trip hazard posed by platforms to pedestrians within the car parking areas.
 - (ii) The risk of vehicles traversing the platforms despite the activation of the anti-collision mechanism (e.g., cars reversing over the platforms while on the paths of travel).
- (c) Management of the use and operation of the car stacker/turntable, covering:
 - (i) During periods of vehicle queuing.
 - (ii) During any system failure.
 - (iii) Consistency with the manufacturer's specifications.
 - (iv) Any induction training required prior to use.
- (d) Any further information requested by the Registered Certifying Authority.

Reason:

To ensure orderly operation of the mechanical parking facilities

(27) GENERAL HERITAGE

- (a) 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 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 and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
 - (i) New services must use existing service runs;
 - (ii) Where this is not possible, details of an alternative solution must be shown on drawings at a suitable scale and submitted and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to the issue of any Construction Certificate.
- (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 new windows and doors on the existing building must match the original material, which is timber joinery brass-framed.
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

Reason

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

(28) MATERIALS FOR MAKING GOOD

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

Reason

To ensure appropriate materials and finishes are used.

(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) 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.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

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

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared PWNA, dated 20th September 2024, ref 240219-757-763, Council Ref: 2024/615753, must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

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

Reason

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

(32) 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 ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (c) 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.
- (d) 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.
- (e) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (f) 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.
- (g) 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.

(33) PARKING DESIGN

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

Reason

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

(34) ALLOCATION OF PARKING

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

Car Parking Type	Number
Small Rigid Vehicle loading dock(s) (Capable to accommodate two B99 / Van size vehicles in the dock. Turntable to ensure a forward in and forward out movements.)	1
Total	1

Reason

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

(35) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Staff/employee/customer	44	Spaces must be a Class 2 bicycle facilities
Non-residential visitor	12	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	25	

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.

(36) EXTERNAL COLOUR SCHEME (OTHER BUILDINGS)

The external colour scheme is to be sympathetic to the architectural style and period of the building and/or Heritage Conservation Area. A schedule of colours is to be submitted to and approved by Council's Urban Design and Heritage Manager or Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate for above ground works.

Reason

To ensure a colour scheme is used that results in an appropriate heritage/streetscape outcome.

(37) HERITAGE ITEMS - WORKS TO BE CONSISTENT WITH CMP OR HIS

- (a) A conservation work schedule detailing methodologies for implementation of the recommendations of the Conservation Management Plan, prepared by Weir Phillips, dated 9 May 2025 and must be submitted to and approved by Council, prior to a Construction Certificate being issued.
- (b) The conservation work schedule must also detail how the first floor windows will be reinstated as timber framed windows.

The work schedule must be implemented to the satisfaction of Council's Urban Design and Heritage Manager prior to the issue of any Occupation Certificate.

Reason

To ensure the works are carried out in an appropriate manner that protects the heritage of the site/building.

(38) ARCHAEOLOGICAL ASSESSMENT

An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of a Construction Certificate. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.

Recommendations by the archaeological assessment are to be implemented during the process of demolition and excavation work.

Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.

Reason

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

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

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

Reason

To ensure an appropriate heritage outcome.

(40) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT

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

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

Reason

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

(41) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

Reason

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

(42) 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 the 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.

(43) SITE AUDIT STATEMENT

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

hbapplications@cityofsydney.nsw.gov.au

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

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

Reason

To ensure that the site is appropriately remediated.

(44) SPECIAL CONDITION – UPDATED LANDSCAPE PLANS

The Landscape Plans must be updated, submitted and approved by the City of Sydney Tree Team prior to the issue of a Construction Certificate for above ground works. The updated plans must show all soil volume quantities for on-structure planting. Amounts must adhere to the recommendations from the Sydney Landscape Code Vol 2 which must provide a minimum of 9m³ soil volume per small tree.

A qualified Arborist (minimum AQF Level 5) must assess the updated plans prior to being submitted to the City of Sydney.

(45) SPECIAL CONDITION – CONSTRUCTION ACCESS

Construction access and the location of the works zone must be planned to avoid adversely impacting any tree to be retained. Work zone locations must be provided and suitable size cranes/machinery/equipment utilised to minimise tree pruning requirements. Only minor pruning works will be approved.

Reason

To ensure the ongoing protection of trees.

(46) SPECIAL CONDITION – TREE BOND

- (a) A \$40,000 unconditional bond for Trees 1 and 2 (*Platanus x acerifolia*) located in the public domain must be submitted and approved by the City of Sydney to ensure the retention and protection of the tree(s) prior to the issuing of any Construction Certificate(s).
- (b) The following formula will be used for the retention of all or part of the bond(s):
 - (i) An initial breach of any tree protection condition – 20% of the bond for each tree.
 - (ii) A second of continuing breach of any tree protection condition – 40% of the bond for each tree.
 - (iii) If after 40% of the bond is retained, further breaches of the tree protection conditions occur, the City of Sydney may instigate legal proceedings for the cessation of all works on the site.
 - (iv) Death of tree(s) due to non-compliance with the tree protection conditions – Total 100% of the bond and possible legal action by the City of Sydney.
- (c) The unconditional bond will be retained by the City of Sydney for a minimum period of 12 months from the date of the issue of the Occupation Certificate. An Arboricultural Report prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to the City of Sydney at the expiry of each bond period and prior to the bond being refunded. If the report indicates that the tree(s) require remedial works, the bond may be held until the satisfactory completion of the remedial work by the City of

Sydney Tree Team has been undertaken and the trees return to good health.

