

Attachment A

Recommended Conditions of Consent
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PART A – DEFERRED COMMENCEMENT CONDITIONS

SCHEDULE 1

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

(A) The consent is not to operate until the following condition is satisfied:

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement prepared in accordance with the public benefit offer made by Fabcot Pty Ltd on 10 April 2025 is exhibited, executed and submitted to the City; and
- (b) The monetary contribution must be paid in accordance with the Voluntary Planning Agreement; and
- (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

Reason

To ensure execution and registration of the Voluntary Planning Agreement.

(2) CONCEPT WASTEWATER PLAN - SYDNEY WATER ASSETS

- (a) Due to the critical nature of Sydney Water impacted assets, early approval of works requiring changes to the Sydney Water infrastructure is required. A concept wastewater design must be submitted to and approved in-principle by Sydney Water under a Section 73 application, or other Sydney Water application.
- (b) Evidence of in-principle approval from Sydney Water must be submitted to Council.

Reason

To ensure the protection of Sydney Water assets.

- (B) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.

- (C) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (D) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation).

PART B – CONDITIONS OF CONSENT

SCHEDULE 1A

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/1208 dated 9 January 2025 and the following drawings:

- (i) Architectural Plans prepared by Bates Smart Architects:

Drawing Number	Drawing Name	Date
Drawing A00.001, Revision A	General Notes	31 March 2025
Drawing A01.001, Revision A	Existing Context Site Plan	31 March 2025
Drawing A01.002, Revision A	Existing Site Plan	31 March 2025
Drawing A01.006, Revision A	Demolition Plan	31 March 2025
Drawing A03.0B1, Revision B	Basement 01 – Retail Parking	31 March 2025
Drawing A03.0B2, Revision B	Basement 02 – Residential Parking	31 March 2025
Drawing A03.0GL, Revision B	Level 00 – Lower Ground	31 March 2025
Drawing A-3.0GM, Revision B	Level 0GM – Ground Mezzanine	31 March 2025
Drawing A03.0GR, Revision B	Level 00 - Ground	31 March 2025
Drawing A03.001, Revision B	Level 01	31 March 2025

Drawing Number	Drawing Name	Date
Drawing A03.002, Revision B	Level 02	31 March 2025
Drawing A03.003, Revision B	Level 03	31 March 2025
Drawing A03.004, Revision B	Level 04	31 March 2025
Drawing A03.005, Revision B	Level 05	31 March 2025
Drawing A03.006, Revision B	Level 06	31 March 2025
Drawing A03.007, Revision B	Level 07 - Roof	31 March 2025
Drawing A09.001, Revision D	Elevation Bourke Street (Eastern)	6 June 2025
Drawing A09.002, Revision B	Elevation McEvoy Street (Northern)	31 March 2025
Drawing A09.003, Revision D	Elevation Young Street (Western)	6 June 2025
Drawing A09.004, Revision D	Elevation Laneway (Southern)	6 June 2025
Drawing A10.001, Revision B	Long Section (looking west)	31 March 2025
Drawing A10.002, Revision A	Long Section (looking east)	31 March 2025
Drawing A10.003, Revision B	East West Sections	31 March 2025
Drawing A10.004, Revision B	East West Sections	31 March 2025
Drawing A10.005, Revision A	Commercial Building	31 March 2025

Drawing Number	Drawing Name	Date
Drawing A10.006, Revision A	Ground Floor Terraces Public interface section	31 March 2025
Drawing A10.006A, Revision A	Young Street Terraces Section	31 March 2025
Drawing A10.007, Revision A	Podium Landscape interface section	31 March 2025
Drawing A10.100, Revision A	Basement Ramp section	31 March 2025
Drawing A11.001, Revision B	Façade Type 01 – Residential Window with Acoustic Ventilator	31 March 2025
Drawing A11.002, Revision B	Façade Type 02 – Residential Window and Balcony	31 March 2025
Drawing A11.003, Revision A	Façade Type 03 – Residential Acoustic Treated Balcony	31 March 2025
Drawing A11.004, Revision A	Façade Type 04 – Residential Corner Open Balcony	31 March 2025
Drawing A11.005, Revision A	Façade Type 05 – Residential Terraces	31 March 2025
Drawing A11.006, Revision B	Façade Type 06 - Commercial	31 March 2025
Drawing A13.001, Revision A	Apartment Type – 1 Bed	31 March 2025
Drawing A13.002, Revision B	Apartment Type – 2 Bed	31 March 2025
Drawing A13.003A, Revision A	Apartment Type – 2 Bed (Bourke)	31 March 2025

Drawing Number	Drawing Name	Date
Drawing A13.004, Revision A	Apartment Type – 3 Bed	31 March 2025
Drawing A13.005, Revision A	Apartment Type – Penthouses L06	31 March 2025
Drawing A13.006, Revision A	Apartment Type – Terrace Houses	31 March 2025
Drawing A41.001, Revision B	Material Schedule	31 March 2025

(ii) Landscape Plans prepared by Oculus:

Drawing Number	Drawing Name	Date
L001, revision P3	Legend	26 March 2025
L002, revision P3	Materials and finishes schedule	26 March 2025
L003, revision P3	Master Plant Schedule	26 March 2025
L004, revision P3	Site Plan	26 March 2025
L101, revision P1	Tree management and protection	26 March 2025
L201, revision P3	General arrangement ground level	26 March 2025
L202, revision P3	General arrangement level 1 podium	26 March 2025
L203, revision P3	General arrangement level 5	26 March 2025
L204, revision P3	General arrangement level 6	26 March 2025
L507, revision P1	Canopy cover	26 March 2025

Drawing Number	Drawing Name	Date
L508, revision P1	Deep soil zones	26 March 2025
L701, revision P3	Section and elevations	26 March 2025
L702, revision P3	Section and elevations	26 March 2025
L704, revision P3	Section and elevations	26 March 2025
L801, revision P3	Paving details	26 March 2025
L802, revision P3	Planter details	26 March 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 - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the commercial use must not exceed FSR 0.31:1; retail use must not exceed FSR 0.24:1; residential use must not exceed FSR 1.76:1; and supermarket use must not exceed FSR 0.48:1, calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the commercial premises is 2,065 sqm, retail premises is 1,584sqm, supermarket use is 3,200sqm, and for the residential component is 11,507.8sqm, equating to a total Gross Floor Area is 18,356.8sqm (FSR 2.81:1).
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Reason

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

(3) BUILDING HEIGHT

- (a) The height of the building must not exceed:
 - (i) 27m to Young Street (RL 49.57 (AHD) to the top of the building and RL 48.6 (AHD) to the rooftop of the building).
 - (ii) 22m to Bourke Street (RL 45.67 (AHD) to the top of the building and RL 45.2 (AHD) to the rooftop 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) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with the Voluntary Planning Agreement Condition contained in the Deferred Commencement Conditions at Part A of this consent must be complied with.

Reason

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

(5) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENTS

The terms of the planning agreement dated 18 January 2024 and registered AT862202 and AU034932 between the Council of the City of Sydney, Fabcot Pty Ltd, Triton Atlas Corporation Pty Ltd and The Owners – Strata Plan No. 22322; and the Voluntary Planning Agreement in response to Fabcot Pty Ltd public benefit offer made on 10 April 2025, subject of the deferred commencement condition, must be complied with.

Reason

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

(6) DESIGN MODIFICATION – PLAN OF PROPOSED SUBDIVISION

- (a) The Plan of Proposed Subdivision prepared by LTS, registered surveyor Damian Joseph Maguire, Surveyor Reference 51108 004DP-A (Council Reference 2024/731409) shall be amended as follows and submitted to Council's Area Coordinator/ Area Planning Manager for approval prior to the issue of any Construction Certificate. Evidence of approval must be submitted to the Principal Certifier:
 - (i) Revise Lot 4 to have a consistent width of 3m along Bourke Street and a consistent width of 2.4m along McEvoy Street. The stratum of Lot 4 is to be unlimited in height.

- (ii) The proposed through-site link is to be revised to Lot 5. (The road widening dedication Lot on Bourke Street and McEvoy Street is to remain as Lot 4).
- (iii) Show dimensions and widths of Lot 4 and Lot 5 (future land to be dedicated) on all plans.
- (iv) The footpath widening dedications on Bourke Street (3m wide) and McEvoy Street (2.4m wide), as well as the through-site link dedication (6m), are to extend to a minimum depth of 1.5m from the ground level to be above the water-proofing membrane of any structure below. The land dedications are to be shown on all plans.
- (v) The stratum of the through-site link (Lot 5) from the underside of the first-floor slab (at RL 29 AHD) is to be unlimited in height and limited to a width of 5.6m measured from the southern site boundary.
- (vi) Include detailed cross sections showing the limited depths and width of proposed stratum between the respective lots and maximum basement encroachments of 700mm into the through-site link (Lot 5), 547mm under the footpath widening on Bourke Street and 500-900mm under the footpath widening on McEvoy Street (Lot 4).

Reason

To ensure the orderly development of land and dedication of Lot 4 and Lot 5.

(7) LAND DEDICATION – SUBDIVISION

- (a) Lot 4 and Lot 5 must be dedicated to the City as footpath widening and a pedestrian through-site link as part of the associated Voluntary Planning Agreement.
- (b) Public domain works within the land to be dedicated must be sufficiently complete to the satisfaction of the Executive Director City Planning Development & Transport following consultation with the Public Domain unit.
- (c) Land must be dedicated unencumbered. All leases, restrictions, covenants, easements and planning agreements must be extinguished prior to, or with the dedication of land.

Reason

To ensure land to be dedicated to the City is not encumbered by an environmental management plan.

(8) AFFORDABLE HOUSING CONTRIBUTION

The affordable housing contribution must be provided in accordance with the requirements and obligations in the Voluntary Planning Agreement between The Council of the City of Sydney, Fabcot Pty Ltd, Triton Atlas Corporation Pty Ltd and The Owners Strata Plan No. 22322 dated 18 January 2024.

Reason

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

(9) HOUSING AND PRODUCTIVITY CONTRIBUTION

Before the issue of the first Subdivision Certificate for residential subdivision or the first Construction Certificate for the other residential / commercial development, whichever is the earlier, 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)	\$1,398,248.32
Transport project component	
Total housing and productivity contribution	\$1,398,248.32

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.

(10) ALLOCATION FOR VISITOR PARKING

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of any occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

Reason

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

(11) INTERCOM FOR VISITORS

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

Reason

To maintain the orderly operation of vehicle parking areas.

(12) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the accessible car spaces and any storage spaces must form part of the adaptable strata lot in any future strata subdivision of the building.

Reason

To ensure accessible vehicle parking spaces are allocated to adaptable units.

(13) 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.

(14) SECURITY GATES

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

Reason

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

(15) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 12.5 Heavy Rigid Vehicle (HRV).

Reason

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

(16) ASSOCIATED ROADWAY COSTS

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

Reason

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

(17) 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.

(18) 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.

(19) LOADING DOCK SCHEDULE / REGISTER

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

Reason

To ensure the availability and orderly operation of the on-site loading dock.

(20) 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.

(21) TREES APPROVED FOR REMOVAL

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

Table 1 – Tree Removal:

Tree No	Species:	Location
7	Corymbia citriodora (Lemon-scented gum)	923 -935 Bourke Street (adjacent to Young Street)
10	Platanus x acerifolia (London Plane Tree)	
20-22	Syagrus romanzoffiana (Cocos Palms)	923 -935 Bourke Street (Bourke Street/McEvoy Street corner of site)
23	Eucalyptus nicholii (Narrow Leaved Peppermint)	923 -935 Bourke Street (adjacent to Bourke Street)
32	Lophostemon confertus (Brush Box)	

Tree No	Species:	Location
36	Tristanopsis laurina (WaterGum)	
37	Eucalyptus saligna (Sydney Blue Gum)	
38	Casuarina cunninghamiana (River She Oak)	
39	Cupaniopsis anacardioides (Tuckeroo)	

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

Reason

To identify the trees that can be removed.

(22) 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, 11, 12, 13, 15, 16,	Eucalyptus microcorys (Tallowwood)	Young Street (street trees)
2, 5, 6, 14,	Corymbia citriodora (Lemon-scented Gum)	923 Bourke Street (adjacent to Young Street)
17, 18,		923 Bourke Street (adjacent to

Tree No	Species:	Location
		McEvoy Street)
3	Eucalyptus saligna (Sydney Blue Gum)	923 -935 Bourke Street (south-west corner of site)
4, 9		Bourke Street (street trees)
25		923 Bourke Street (adjacent to Bourke Street)
8	Eucalyptus punctata (Grey Gum)	Young Street (street tree)
19	Lophostemon confertus (Brush Box)	McEvoy Street (street tree)
26	Platanus x acerifolia (London Plane Tree)	923 Bourke Street (adjacent to Bourke Street)
27	Lophostemon confertus (Brush Box)	Bourke Street (street trees)
28	Tristaniaopsis laurina (Water Gum)	
29	Platanus x acerifolia (London Plane Tree)	
30		923 Bourke Street (adjacent to Bourke Street)
31	Liquidambar styraciflua (Sweet Gum)	Bourke Street (street trees)

Tree No	Species:	Location
33	Platanus x acerifolia (London Plane Tree)	923 Bourke Street (adjacent to Bourke Street)
34	Lophostemon confertus (Brush Box)	Bourke Street (street trees)
35	Tristaniaopsis laurina (Water Gum)	

Reason

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

(23) TREE PLANTING CONSIDERATIONS

- (a) The design should include the use of continuous trenches for tree pits and the installation of all services to be underground.
- (b) Special consideration must be given to soil depth and quality for tree planting. The City considers the following soil volume requirements must be included in the design for successful long-term tree establishment.

Reason

To ensure the development is appropriately designed to accommodate adequate tree planting.