Reason

To ensure the ongoing protection of trees.

(47) TREE PROTECTION PLAN

- (a) A Tree Protection Plan and Methodology Statement, prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5, and written in accordance with the Australian Standard AS 4970:2009 'Protection of Trees on Development sites (AS4970)' must be submitted to the Tree Management Team for review prior to the issue of construction certificate.
- (b) The Tree Protection Plan and Methodology Statement must contain at a minimum:
 - (i) Details of the two *Platanus x acerifolia* (London Plane) that will be impacted by the building proposal and amended driveway located on George St.
 - (ii) Statement outlining the aims of the Plan;
 - (iii) A methodology for root protection during the demolition and construction phase
 - (iv) Clear hold points for supervision and certification during this process
 - (v) Site specific recommendations in accordance with AS 4970:2009 Protection of trees on development site for tree protection for all trees to be retained. The proposed protection measures must protect the trees throughout the entire development and construction process;
 - (vi) A plan (to scale with the scale shown) showing the TPZ and SRZ, and location and type of tree protection measures to be installed. The plan must include all trees on the site (and trees on adjoining private and public land if the proposed development will encroach into the TPZ of those trees).

Reason

To ensure the ongoing protection of trees.

(48) PRUNING SPECIFICATION PLAN

- (a) A 'Pruning Specification Report' prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to and approved by Council's Area Planning Manager prior to the issuing of the Construction Certificate. The report must include:

- (i) Number of branches and orientation, branch diameter, percentage of canopy to be pruned/removed
- (ii) Photos with individual branches which are recommended for pruning/removal to be clearly marked. (Please note reports which include photos with a single vertical line as the area recommended for pruning will not be accepted).
- (iii) A maximum of 5% canopy removal and maximum of 100mm diameter branches will be permitted by Council
- (iv) Pruning work must be specified in accordance with *Australian Standard 4373–2007, Pruning of Amenity Trees*.

Reason

To ensure the ongoing maintenance of trees.

(49) PREPARATION OF MECHANICAL VENTILATION PLANS

- (a) Prior to the issue of the relevant Construction Certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person and submitted to and approved by Council. The plans must be in accordance with the following:
 - (i) Australian Standard 1668: - The use of ventilation and air conditioning in buildings; and
 - (ii) ensure all generate heated air, smoke, fumes, steam or grease vapours do not:
 - a. cause a nuisance to persons within or nearby to the premises,
 - b. or cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997.

Reason

To ensure that detailed professional plans of the approved mechanical ventilation system are submitted prior to the issue of a Construction Certificate.

(50) MECHANICAL VENTILATION

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

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

Reason

To ensure the ventilation complies with relevant standards.

(51) AIR HANDLING

In the event of any process in any room being of such a nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given-off, an air handling system must be installed providing positive capture and removal of the effluents. The effluent must be discharged to atmosphere at a point that will not create a nuisance and located in a position complying with *AS1668.2 - The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*.

Reason

To ensure discharge does not create a nuisance to the surrounding area.

(52) MECHANICAL VENTILATION – ADDITIONAL ODOUR AND SMOKE CONTROLS

A Professional Engineer (as defined in Volume One of the National Construction Code) (previously known as Building Code of Australia) must:

- (a) Prior to the issue of the relevant Construction Certificate, specify filtration and odour control systems as part of the proposed mechanical ventilation design and drawings (including specifications of the proposed mechanical kitchen exhaust ventilation system) to ensure that exhaust air can be discharged to the atmosphere in accordance with *AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and will not cause a danger or a nuisance to occupants within the building, occupants of neighbouring buildings or members of the public; and
- (b) Certify the design in accordance with the *National Construction Code (previously known as Building Code of Australia)* and *AS1668.2 - The Use of Mechanical Ventilation and Air conditioning in Buildings*; and
- (c) Prior to the issue of any Occupation Certificate inspect the mechanical ventilation and filtration/odour control systems and certify that the system/s have been installed to the approved design; and
- (d) Certify the satisfactory performance of the installed system/s.

Reason

To protect the amenity of the surrounding area.

(53) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL

The Operational Waste Management Plan prepared by Elephants Foot, Council reference 2024/615784 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 a Construction Certificate.

Reason

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

(54) EXTERNAL WALLS AND CLADDING FLAMMABILITY

The external walls of the building including attachments must comply with the relevant requirements of the *Building Code of Australia*. Prior to the issue of a the relevant 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.

(55) REFLECTIVITY

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

Reason

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

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

- (a) Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality and add visual and public art in the streetscape.
- (b) The artwork installation must be printed, installed and maintained in accordance with Council's *Guidelines for Hoardings and Scaffolding*. Details of the proposed installation must be submitted to and approved by Council prior to the issue of a construction certificate or work commencing.