(24) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

A separate application must be made to Council or an Registered Strata Certifier to obtain approval of the Strata Plan and issue of a Strata Certificate under the *Strata Schemes Development Act 2015*.

Reason

To ensure separate approval is obtained for approval of the Strata Plan.

(25) 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.

(26) NO OBSTRUCTIONS

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

Reason

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

(27) LAND DEDICATION – NO LONG-TERM ENVIRONMENTAL MANAGEMENT PLAN

Any land that is to be dedicated to the City including as part of the associated Voluntary Planning Agreement must not be encumbered by an Environmental Management Plan or Long-Term Environmental Management Plan unless prior reviewed and approved by Council's Executive Director City Planning Development & Transport.

Reason

To ensure land to be dedicated to the City is not encumbered by an environmental management plan.

(28) PAVING MATERIALS

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

Reason

To ensure appropriate and safe paving materials are used.

(29) FLOOD EMERGENCY RESPONSE PLAN

- (a) A Flood Emergency Response Plan is to be prepared by a suitably qualified flood engineer. The Flood Emergency Response Plan is to be implemented and operated by the building owner and/or Owners Corporation at all times.
- (b) The Flood Emergency Response Plan must include all measures required to be implemented to ensure the ongoing management of flooding risk in relation to the building, including (but not limited to) the following:
 - (i) Describe the flood conditions in the vicinity of the site.

- (ii) If appropriate, direct persons on the site to seek refuge above the Probable Maximum Flood level for all levels of the building that are flood affected. Shelters in place for flood affected parts of the building is not permissible.
- (iii) Include a map directing residents and visitors to a refuge via a flood free pathway within the building.
- (iv) Describe the audible and visual alarm system for the basement area, including the linkage of this system to the building management system, details of failsafe operations and alternate power arrangements.
- (v) Provide details (as an appendix) of all proposed flood sensors, their purpose, operation and maintenance (including the frequency of maintenance).
- (vi) Provide details of lift design and operation in the event of a flood and specify how the lift will be deactivated in the event of a flood.
- (vii) Provide details of access to flood free areas for disabled persons.
- (c) No toxic or other hazardous materials are to be stored below the Flood Planning Level or in the basement levels.
- (d) Prior to the issue of any Stage 1 Construction Certificate for the basement, the Flood Emergency Response Plan (FERP) is to be submitted to and approved by Principal Certifying Authority (PCA).

Reason

To ensure flood risk management measures are complied with.

(30) DESIGN QUALITY EXCELLENCE

- (a) As the proposal has been awarded bonus floor space or height for achieving design excellence and in order to ensure the design quality excellence of the development is retained to completion:
 - (i) The design architect Bates Smart Architects 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 Executive Director City Planning, Development & 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.

(31) DESIGN MODIFICATION – ENCROACHMENTS

All future land to be dedicated to the City, as part of the Voluntary Planning Agreement prepared in accordance with the public benefit offer made by Fabcot Pty Ltd on 10 April 2025, must be free from encroachments at and above the ground plane. Amended plans are to be submitted to and approved by Council's Area Coordinator/ Area Planning Manager prior to the issue of any Construction Certificate, demonstrating:

- (a) 6m wide through site link: All encroaching elements of the building within a 6m width measured from the southern site boundary, and from the ground level up to the underside of the first-floor slab (at RL 29), must be setback within the future boundary of the site.
- (b) 3m wide footpath widening adjacent to Bourke Street: All encroaching elements of the building within the future 3m wide footpath widening setback (except pedestrian awnings) at and above the ground floor level, must be setback within the future boundary of the site.
- (c) 2.4m wide footpath widening adjacent to McEvoy Street: All encroaching elements of the building within the future 2.4m wide footpath widening setback (except pedestrian awnings) at and above the ground floor level, must be setback within the future boundary of the site.

Reason

To ensure future land to be dedicated to the City are free from encroachments on and above the ground plane.

(32) DESIGN MODIFICATION – BOURKE STREET DRIVEWAY WIDTH

The width of the Bourke Street driveway between the loading dock and splay is to be reduced as far as practicable to improve pedestrian safety. No changes are required to the splay or loading dock door.

Amended plans are to be submitted to and approved by Council's Area Coordinator/ Area Planning Manager prior to the issue of any Construction Certificate for above ground works.

Reason

To minimise pedestrian conflict and improve the public domain whilst providing adequate access for on-site servicing.

(33) DESIGN MODIFICATIONS – YOUNG STREET TERRACES

The Young Street terraces bin enclosures and fence lines are to be amended to address the below requirements. Details are to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate for above ground works:

- (a) The external western face of the bin enclosure and masonry piers line are to be setback by 800mm to enable a continuous planter line and setback fence line adjacent the footpath on Young Street.
- (b) The bin enclosure is to be amended to a cupboard with a maximum depth of 1m with a lid and is to be accessed via doors from inside the private open space of each terrace
- (c) The height of the fences and bin enclosures are to be a maximum of 1.6m above the footpath level and fences are to be 50% transparent.
- (d) Refer to Condition '*Public Domain Interface/ Ground Facades/ Screen Detailing*' for additional detailing requirements of this interface.

Reason

To ensure high quality interfaces with the public domain and to neighbouring properties.

(34) PUBLIC DOMAIN INTERFACE/ GROUND FACADES/ SCREEN DETAILING

An updated set of detailed plans, elevations and sections at a 1:20 scale must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate for above ground works. The detailed plans, elevations and sections are to demonstrate high quality design, integration with both the façade and public domain interface, and materiality and finishes of the following:

- (a) Bourke Street / McEvoy Street / Young Street: Retail and lobby glazing including kiosk, retail and lobby access including stairs, ramps and entries, and, landscape planters.
- (b) Young Street: Loading entrance area, including fire stair egress area, are to be amended to include high quality treatments to all faces including reveals up to the garage door line which extend the façade treatments, including a high-quality soffit. The garage doors are to be a high-quality panel lift door not roller doors.
- (c) Young Street / Through-site link: Public Art / Substation / Fire Stairs and Exits / Lobbies / EOT Access / Miscellaneous services area.

- (d) Bourke Street: Fire Stairs and Exits / Garage Door (Noting the garage doors is to be a high-quality panel lift door not roller door) / Lobby / Fire Hydrant Booster.
- (e) Young Street Ground level street interfaces: Each variation of ground floor townhouse interface condition demonstrating; high quality resolution of; landscaping including planter designs, fencing, gates, bin enclosures, paths and stairs, and, public domain levels. The designs are to demonstrate adequate passive surveillance and privacy is achieved simultaneously.

The required information must include detailed material, finishing, spacing, elemental sizing details. The information submitted should show a level of detail equivalent to For Construction detailing.

Reason

To ensure high quality design and detailing, and interfaces with the public domain

(35) YOUNG STREET THROUGH-SITE LINK / VEHICLE ACCESS POINT

A seamless level high quality public domain interface, treatment and continuation of the footpath levels are to be provided to the through site link and adjacent vehicle access point (which extends to the garage door line) and to fire egress area on Young Street.

- (a) Kerbs removed and bollards utilised to delineate cars from pedestrians.
- (b) High quality continuous levels and public domain finish throughout.
- (c) Refer to Condition '*Public Domain Interface/ Ground Facades/ Screen Detailing*' of this consent for additional detailing requirements of this facade.

Reason

To improve building and façade quality and interfaces with the public domain.

(36) FAÇADE PRIVACY TREATMENTS

External privacy treatments are to be provided which are high quality design, detailing, materiality and integration with the façade, to the following apartments.

1:20 scale minimum plans, elevation and section details of each privacy treatment variations are to be submitted to and approved by Council's Executive Director City Planning Development & Transport prior to the issue of any Construction Certificate for above ground works:

Bourke Street Building:

- (a) Operable sliding screens are to be provided to the full width of the northern balcony edge of B01.10 and B01.11 vertical stack of apartments.

- (b) Operable sliding screens are to be provided to the extent that does not achieve 18m building separation between habitable interfaces of the western terrace edge of B05.06.

Young Street Building:

- (c) Operable shade awnings to east facing units are to be shown on updated plans and elevations.
- (d) Operable sliding screens are to be provided to the units with balconies facing the southern boundary, and to the full width of the balcony edges of Y05.07 and Y05.08.
- (e) Obscure glazing is to be provided to the bathrooms of Y01.06 to Y06.04 vertical stack of apartments.
- (f) Obscure glazing is to be provided to the kitchen and dining windows of Y04.06 and Y05.06.

The required information must include detailed material, finishing, spacing, elemental sizing details. The information submitted should show a level of detail equivalent to 'For Construction' detailing.

Reason

To ensure adequate privacy to residents and shading awnings are provided.

(37) AWNINGS

Detailed plans, elevations, sections at a scale of 1:50 of the awnings, are to be submitted to and approved by Council's Executive Director City Planning Development & Transport prior to the issue of any Construction Certificate for above ground works. The drawings must include the following details which demonstrate high-quality design, detailing, materiality, finishes and façade integration:

- (a) Interface with retail, services and level 1 façades. Gaps between adjacent awnings to the retail premises and around the commercial office building are to be infilled with translucent glazing or similarly well integrated continuous awning treatment as to maximise weather protection whilst maintaining the design rhythm and relationship with the bays of the façade.
- (b) Structure.
- (c) Waterproofing, drainage and integrated downpipes.
- (d) Materials and finishes.
- (e) Compliance with required kerb setbacks and height clearances in accordance with Section 3.2.4 of Sydney DCP 2012.
- (f) The information submitted should show a level of detail equivalent to For Construction detailing.

Reason

To ensure high quality awnings and interface with the public domain and co-ordination with wind mitigation.

(38) DESIGN MODIFICATIONS - LANDSCAPE

A palisade fence is to be provided between the Level 1 communal rooftop and commercial terrace to provide screening, visual privacy, separation and safety between uses. The fence is to prevent residents climbing between the uses.

Details and elevations at a scale of 1:10 of the palisade fence is required to be submitted to and approved by Council's Area Coordinator / Area Planning Manager prior to the issue of any Construction Certificate for above ground works.

Reason

To ensure sufficient visual privacy is achieved between commercial uses and communal open space.

(39) DESIGN MODIFICATIONS – WASTE

- (a) Allocated space and doors to be marked on plans for the designated 'Commercial waste storage area'.
- (b) Proposed doors to be marked up on residential 'Bulky/organic waste room'. Doors should provide easy access for residents.
- (c) A clear path of access should be provided to the lifts on the mezzanine waste level and any protruding obstacles to be deleted.
- (d) A return and earn vending machine in accordance with the EPA design Guide for Container Recycling Equipment and Facilities must be incorporated within the basement level 1 or below ground supermarket lobby. Amended plans showing the location of the return and earn machine must be submitted to and approved by Council's Area Planning Manager, prior to the issue of any Construction Certificate.

Reason

To ensure clear paths of travel to waste storage areas and provision of a return and earn machine in accordance with Section 6.3.27.11 of Sydney DCP 2012.

(40) AMENDED SIGNAGE STRATEGY REQUIRED

The signage strategy prepared by The Blueprint accompanying the application is not approved.

An amended comprehensive signage strategy must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate for above ground works. The revised signage strategy must be modified as follows and include the following information:

- (a) show the scale and dimensions of all signage.
- (b) details on high-quality signage type, construction materials and finishes, colours, fixings and specification on whether signage will be illuminated/ non-illuminated.
- (c) delete free-standing signs labelled ID-05.
- (d) relocate building identification signs ID-01 to within the future boundary of the site and not in the through-site link. A new sign type is to be provided identifying the public nature of the through site link and 24-hour access.
- (e) delete flat mounted wall signage ID03-02, ID03-03, ID03-04 and ID03-05. The design of these signs must be revised to be consistent with Section 3.16.6.3 of Sydney DCP 2012.

Reason

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

(41) SIGN ILLUMINATION

- (a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with the latest edition of AS/NZS 4282.
- (b) The sign(s) must not flash. Signs with flashing, chasing, pulsating or flickering lights are not permitted.
- (c) The maximum night time luminance of any sign is not to exceed 300 cd/sqm.
- (d) Signage is only permitted to be illuminated while a premises is open.
- (e) Upward facing light sources onto the signage is not permitted.

Reason

To ensure signage illumination is designed in accordance with the Australian Standards and Council's DCP.

(42) SIGNAGE GENERAL REQUIREMENTS

The design of the approved signage must comply with the following:

- (a) The signage is not to contain highly reflective materials, colours and finishes.
- (b) The signage is not to incorporate sound, vibration, odour and other emissions.

Reason

To ensure signage is designed in accordance with Sydney DCP 2012.

(43) AIR CONDITIONERS GENERALLY

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring must:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park.
- (c) Be visually screened if located 1.8 metres above ground level in other locations.
- (d) Wiring must be fully concealed.

Reason

To ensure the visual impact of air conditioners is minimised.

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

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

Reason

To clarify the scope of the consent.

(45) EXTERNAL LIGHTING

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

Reason

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

(46) SUPERMARKET USE ONLY – SEPARATE APPLICATION REQUIRED FOR FIT OUT

The tenancy on basement level 1 is approved as a supermarket. No consent is granted or implied for the fit out of this use.

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

Reason

To require separate consent to be obtained for the specific fit out.

(47) NON-RESIDENTIAL TENANCIES SPECIFIC USE AND FIT OUT - SEPARATE APPLICATION REQUIRED

No consent is granted or implied for the fit out or specific uses of various non-residential uses around the site, including ground floor speciality retail and commercial uses within the commercial building.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fit out and use of all non-residential premises prior to that fit out or use commencing.

Reason

To require separate consent to be obtained for a use.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(48) LANDSCAPING OF THE SITE

This condition relates to all works at grade.