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

Reason

To minimise adverse visual impacts on the locality.

(57) INSTALLATION OF DUAL-FLUSH TOILETS

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

Reason

To ensure the provision of water efficient toilets.

(58) INSTALLATION OF WATER EFFICIENT SHOWER HEADS

All shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Registered Certifier, prior to any Occupation Certificate being issued.

Reason

To ensure the provision of water efficient shower heads.

(59) INSTALLATION OF WATER EFFICIENT TAPS

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

Reason

To ensure the provision of water efficient taps.

(60) INSTALLATION OF WATER EFFICIENT URINALS

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

Reason

To ensure the provision of water efficient urinals.

(61) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 743-755 George Street, Haymarket and 187-189 Thomas Street, Haymarket (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified consultant prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

Reason

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

(62) ELECTRICITY SUBSTATION AND TURRETS

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation and/or turrets to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier. Electricity turrets must be located wholly within the boundary of the site.

Reason

To ensure that the provision of a substation and turrets to service the development is appropriately incorporated into the design of the building in a manner that minimises streetscape impacts.

(63) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a 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.

(64) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

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

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

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

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

Reason

To ensure the preservation of existing survey infrastructure.

(65) DESIGN FOR ENVIRONMENTAL PERFORMANCE

- (b) Prior to the issue of the relevant 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 Henry Andresen, dated 19 March 2025 are incorporated into the relevant construction plans and accompanying documentation.
 - (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
 - (vii) 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 listed in the approved Design for Environmental Performance report 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

(66) To ensure the environmental performance of the development.ENERGY PERFORMANCE – NABERS

The design of the building and its services must achieve a National Australian Built Environment Rating System (NABERS) Energy rating of 4.5 Star in operation for the whole building. This is to be demonstrated by:

- (a) Entering into a Commitment Agreement with the NABERS National Administrator, to deliver this star rating for the whole building. A copy of the signed Commitment Agreement contract is required; and

- (b) Providing a copy of the Estimator's report and Independent Design Review report to the NABERS National Administration and submitting the same reporting with the Construction Certificate application. The reporting must demonstrate the developments capacity to meet the NABERS star rating and the overperformance requirement mandated by the City.

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

Note: Definitions referred to above are as follows:

- (i) Commitment Agreement means an agreement that is set out in accordance with the NABERS National Administrator. The NABERS Commitment Agreement, which is signed between a NABERS authorised signatory and the applicant/building owner/building manager, is a commitment to design, build and commission the premises to achieve an agreed star rating.
- (ii) Star rating refers to the benchmarking system applied by the NABERS National Administrator for measuring the energy efficiency of a building.
- (iii) Base building means central services and common areas of a building, as defined under NABERS.
- (iv) Whole building refers to the base building and tenant occupied spaces, as defined under NABERS.
- (v) Estimate report refers to the report created by the Estimator which sets out a realistic estimate of the operational performance of the project determined.
 - a. In accordance with the NABERS Handbook; and
 - b. Without reference, calculation or consideration to GreenPower or other offsite renewable energy.
- (vi) Independent Design Review report is a report prepared in respect to the Independent Design Review by the Reviewer.

Reason

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

(67) NABERS WATER RATING

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

- (a) submitting a signed NABERS Agreement to Rate for the required star rating and

- (b) providing a Water Use Assessment Report prepared by a suitably qualified person, demonstrating the building is capable of achieving a NABERS water rating of 3 Stars. The Water Use Assessment Report should include calculations in line with the Green Building Council of Australia's (GBCA) Water Use calculator, or other equivalent methodology.

The report and NABERS Agreement to Rate are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

Reason

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

(68) EMBODIED EMISSIONS REPORTING

Prior to the issue of a 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.

(69) DEMOLITION/SITE RECTIFICATION (if cost is over \$50m)

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for shoring and excavation works..
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) A bank guarantee to be provided in the sum of \$257,500 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$257,500 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.

- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the erection of the structure has commenced.
- (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - a. make the building safe and of an appearance acceptable to Council at ground level;
 - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage.

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
 - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may, if the Chief Planner / Executive Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:

- (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
 - (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.
 - (iii) Stage 3 – Issue of the Occupation Certificate.
- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
- (i) Certification (from the principal certifier) that the relevant stage is complete;
 - (ii) Detailed schedule of completed works carried out in the relevant stage;
 - (iii) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

Reason

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

(70) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

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

Any requirements to comply with Disability Discrimination Act and the Flood Report recommended Flood Planning Levels 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.

(71) STORMWATER QUALITY ASSESSMENT

The development must comply with Stormwater Quality Report prepared by Telford Civil, dated 29 May 2025 report dated approved with this development application.

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

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

Reason

To ensure appropriate stormwater quality on the site.

(72) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 4 – Flood Related Levels and Compliance with Council Requirements of the report titled Flood Risk Management Plan prepared by Telford Civil dated 29 May 2025.

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.