- (a) Plans and details drawn to scale, and technical specification, prepared by a registered landscape architect must be submitted to and approved by Council's Area Planning Manager/Area Coordinator Planning Assessments prior to the issue of any Construction Certificate for any above ground works. These documents must be in accordance with the approved landscape drawings in condition 1 of this consent prepared by Oculus.
- (b) The drawing set must demonstrate full coordination with plans prepared by the architect and engineers. These documents must include:
 - (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
 - (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving, permeable pavements, walls, services, furniture, shade structures, lighting and other features
 - (iii) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
 - (iv) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (v) Details of drainage, waterproofing and watering systems.
 - (vi) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) All landscaping in the approved plan is to be complete prior to an Occupation Certificate being issued.

Advisory notes:

- *A registered landscape architect is required if the ADG applies to the development, or if it is subject to a competitive design process. If not a landscape architect or landscape designer may provide details.*
- *If staged construction is proposed, the landscape plan must be tied to the first construction certificate that relates to structures that will support landscape. If landscape on structure is proposed at ground level, this condition must be tied to the approval of the basement structure to ensure the landscape has been adequately accommodated.*
- *Please apply only in consultation with Landscape Assessments.*

Reason

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

(49) ACCESSIBLE GREEN ROOFS

This condition relates to communal rooftops located on levels 1, 5, 6.

- (a) Plans and details drawn to scale, and technical specification, prepared by a registered landscape architect must be submitted to and approved by Council's Area Planning Manager/Area Coordinator Planning Assessments prior to the issue of any Construction Certificate for any above ground works. These documents must be in accordance with the approved landscape drawings in condition 1 of this consent prepared by Oculus.
- (b) The drawing set must demonstrate full coordination with plans prepared by the architect and engineers. These documents must include:
 - (i) A statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments.
 - (ii) Location and details of existing and proposed services, walls, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Engineers report confirming structural capacity of building for proposed roof terrace loads.
 - (v) Details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
 - (vi) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (vii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.

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

Advisory notes:

- *This condition applies to accessible roof terraces and communal open spaces on structure.*
- *A registered landscape architect is required if the ADG applies to the development, or if it is subject to a competitive design process.*
- *Please apply only in consultation with Landscape Assessments.*

Reason

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

(50) INACCESSIBLE GREEN ROOFS

This condition relates to inaccessible planters on levels 2, 3, 4 and inaccessible green roofs on levels 1 and 6.

- (a) Plans and details drawn to scale, and technical specification, prepared by a registered landscape architect must be submitted to and approved by Council's Area Planning Manager/Area Coordinator Planning Assessments prior to the issue of any Construction Certificate for any above ground works. These documents must be in accordance with the approved landscape drawings in condition 1 of this consent prepared by Oculus.
- (b) The drawing set must demonstrate full coordination with plans prepared by the architect, engineers and specialist safety experts. These documents must include:
 - (i) Location and details of existing and proposed services, walls, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (ii) Engineers report confirming structural capacity of building for proposed green roof loads.
 - (iii) Details of soil types and depth including any mounding.
 - (iv) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.

- (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (vi) Green roof maintenance plan. This plan is to be complied with during occupation of the property, and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
 - (vii) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.
- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
 - (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.
 - (d) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

Advisory notes:

- *This condition applies to shallow profile, inaccessible green roofs.*
- *A registered landscape architect is required if the ADG applies to the development, or if it is subject to a competitive design process.*
- *Please apply only in consultation with Landscape Assessments.*

Reason

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

(51) WASTE INFRASTRUCTURE - RESIDENTIAL

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

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

- (c) Integrated on-site waste collection and loading infrastructure to accommodate Councils standard 10.6m waste collection vehicle.

Reason

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

(52) ACOUSTIC/ NATURAL VENTILATION

- (a) The Acoustic & Vibration Assessment prepared by E-Lab Consulting (Council Reference: 2024/731340) makes in principle design recommendations to modify the building design to:
 - (i) address simultaneous natural ventilation and acoustic attenuation to achieve windows open noise criteria via passive noise mitigation to certain apartments.
 - (ii) address simultaneous natural ventilation and acoustic attenuation with attenuated devices (vertical plenums) to certain apartments.
- (b) Additional information is required, and the building design is to be amended, to address the passive noise mitigation to certain apartments approach in detail including:
 - (i) Revised architectural drawings, including 1:20 scale balustrade, soffit detailing and 1:50 scale window and door opening configurations, fully co-ordinating with and capturing this report's detailed recommendations.
 - (ii) Demonstrated minimums of ADG 4B-1 area of unobstructed openings achieved, noting louvre windows are preferred over awnings for their increased air flow.
 - (iii) Any changes or inconsistencies between the architectural package and acoustic report resolved in an updated comprehensive D/2024/1208 - Acoustic & Vibration Assessment - Appendix Z - Acoustic Report.
- (c) Additional information is required, and the building design is to be amended, to address the attenuated devices (vertical plenums) to certain apartments approach in detail including:
 - (i) An updated Natural ventilation assessment Section 7 in D/2024/1208 - Acoustic & Vibration Assessment - Appendix Z - Acoustic Report (Council Reference: 2024/731340) is required which reflects the below plenum inclusions, their exact component specification, and demonstrates the minimum required airflow all as required by the City of Sydney's Draft Alternative Natural Ventilation of Apartments In Noisy Environments: Performance Pathway Guideline

1. Means of controlling the airflow within the plenum. This is typically addressed via a damper which is manually controllable from inside the room served by the plenum. This however contributes resistance to airflow and needs to be factored into the dynamic airflow modelling.
 2. Flyscreens which are accessible and removable for cleaning from inside the room served by the plenum. This however contributes resistance to airflow and needs to be factored into the dynamic airflow modelling.
 3. Hinged grille to the room served by the plenum for access to the required flyscreen.
- (ii) Updated Architectural general arrangement drawings and 1:20 scale minimum plans, and section details of the natural ventilation plenums which fully co-ordinate with and capture this report's detailed recommendations, including all plenum inclusions.
- (iii) The information submitted should show a level of detail equivalent to For Construction detailing.
- (d) Acoustic / natural ventilation consultant review and confirmation that the architectural documentation achieves both the required ADG natural ventilation and windows open noise criteria requirements simultaneously for both above approaches.
- (e) Windows to common residential circulation spaces are to be operable where practicable to enable communal corridors to be naturally ventilated and reduce reliance on mechanical ventilation.

The details are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate for above ground works.

Reason

To ensure natural ventilation and noise attenuation is achieved simultaneously.

(53) REFLECTIVITY

- (a) Prior to issue of the Construction Certificate the Registered Certifier must ensure that the visible light reflectivity from building materials used on the façade of the building does not exceed 20%.
- (b) Notwithstanding (a), the reflectivity values of the development are to be consistent with the glare mitigation recommendations set out in the accompanying Solar Reflectivity Analysis prepared by RWDI (Council Reference 2025/226213) which identifies more stringent reflectivity percentage values than that described under (a). A consistent value is to be extended to the entire façade to avoid variability in appearance.

Reason

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

(54) GLAZING

Prior to the issue of any Construction Certificate for above ground works, the following details are to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager for approval as follows:

- (a) All transparent glass (including any balcony glazing) is to be clear to achieve a high level of transparency to provide visual depth and have a neutrality of colour. A consistency in appearance and colour characteristics between all facades is to be achieved.
- (b) The submitted details are to include physical samples of the glass types, details of the manner of assembly, and the glazing characteristics including the proposed Shading Coefficient, the Visible Light Transmission and the Reflectivity.

Reason

To ensure clear and consistent glazing is used throughout.

(55) STORAGE DETAILS DIAGRAM

A storage details diagram, demonstrating compliance with the objectives, design criteria and design guidance in the Apartment Design Guide, must be submitted and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to a Construction Certificate for above ground works, being issued. The details diagram must show at a minimum:

- (a) The volume of each cupboard within apartments
- (b) The volume of any storage cages in the basement
- (c) The allocation of basement storage spaces to individual apartments

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the works have been constructed in accordance with the approved Storage Details Diagram approved by Council.

Reason

To ensure adequate storage is provided for each apartment.

(56) PUBLIC ART

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

- (a) The public artwork must be in accordance with Preliminary Public Art Plan (Council Reference: 2025/292458), dated 19 May 2025, the *Sydney DCP 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.
- (b) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's 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.

(57) SURVEY INFRASTRUCTURE

Prior to the issue of the subdivision certificate, sufficient survey infrastructure, including reference marks and permanent marks, must remain in place in order to satisfy the requirements of the Surveying and Spatial Information Regulation 2024, and to the satisfaction of Council.

Reason

To ensure the integrity of the Cadastre.

(58) 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.

(59) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 283-285 Young Street and 937-939 Bourke Street, Sydney (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of 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.

(60) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifier.

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
 - (i) existing site contours;
 - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
 - (iii) location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

Reason

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

(61) EXCAVATION AND CONSTRUCTION METHODOLOGY

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

Reason

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

(62) USE OF A STRUCTURAL AND GEOTECHNICAL ENGINEER(S)

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

Reason

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

(63) 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.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

Reason

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

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

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by E-Lab Consulting, dated 12 December 2024, ref P01387, Revision 3, (Council Ref 2024/731340) 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.

(65) 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.

(66) 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
Residential spaces	68
Accessible residential spaces	18
Residential visitor spaces	11
Office and business parking	27
Accessible office and business parking	1
Retail parking	91
Accessible retail parking	5
Direct to Boot parking	6
Car share parking	3
Motorcycle parking	19
Small rigid vehicle loading dock(s)	2
Medium rigid vehicle loading dock(s)	2

Reason

To ensure the allocation of parking is in accordance with the Sydney LEP and DCP 2012.

(67) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Residential	110	Spaces must be a class 1 bicycle locker [1]
Residential visitor	11	Spaces must be Class 3 bicycle rails
Non-residential	33	Spaces must be Class 2 bicycle facilities
Non-residential visitor	55	Spaces must be Class 3 bicycle rails 4 non-residential visitor spaces must be relocated to the EOT facilities on the mezzanine level
End of Trip Facility Type	Number	
Showers with change area	6	/
Personal lockers	33	/

All bicycle parking spaces and end of trip facility must be provided on private land, except where approved. 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 Sydney DCP 2012.

(68) CAR SHARE SPACES

- (a) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (b) The spaces must be made available to car share operators without a fee or charge and be accessible to members of the car share scheme at all times.
- (c) The spaces must be sign posted for use only by car share vehicles and well lit.
- (d) The car share spaces are to be available at the same time that the car park commences operation.

Reason

To ensure car share spaces are provided within the development are maintained as common property.

(69) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued. The revised Construction Traffic Management Plan must locate construction zones away from the Bourke Street bus stop to mitigate conflicts with the transport network.
- (c) The approved plan must be complied with during any demolition and/or construction work.

Reason

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

(70) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE (PLAN PRIOR TO Construction Certificate)

- (a) A Tree Planting Plan must be submitted and approved by the City's Public Domain Unit prior to the issuing of any Construction Certificate. The plan must include:
 - (i) Tree species shall be consistent with the City's Street Tree Master Plan (refer to relevant precinct plans) or other relevant guidance document. Species substitutes will not be accepted.

- (ii) Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document. The tree pit design must include structural soils or structural cells to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines).
- (iii) Indicate the chosen tree planting arrangement, being a choice of one of two options, being:
 - a. Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management.

OR

 - b. Pay a fee for the City to supply, plant, and maintain each required tree on the applicant's behalf. The fee is consistent with the City's Schedule of Fees and Charges.
- (b) If the applicant is nominating to undertake all tree supply, planting, and maintenance requirements, the following requirements must be met:
 - (i) Tree(s) must be planted prior to issuing of the Occupation Certificate;
 - (ii) Tree(s) supplied in minimum container size of 200 litres at the time of planting;
 - (iii) Tree(s) grown in accordance with the Australian Standard 2303 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting;
 - (iv) Prior to the tree(s) being planted, certification from the tree supplier submitted to the City of Sydney Tree Team and Public Domain Officer that the tree(s) have been grown and comply with the requirements of AS2303. Any new tree(s) which do not conform will be rejected by the City of Sydney;
 - (v) Tree(s) planted by a qualified Horticulturist or Arborist (minimum AQF Level 3);
 - (vi) Tree(s) inspected and approved by the City of Sydney Tree Team (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period;
 - (vii) Tree(s) maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of 12 months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree;
 - (viii) At the end of the 12 month maintenance period, written acceptance of the tree(s) obtained from the City of Sydney before release of the Public Domain Bond;

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

Reason

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

(71) TREE BOND

- (a) An \$240,000 unconditional bond for Trees 1, 4, 8, 9, 11, 12, 13, 15, 19, 24, 27, 28, 29, 31, 34, 35 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 or 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.

(72) REPLACEMENT STREET TREES

- (a) The City of Sydney will regularly inspect the trees during the development works. In the event that the City of Sydney Tree Team deems the street tree(s) are not viable for retention due to excessive pruning or damage, the Applicant will be responsible for the removal and replacement of the trees as detailed below:

- (i) Tree removal and stump grinding undertaken by a qualified arborist (minimum AQF3).
 - (ii) Tree replacement including one for one replacement of new tree(s) planted in Young, McEvoy and Bourke Streets.
 - (iii) Tree species consistent with the City of Sydney Street Tree Master Plan (refer to relevant street) or other relevant guidance document. Species substitutes will not be accepted.
 - (iv) Tree pits located and constructed in accordance with the City of Sydney Street Tree Master Plan (Technical Guidelines) or other relevant guidance document. The tree pit design must include structural soils to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines).
- (b) The Applicant must nominate tree planting delivery method, being a choice of one of two options:
- (i) Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City of Sydney Tree Team.
- OR
- (ii) Pay a fee for the City of Sydney to supply, plant, and maintain each required tree on the Applicant's behalf. The fee is consistent with the City of Sydney Schedule of Fees and Charges.
- (c) If the Applicant is nominating to undertake all tree supply, planting, and maintenance requirements, the following requirements must be met:
- (i) Tree(s) must be planted prior to issuing of the Occupation Certificate.
 - (ii) Tree(s) supplied in minimum container size of 400 litres at the time of planting.
 - (iii) Tree(s) grown in accordance with the Australian Standard 2303 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting.
 - (iv) Prior to the tree(s) being planted, certification from the tree supplier submitted to the City of Sydney Tree Team and Public Domain Officer that the tree(s) have been grown and comply with the requirements of AS2303. Any new tree(s) which do not conform will be rejected by the City of Sydney.
 - (v) Tree(s) planted by a qualified Horticulturist or Arborist (minimum AQF Level 3).
 - (vi) Tree(s) inspected and approved by the City of Sydney Tree Team (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period.