(73) PUBLIC DOMAIN LIGHTING UPGRADE

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

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

- Lighting designs must be certified by a suitably qualified practising lighting engineer (MIES or equivalent)

- Lighting Design Brief and certificate on accordance with Annexure 1 in A5 Technical Specifications
- Obtrusive lighting assessment
- New luminaire will be: BRP593 LED96/840 60W DWV SR P7T SRB ANZ (57W)
- Two-way vertical illumination calculations.

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

Reason

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

(74) DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages, including the CCTV of the adjacent drainage network (per the Sydney Streets Technical Specifications – 4.6.3 CCTV Footage requirements), is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

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

Reason

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

(75) TEMPORARY DEWATERING DURING CONSTRUCTION

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

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

Reason

To ensure dewatering is managed appropriately.

(76) STORMWATER DRAINAGE DESIGN FOR STATE ROADS/OTHER AUTHORITIES

A detailed stormwater management plan prepared by suitably qualified and experienced civil engineer and complying with Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design must be submitted to and approved by Sydney Water prior to issue of any Construction Certificate other than demolition. Evidence of this approval must be submitted to Council.

Reason

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

BEFORE BUILDING WORK COMMENCES

(77) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

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

Reason

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

(78) 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.

(79) UNDERGROUND PETROLEUM STORAGE SYSTEM – DECOMMISSIONING REPORT

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

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

The decommissioning report must contain:

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

Reason

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

(80) DECOMMISSIONING OF UNDERGROUND PETROLEUM STORAGE TANKS

The removal of underground petroleum storage tanks must be undertaken in accordance with Safework NSW requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed and all relevant NSW Environmental Protection Authority/Office of the Environment and Heritage Guidelines and Australian Standards including following;

NSW EPA Technical Note: *Decommissioning, Abandonment and Removal of UPSS* (January 2010),

NSW EPA Technical Note: *Investigation of Service Station Sites* (April 2014),

AS 1940 –2004: Storage and handling of flammable and combustible liquids,

AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks.

A site contamination assessment must be conducted in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* (NSW Office of the Environment and Heritage 2011) and the *Sampling Design Guidelines* (NSW Environmental Protection Authority September 1995) to determine whether petroleum has contaminated soil and groundwater in the vicinity of the storage system and whether remediation is required to ensure the land remains suitable for the continued approved land use.

Subsequent remediation of the site must be undertaken in accordance with the *Managing Land Contamination – Planning Guidelines* (Department of Urban Affairs and Planning 1998) and the *State Environmental Planning Policy (Resilience and Hazards 2021)* including notification to Council's Area Planning Manager at the start and completion of land remediation.

The removal or in-situ decommissioning of the underground petroleum storage system and any subsequent contamination assessment, preparation of a remediation strategy and final decommissioning reporting must be carried out by a duly qualified person, who has competencies and experience in relation to this area of work that are recognised as appropriate by the relevant industry and the NSW Environmental Protection Authority.

Reason

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

(81) TREE PROTECTION ZONES (FOR STREET TREES)

Tree No.	Species	Tree Location	TPZ radius(m) from Truck	SRZ radius (m) from trunk
1	Platanus x acerifolia (London Plane)	George St	4.0	2.2
2	Platanus x acerifolia (London Plane)	George St - northern boundary	5.2	2.5

- (a) All street trees located on George Street in front of the site must be retained and protected in accordance with Australian Standard 4970 'Protection of trees on development sites' and as follows:
- (b) Tree trunk and major branch protection must be installed prior to the issuing of any Construction Certificate, 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:

- a. around or under the tree canopy or;
 - b. within two (2) metres of tree trunks or branches or any street trees.
- (c) Temporary signs or any other items must not be fixed or attached to any street tree.
- (d) 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.
- (e) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the City of Sydney Tree Team.
- (f) 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 Tree 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.
- (g) Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

Reason

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

(82) SYDNEY WATER CERTIFICATE (TAP-IN)

- (a) The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's "Tap-in" online service is available at www.sydneywater.com.au, (see Plumbing, Building & Development and then Sydney Water "Tap-in").
- (b) The Consent Authority or a Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

Reason

To ensure the development satisfies Sydney Waters requirements.

(83) 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*.
- (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.

(84) OTHER REQUIRED APPROVALS – ROADS AND PUBLIC DOMAIN

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

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

Reason

To ensure use of a public place is managed appropriately.

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

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

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

Reason

To ensure appropriate approvals are sought for operating hoisting devices.

DURING BUILDING WORK

(86) 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.

Reason

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

(87) ASBESTOS REMOVAL WORKS

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

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

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.

- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

Reason

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

(88) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan EIA Australia and dated 3rd October 2024, referenced E22293.E06_Rev 4 Council reference TRIM 2024/615796 and the Letter of Interim Advice prepared by Site Auditor Pty Ltd dated 20 March 2025 Council reference TRIM 2025/224256 and Amended letter of Interim advice prepared by Site Auditor Pty Ltd dated 15 May 2015 Council reference TRIM 2025/293773.

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

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

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

Reason

To ensure that the site is appropriately remediated.

(89) NOTIFICATION – NEW CONTAMINATION EVIDENCE

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

Reason

To ensure that the site is appropriately remediated.

(90) IMPORTED FILL MATERIALS

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

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

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (2022) Sampling Design Guidelines.

Reason

To ensure that imported fill is not contaminated.

(91) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW EPA Waste Classification Guidelines, Part1: Classifying Waste (November 2014)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for a particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Reason

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

(92) DISCHARGE OF CONTAMINATED GROUNDWATER

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

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

Reason

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

(93) STOCKPILES

- (a) No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.
- (b) All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours must be covered.
- (d) All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours.

Reason

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

(94) TREE SENSITIVE EXCAVATION

- (a) Excavation within the Tree Protection Zone(s) (TPZs) as detailed in the table below must be undertaken using tree sensitive methods (i.e. hand/ air space/hydrovac) and supervised by a qualified Arborist (minimum AQF level 5). To prevent root damage, low pressures must be used for hydrovac excavation with the bark remaining intact.

Tree (Root) Protection Zone Schedule:

Tree No	Species	Tree Location	TPZ Radius (m) from Trunk	SRZ (m) from Trunk
1	Platanus x acerifolia (London Plane)	Street Tree - George St	4.0	2.2
2	Platanus x acerifolia (London Plane)	Street Tree – George St northern boundary	5.2	2.5

- (b) Excavation must not occur within the SRZ. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately, and the excavation must be carried out in accordance with Council's direction.
- (c) Roots greater than 40mm must not be severed or damaged within the TPZ without written approval from the City of Sydney Tree Team. As required, tree sensitive construction/installation methods (i.e. directional boring, redirection of services, pier and beam footings) must be used to ensure the retention and protection of roots greater than 40mm diameter.
- (d) Trenching must be backfilled as soon as possible, and exposed roots must be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.
- (e) Any approved root pruning must be carried out by a qualified Arborist (minimum AQF Level 5) in accordance with Australian Standard 4373 'Pruning of Amenity Trees'.
- (f) Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

Reason

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

(95) SITE SUPERVISION AND REPORTING

- (a) A qualified Arborist (minimum AQF Level 5) must oversee various stages of work within the Tree Protection Zone(s) (TPZs) of any tree listed for retention.
- (b) The Arborist must undertake inspections through the development works.

- (c) The Arborist must certify compliance with each key milestone detailed below:
 - (i) Installation of tree protection measures (i.e. tree protection fencing, trunk and branch protection, ground protection, tree protection signage) prior to the commencement of the development works;
 - (ii) Demolition of ground surface materials (pavers, concrete, grass etc.) or inground structures within the TPZs of any tree to be retained;
 - (iii) Excavation and trenching within the TPZs;
 - (iv) Construction of the paving/driveway within the TPZ/SRZ of Tree 2;
 - (v) Other times as specified in the Arboricultural Impact Assessment Report, Tree Protection Plan or these conditions.
- (d) A Tree Protection Compliance Report, which includes photographic evidence and provides details on the health and structure of tree(s), must be submitted within one week following each scheduled inspection and key milestone listed above. The report is to be submitted to, and acknowledged, by the City of Sydney Area Planning Coordinator or Area Planning Manager. The Tree Protection Compliance Report must include:
 - (i) Confirmation that the tree protection measures have been installed in accordance with these conditions;
 - (ii) Details of any additional tree protection recommendations and subsequent implementation to ensure the tree(s) remain in a healthy condition;
 - (iii) Details of works undertaken on any tree to be retained or any works within the TPZs.
- (e) A final Tree Protection Compliance Certificate demonstrating that all Tree Protection Compliance Reports have been submitted at each scheduled inspection and key milestone listed above must be submitted and approved by the City of Sydney Area Planning Manager prior to the issue of any Occupational Certificate.

Reason

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

(96) TREE PRUNING – FURTHER APPROVAL REQUIRED

- (a) Consent from Council's Tree Management Officer must be obtained prior to undertaking the pruning of any tree to be retained, including tree roots greater than 40mm diameter.
- (b) Construction access and the location of the works zone must be planned to avoid adversely impacting any tree to be retained. Alternative work zone locations must be provided and suitable size cranes/machinery/equipment utilised to minimise tree pruning requirements. Only minor pruning works will be approved.

- (c) Any approved pruning must be carried out by a qualified Arborist (minimum AQF Level 3) in accordance with Australian Standard 4373 'Pruning of Amenity Trees' and the SafeWork's Code of Practice - Amenity Tree Industry.

Reason

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

(97) HOURS OF WORK AND NOISE – CBD

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

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

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

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

Reason

To protect the amenity of the surrounding area.

(98) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

Reason

Prescribed condition EP&A Regulation 2021, Section 70.

(99) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

Reason

To protect the amenity of the surrounding area.

(100) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

Reason

To protect the amenity of the surrounding area.

(101) HAZARDOUS AND INDUSTRIAL WASTE

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

- (a) *Protection of the Environment Operations Act 1997*

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

Reason

To ensure hazardous/ industrial waste is managed appropriately.

(102) COVERING OF LOADS

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

Reason

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

(103) VEHICLE CLEANSING

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

Reason

To ensure sediment is not tracked onto the roadway.