- (vii) Tree(s) maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of 12 months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (viii) At the end of the 12 month maintenance period, written acceptance of the tree(s) obtained from the City of Sydney before release of the Public Domain Bond.
- (ix) If the tree(s) fail to thrive and successfully establish during the maintenance period, then the City of Sydney will request payment for a replacement tree(s) and establishment period according to the City of Sydney Schedule of Fees and Charges.

(73) TREE ROOT INVESTIGATION ADJACENT TO TREES 25 AND 26

- (a) Root investigations must be undertaken to determine the presence of structural roots near Trees 25 and 26, particularly beneath the existing concrete slabs. The root trench must be located along the dwelling wall adjacent to Bourke Street, within the tree's Tree Protection Zone (TPZ) and to a depth of 800mm and be:
 - (i) undertaken using tree sensitive methods (i.e hand/air space/hydrovac) with roots greater than 40mm diameter retained and protected. To prevent root damage, low pressures must be used for hydrovac excavation with the bark remaining intact.
 - (ii) supervised by a qualified Arborist (minimum AQF Level 5).
- (b) The results of the root investigations must be submitted and approved by the City of Sydney Tree Team prior to the issuing of any Construction Certificate and include:
 - (i) an assessment tree root size, number and condition.
 - (ii) a root map and clear photographs of the completed excavation line including points of reference to determine orientation and location on site.
 - (iii) site specific recommendations based on the findings including and design modifications required to ensure tree roots are maintained. It is expected that roots greater than 40mm are retained and protected. Only minor root pruning will be approved.

Reason

To ensure the protection of mature trees with high retention value during construction. If structural roots are present, retaining the slabs in situ will prevent root disturbance, support tree stability, and maintain long-term tree health.

(74) UPDATED ARCHITECTURAL PLANS - RETENTION OF CONCRETE SLABS (IF REQUIRED)

If the air spade investigation confirms the presence of structural roots associated with Trees 25 and/or 26 beneath the concrete slabs, the Architectural Plans must be updated to clearly show the slabs retained in situ around the approved building and basement design to protect the Structural Root Zone and support the long-term health and viability of the trees. No changes to the building design or basement design are required.

The revised plans must be submitted to and approved by Council's Area Coordinator/ Area Planning Manager in consultation with the City of Sydney Urban Forest Team prior to the issue of any Construction Certificate.

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

Reason

To ensure sufficient retention and protection of trees.

(75) TREE ROOT INVESTIGATION ADJACENT TO TREES 4 & 6

- (a) Root investigations must be undertaken where new driveway works are proposed adjacent to trees 4 & 6. If investigations confirm that construction will result in significant structural root loss that compromises the health or stability of either tree, removal of the affected tree(s) may be permitted with approval from the City's Urban Forest Team. Tree root investigation must be:
 - (i) undertaken using tree sensitive methods (i.e hand/air space/hydrovac) with roots greater than 40mm diameter retained and protected. To prevent root damage, low pressures must be used for hydrovac excavation with the bark remaining intact.
 - (ii) supervised by a qualified Arborist (minimum AQF Level 5).
- (b) The results of the root investigations must be submitted and approved by the City of Sydney Urban Forest Team prior to the issuing of any Construction Certificate and include:
 - (i) an assessment tree root size, number and condition.
 - (ii) a root map and clear photographs of the completed excavation line including points of reference to determine orientation and location on site.
 - (iii) site specific recommendations based on the findings including and feasible design modifications that support the retention and protection of the tree roots were possible. It is expected that roots greater than 40mm are retained and protected.

Reason

To ensure that construction works do not cause irreversible damage to the structural root zones of Trees 4 and 6, and to assess whether tree retention is feasible based on actual root presence and condition.

(76) TREE REPLACEMENT FOR TREE/S 4 AND/OR 6 (IF REQUIRED)

If trees 4 and/or 6 are approved for removal due to unacceptable impacts from the proposed driveway crossover, they must be replaced with advanced tree stock (minimum 600-litre container size) capable of achieving similar mature canopy dimensions. The replacement species and planting locations must be approved by the City's Urban Forest Team and clearly shown on revised Landscape Plans prior to the issue of any Construction Certificate. Replacement planting must be completed prior to the issue of the Occupation Certificate and maintained for a minimum period of 12 months to ensure successful establishment.

Reason

To ensure trees 4 and 6 are replaced if removal is required.

(77) DESIGN FOR ENVIRONMENTAL PERFORMANCE

- (a) Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Henry Andresen dated 16 December 2024 (Council Reference: 2024/731373) are incorporated into the relevant construction plans and accompanying documentation:

(i) Section 3 – BASIX

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

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

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

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

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

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

- (vi) Section 8 – Designing for mains potable water savings and water efficiency
 - (vii) Section 9 – Storm water quality
 - (viii) Section 10 – City Greening
 - (ix) Section 11 – Promoting Active Transport and Reducing Transport Emissions
 - (x) Section 12 – Materials, Embodied Carbon and Circularity
 - (xi) Section 13 – Waste Management and Resource Recovery
 - (xii) Section 14 – Third Party Certification and Design, Construction or Technology Innovations
- (c) Changes to any commitments as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager/Coordinator prior to the issue of any relevant Construction Certificate.

Reason

To ensure the environmental performance of the development.

(78) ENERGY PERFORMANCE – COMMERCIAL OFFICE - NABERS

NABERS

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

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

The required documents specified above are to be submitted to and approved by Council's Area Coordinator Planning Assessments/ 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.

(79) NABERS WATER RATING - AGREEMENT TO RATE PROVIDED

The design of the building offices and their services must achieve a National Australian Built Environment Rating System (NABERS) Water rating of 4 Stars in operation, in accordance with the NABERS Agreement to Rate submitted on insert date with the development application.

This is to be demonstrated by providing a Water Use Assessment Report prepared by a suitably qualified person, demonstrating the building commercial office space is capable of achieving the required NABERS water rating of 4 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 is to be submitted to and approved by Council's Area Coordinator Planning Assessments/ Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To ensure that the building complies with the 4 Star NABERS water rating required under the VPA.

(80) 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.

(81) ENERGY PERFORMANCE – RETAIL AND SUPERMARKET**Energy Intensity**

The development must not exceed 45kWh/year base building energy use per square metre of gross floor area. An energy modelling report prepared by a suitably qualified person is to be provided. Estimates and reports are to be prepared in line with NABERS Handbook guidelines or relevant Section J methodology.