(104) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

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

Reason

To protect the amenity of the public domain.

(105) NO OBSTRUCTION OF PUBLIC WAY

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

Reason

To protect the amenity of the public domain.

(106) ACCESS DRIVEWAYS TO BE CONSTRUCTED

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

Reason

To allow adequate vehicular access to the site.

(107) USE OF MOBILE CRANES

The following requirements apply:

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

Reason

To ensure mobile cranes are used appropriately.

(108) 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.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(109) RESTRICTION ON USE OF LOADING DOCK MONORAIL

- (a) The loading dock monorail is not to be used other than by Ausgrid for on-site substation operations and maintenance works.
- (b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of the monorail, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The Restriction is to be created to the benefit of Council, at no cost to and to the satisfaction of Council.

Reason

To ensure the monorail is used solely by Ausgrid for the on-site substation's operations and maintenance.

(110) 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.

(111) 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.

(112) AIR CONTAMINATION

A detailed report must be prepared by a suitably qualified air quality consultant detailing the products of any gases, vapour, mists, cinders, solid particles of any kind or odours that are to be discharged to the atmosphere from the proposed activity / plant.

The report must be submitted to the Principal Certifier and the Council's Area Planning Manager at email address:

hbapplications@cityofsydney.nsw.gov.au if Council is not the appointed Principal Certifier.

The report must:-

- (a) Include emission velocity, flow, rate, temperature, water vapour concentration of any relevant pollutant, which must be carried out in accordance with the testing methods outlined within which must be carried out in accordance with the NSW Environment Protection Authority (EPA), publication "Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales" and the testing methods outlined within Schedule 7 of the Protection of the Environment Operations (Clean Air) Regulation 2010;
- (b) Detail the type and name of all discharges from any vent, chimney, pipe or duct discharging gases, vapour, cinders, solid particles of any kind, mists or odours to the atmosphere;
- (c) The volume and velocity of the effluvia being discharged from the building, and the location of the discharge point, and;
- (d) Identify pollution mitigation measures to be incorporated into the building design so that any discharges to atmosphere comply with the requirements of the *Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Clean Air) Regulation 2010*.
- (e) The Principal Certifier must ensure that the air pollution mitigation measures identified in the subject report are suitably incorporated into the development as erected prior to the issue of any Occupation Certificate.

Reason

To protect the amenity of the surrounding area.

(113) PHYSICAL MODELS

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

Note:

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

Reason

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

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

- (a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) building design above and below ground in accordance with the development consent;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

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

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Reason

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

(115) 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.

(116) PUBLIC SWIMMING POOLS AND SPA POOLS

Prior to the issue of an Occupation Certificate associated with the public pools and spas the occupier of premises at which public pool/spa is installed, must notify the Council in writing on the prescribed form of the installation of a pool/spa within the premises under the Public Health Act 2010. Notification forms are available on Council's website www.cityofsydney.nsw.gov.au

Reason

To ensure the Council is notified of the installation of the pool/ spa.

(117) PUBLIC SWIMMING POOL OR SPA POOL – DISINFECTION SYSTEM

- (a) Prior to the issue of an Occupation Certificate any public swimming pool and/or spa pool must be fitted with an automated or a continuous metered disinfectant dosing system and have a disinfection system complying with Schedule 1 to the Public Health Regulation 2012.
- (b) Any public swimming pool and spa pool must:
 - (i) be fitted with an automated or a continuous metered disinfectant dosing system.
 - (ii) be disinfected with chlorine or bromine.
 - (iii) be subject to manual testing and recording of pH, alkalinity and disinfectant levels in accordance with Schedule 1 to the Public Health Regulation 2012.
 - (iv) have an up to date logbook on site showing recorded pH, alkalinity and disinfectant levels in accordance with Schedule 1 to the Public Health Regulation 2012.
 - (v) be operated in accordance with Schedule 1 to the Public Health Regulation 2012.

Reason

To ensure the public swimming pool is adequately disinfected.

(118) 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.

(119) SURVEY CERTIFICATE AT COMPLETION

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

Reason

To ensure the development does not encroach onto neighbouring properties.

(120) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the report titled Flood Risk Management Plan/Issue C prepared by Telford Civil dated 29 May 2025

Reason

To ensure the development achieves the required floor levels.

(121) FLOOD RISK MANAGEMENT

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

Reason

To ensure flood risk management measures are complied with.

OCCUPATION AND ONGOING USE

(122) HOURS OF OPERATION – EXTERNAL TERRACE LEVEL 2

The permitted hours of operation for the external terrace located on level 2 are restricted to between 7.00am and 12.00pm Monday to Sunday.

Reason

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

(123) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with coverage to:
 - (i) All entrance/s and exits used by the public including a 10m radius of these entrance/s and exits;
 - (ii) all areas within the premise occupied by the public (excluding toilets).
- (b) All CCTV recording equipment and cameras must be of high-grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras.
- (c) CCTV recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be automatically recorded. The CCTV recording equipment must be capable of reproducing a digital copy.
- (d) All CCTV recording devices and cameras must be checked to ensure the equipment is operating correctly.
- (e) When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.

Reason

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

(124) NEIGHBOURHOOD AMENITY

Management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(125) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE COMMERCIAL PREMISE

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

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

Reason

To protect the acoustic amenity of surrounding properties.

(126) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE RESIDENTIAL PREMISE

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

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

Reason

To protect the acoustic amenity of surrounding properties.

(127) NOISE - ENTERTAINMENT

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

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

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

Reason

To protect the acoustic amenity of surrounding properties.

(128) VIBRATION

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

Reason

To protect the amenity of surrounding properties.

(129) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

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

- (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
- (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.

(130) 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.

(131) TRANSPORT ACCESS GUIDE

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

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

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

Reason

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

(132) LOADING DOCK MANAGEMENT PLAN

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

The plan is to be prepared and submitted to and approved by Council's 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.

(133) LOADING DOCK SCHEDULE/REGISTER

The on-site small rigid vehicle loading dock is to be available for all retailers / business for use by removal vehicles, bulky good deliveries and similar. This shall be managed either by a schedule showing the users when they can utilise the dock, or by a register managed on site to allow all the tenants and business to reserve a time period for their deliveries. This information is to be made available to all users/tenants of the building.

Reason

To ensure that the loading dock is appropriately managed.

(134) COACH PARKING, GUEST PICK-UP and DROP-OFF MANAGEMENT PLAN

- (a) A Coach Parking, Guest Pick-Up and Drop-off Management Plan is to be submitted demonstrating management of all vehicles associated with guest arrivals, departures and tours and its potential impacts on surrounding streets. The plan is to be prepared and submitted to and approved by Council's Area Planning Manager prior to issue of an Occupation Certificate. The Plan is to include the following
 - (i) Details on how point to point transport accessing the proposed development will be managed;
 - (ii) Location coach/bus parking spaces available in proximity to the site, pedestrian travel paths and the reasonability of the assumption (distance, travelling with luggage, grades, crossings) and how arrivals will be managed;
 - (iii) The applicant should utilise nearby existing coach parking areas to service the hotel use;
 - (iv) Management of guests, luggage and/or trollies to ensure the public footpath remains unobstructed for use of pedestrians;

- (v) Usage surveys of identified coach zones to be utilised must be undertaken to identify capacity and demand. The survey should include:
 - a. Coach types;
 - b. Number per week and arrival and departure time of day; and
 - c. Length of stay.
- (vi) Details to demonstrate that the forecast coach demand could adequately be accommodated on-site without significant impacts on people walking and riding a bicycle, general traffic and public transport operation; and
- (vii) Mitigations measures should any impacts be identified.
- (b) The plan must include a coordination strategy with adjacent hotels or similar establishments to ensure efficient use and maximum utilisation of available kerbside coach parking spaces. Any changes proposed to be sought to street parking restrictions to accommodate guest drop-off and pick-up, including locations and proposed restrictions. Contact should be made with Council Traffic Operations Manager-North.
- (c) The plan (and any updates to the plan), shall be implemented and adhered to at all times by the applicant following the issue of the occupation certificate.

Reason

To ensure that coach carking and guest pick-up and drop-off is appropriately managed.

(135) 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*.
- (b) 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.

(136) EMISSIONS

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

Reason

To protect the amenity of the surrounding area.

(137) MECHANICAL VENTILATION – CLEANING AND MAINTENANCE PLAN

- (a) Prior to the issue of an Occupation Certificate a written Maintenance and Cleaning Plan of Management for the kitchen mechanical ventilation must be provided and approved by Council's Planning Manager. The Maintenance and Cleaning Plan of Management must be kept on the premises and be available to an officer of Council upon request. This plan must be produced detailing the methods and procedures required to maintain the filtration and odour control system(s) in accordance with manufacturer's specifications, in a clean condition, and in satisfactory working order. The maintenance and cleaning management plan must include the following:
 - (i) What type of maintenance and cleaning procedures are to be followed, and at what frequency;
 - (ii) Emergency maintenance and risk management associated with a failure in the system; and
 - (iii) The contact person/s details for emergency maintenance;
- (b) A service log that shows compliance with the written Maintenance and Cleaning Plan of Management in (a) above regarding the cleaning and maintenance of the filtration and odour control system(s) must be produced and completed accordingly when maintenance and servicing occurs. This service log must be kept updated and kept on the premises at all times and be available to an officer of Council upon request.

Reason

To ensure the mechanical ventilation complies with relevant standards and to protect the amenity of the surrounding area.

(138) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

The required operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the proposed partitioning layout.

Reason

To ensure appropriate operation and performance of mechanical ventilation is maintained.

(139) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

(140) 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.

(141) AWNING MAINTENANCE

The awning 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.

(142) 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

Transport for NSW conditions

Conditions for concurrence as advised by Transport for NSW are as follows:

(143) 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, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW;
- (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 and ground anchors for the approved development are to be completed to the satisfaction of 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.

(144) PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

- (a) 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.
- (b) 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 provide the following for TfNSW review and endorsement:
 - (i) 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 Martin Place Joint Swarm 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
 - a. Further details need to be provided justifying the interpreted geotechnical parameters presented in Table 2;
 - b. Confirm that additional site investigations have been undertaken as recommended in the Preliminary Geotechnical Investigation Report;
 - c. All CBDRL rail corridor and protection zone offset dimensions shown in the design drawings must be verified by a registered surveyor;
 - d. With reference to Section 2.2, EI Australia needs to model based on the TfNSW drawings and the outcomes must be considered by the building's Structural Designer;
 - e. With reference to Section 2.3, the details of any sensitivity cases need to be provided;
 - f. With reference to Appendix A, Stress plots for the Plaxis2D output need to be provided; and
 - g. With reference to Appendix A, the future excavation for the CBDRL also has the potential to impact the retained heritage façade and associated structures. Confirmation is required for the anticipated ground movements at the façade due to the future CBDRL construction so that these may be considered and mitigated by the structural designer for the proposed development.

- (ii) Structural Assessment - Structural 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. The Structural Report shall be updated by incorporating the following comments:
- a. This report states that the displacements have been assessed by the report in Appendix A (Finite Element analysis) and the displacements as identified have been considered in terms of impact on the existing Structure at the time of the excavation of the CBDRL tunnel. This report does not differentiate between the existing Masonry Façade Structure and the new concrete frame structure. A strategy needs to be provided for the attachment and performance of the existing Masonry Façade with respect to potential displacements resulting from potential CBD Rail tunnel excavations; and
 - b. This report states that the proposed displacements are well within the usual settlement allowances expected for total and differential settlements, however the displacements from the CBDRL tunnel excavation will occur well after the structure has been completed. Consideration should be made of how the displacements from the CBDRL tunnel will impact on the new structure and non-structural elements (facade, cladding, non-structural walls) which can occur well after the structure displacement have exhibited the usual long term settlements.
- (iii) 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. The Acoustic Assessment Report shall be updated by incorporating the following comments:
- a. This report has identified that the project is within the CBDRL transport corridor. This report notes that the development is of similar residential use to the existing surrounding properties and has assumed that track isolation provided to mitigate vibration to existing properties would be adequate to mitigate vibration into the proposed development. It is unclear whether the existing surrounding buildings have basements similar to that of the proposed building, It is noted that the closest part of the building basement is approximately 15m from the tunnel; and

- b. Noting the section detail in Section 5.1 of the report, the closest point of the proposed excavation is approximately 15m to the CBDRL tunnel. This appears to be within the 'safe working distances' listed in Table 23. Confirmation is required that construction effects on the tunnel have been considered.
- (iv) 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 updated 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. The electrolysis Report shall be updated by incorporating the following comments:
 - a. Section 3 Test Method last paragraph nominates acceptance criteria of 20mV anodic & 100mV cathodic time-weighted average shift over a period up to 24 hours. Section 4 Test Results tabulates test conclusions, with most observations being that fluctuations are within 5mV, and a couple with maximum fluctuations of 12 & 40mV. However, Appendix A charts appear to exhibit much larger long-term fluctuations over the +20 hour periods of the tests. Further details need to be provided on how the observed fluctuations of mostly within 5mV are determined, ie, are the observed fluctuations actually over a much shorter period, and what is the actual time-weighting used;
 - b. In Section 8, Item 3, TfNSW standards for traction substations require the installation of a 2m insulating section in buried pipes at the boundary. Whilst this development is not a traction substation, the 2m insulating section is recommended for buried pipe, in an area that the report shows has stray current activity;
 - c. In Section 8, Item 4, the specific locations for the installation of minimum two electrolysis test points & reference electrodes in the concrete reinforcement in the basement levels need to be marked or described for best effect, eg at the extremities of the building longitudinal to the rail line;
 - d. In Section 8, Item 4 and Appendix C, it is suggested that a Titanium-type pseudo-reference electrode is installed (instead of silver / silver chloride reference electrodes) to achieve a lifetime of 100 years in an environment without active cathodic protection (or 75 years with cathodic protection). It can be used for potential shift/decay and can be compared and calibrated against the absolute measurements;
 - e. A test program requirement needs to be included in the report with suitable testing times, eg at completion of construction, and before and after installation as well as during the operation of the CBDRL;

- f. This report needs to include the measures for any stray current flow evenly in the reinforcement to avoid concentrated points of electrolysis and the effectiveness/accuracy of measurements at the electrolysis test points. This report also includes methods to increase continuity and the details of testing before concrete pours in accordance with AS2832.5. Any welding locations shall be approved by a structural engineer; and
 - g. Appendix C drawing needs to show dimensions for the placement of the reference electrode. It is recommended that the reference electrode be spaced minimum 75 mm from the reinforcement & 300 mm from the test point prior to concrete pour, using plastic ties and spacers as necessary. Flexible conduit should also be used to protect the electrode cables and run them out of the concrete to the access point.
- (c) 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.

(145) PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

Prior to the issue of any Occupation Certificate, as-built drawings certified by a Registered Surveyor shall be submitted to TfNSW and Council by the applicant. The Principal Certifying Authority is not to issue the Occupation Certificate until the written confirmation received from TfNSW that this condition has been satisfied.