The report is to be independently verified by an assessor from the NABERS Independent Design Review Panel and submitted to and approved by Council's Area Coordinator Planning Assessments/ Area Planning Manager prior to the issue of a Construction Certificate.

Reason

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

(82) WATER PERFORMANCE - RETAIL AND SUPERMARKET

The design of the building retail and supermarket and their services must achieve a reduction in potable water use of 20% compared to a reference building.

This is to be demonstrated by providing a Water Use Assessment Report prepared by a suitably qualified person, demonstrating the building retail and supermarket are capable of achieving the reduction. The Water Use Assessment Report should include calculations in line with the Green Building Council of Australia's (GBCA) Water Use calculator.

The report is to be submitted to and approved by Council's Area Coordinator Planning Assessments/ Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To ensure that the building complies with the water rating required under the VPA.

(83) LOW GWP REFRIGERANTS

Prior to the issue of a Construction Certificate, as per requirements under the VPA, mechanical service reporting is to be provided demonstrating that the development will utilise low GWP refrigerants wherever feasible throughout the development.

Reason

To ensure quantification of embodied emissions from the development.

(84) 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 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.

(85) ADAPTABLE HOUSING

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

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the Building Code of Australia.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299. Reason To ensure the provision of adaptable housing.

(86) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2021.

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 EP&A Regulation, 2021).

(87) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT

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 Area Coordinator Planning Assessments/ Area Planning Manager prior to a Construction Certificate being issued.

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

Reason

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

(88) FLOOR TO CEILING HEIGHT

Prior to a Construction Certificate being issued, the Registered Certifier must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres. The first-floor level of the Young Street terraces must have a minimum finished floor to ceiling height of not less than 2.4 metres.

Reason

To ensure an adequate minimum floor to ceiling height to provide an acceptable level of amenity.

(89) 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.

(90) 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.

(91) LETTERBOXES

- (a) Details of the location and design of all letterboxes are to be submitted to the satisfaction of the Principal Certifier prior to the issue of any Construction Certificate for above ground works.
- (b) Letterboxes are to be discreetly located, must not obstruct and/or dominate the public way and must be of a type and specification that minimises opportunities for mail theft.
- (c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

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

Reason

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

(92) TELECOMMUNICATIONS PROVISIONS

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

Reason

To ensure the development adequately provides for telecommunications.

(93) TELECOMMUNICATIONS IN NEW DEVELOPMENTS

Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Registered Certifier that arrangements have been made for:

- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

Reason

To ensure the development adequately provides for telecommunications.

(94) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 660 square metres of concrete site frontage and 485 square metres of concrete paver site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.

- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

Reason

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

(95) PUBLIC DOMAIN CONCEPT PLAN

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

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

Reason

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

(96) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

The public domain levels and gradients submitted with this modification are not approved. Level changes required for flood mitigation, equitable access or other reasons must be obtained within the property boundary.

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

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

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

Reason

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

(97) STORMWATER DRAINAGE DESIGN

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

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

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

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

Reason

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

(98) STORMWATER ON-SITE DETENTION

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

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

Reason

To ensure the requirements of Sydney Water are complied with.

(99) STORMWATER QUALITY ASSESSMENT

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

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

Reason

To ensure appropriate stormwater quality on the site.

(100) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 15 of the report titled Flood Impact Assessment Report prepared by Van Der Meer dated 12 December 2024 (Council Reference: 2024/731365).

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.

(101) 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 McEvoy Street, Bourke Street and Young Street and shall be designed to include the following requirements:

- (a) upgrade existing Ausgrid streetlights using Ausgrid network standard LED luminaires, if required.
- (b) McEvoy Street: lighting to comply with requirement of AS1158.1.1 Category V3 on the roadway and AS1158.3.1.Category PP2 over the footways.

- (c) Bourke Street: lighting to comply with requirement of AS1158.1.1 Category V3 on the roadway and AS1158.3.1.Category PP2 over the footways.
- (d) Young St: lighting to comply with requirement of AS1158.3.1 Category PR1 on the roadway and PP2 on the footways.
- (e) provide an obtrusive lighting assessment to comply with requirement of AS4282.

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.

(102) DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

Reason

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

(103) 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.

(104) REMEDIATION ACTION PLAN

The site is to be remediated and validated in accordance with the final Remedial Action Plan (RAP)/ RAP addendum submitted to and approved by Council's South Area Planning Manager and the Site Auditor.

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

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's South team 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 South team Area Planning Manager prior to the commencement of such work.

Reason

To ensure that the site is appropriately remediated.

(105) DISCHARGE OF CONTAMINATED GROUND WATER

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.

(106) 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 South 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.

1. 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 South Area Planning Manager before the Site Audit Statement is issued.
2. 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*).
3. **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.

(107) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN

Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement (SAS) is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining, onsite this must be submitted to and approved by the Site Auditor and the City's Area Planning Manager prior to the issue of the SAS.

Reason

To ensure that the site is appropriately remediated.

(108) COMPLIANCE WITH APPROVED ENVIRONMENTAL MANAGEMENT PLAN

Any future intrusive ground works carried out that have the potential to conflict with any residual contamination remaining onsite must only be carried out in accordance with the Environmental Management Plan as referenced by the Site Auditor on the final Site Audit Statement and approved by Council.

Reason

To ensure that any residual contamination is appropriately managed.

(109) REGISTRATION OF COVENANT

A covenant shall be registered on the title of the land and a copy of the title submitted to the Council's South Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate, giving notice of the former land use and contamination of the site and the existence of any remaining encapsulated contaminated material which are subject to ongoing environmental management.

A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge therefrom of any contaminants and for any works subsequently required by the NSW Environment Protection Authority.

A copy of the revised land title highlighting the covenant must be submitted to the City's Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason

To require a covenant to be registered on the title of the land to ensure ongoing maintenance and any future rehabilitation works.

(110) 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.

Council 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.

(111) FOOTPATH AWNINGS

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

Documentation must be submitted to the City's Construction and Building Certification Services Unit with the application demonstrating that the awning height complies with Development Control Plan 2012. Plans are to include dimensions confirming the awning width and setback from the kerb. Awning gutters are to be concealed from the public domain and plans are to confirm downpipes are located within or recessed into the ground floor frontage of the building.

Reason

To ensure relevant approvals over public footways are obtained.

(112) PREPARATION OF CONSTRUCTION AND FIT OUT PLANS FOR FOOD AND DRINK PREMISES

Prior to the issue of a Construction Certificate for the relevant food and drink premises, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.

- (a) In accordance with the following editions in force on the date of determination and submitted to Council for approval:
 - (i) Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment.
 - (ii) Food Act 2003 and Food Regulation 2015.
 - (iii) Australian Standard 4674 - 2004 – Design, Construction and Fit-out of Food Premises.
 - (iv) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage.
 - (v) Sydney Water commercial trade wastewater requirements for food premises, and
 - (vi) Any relevant Water Services Association of Australia codes of practice guidelines, policies and requirements.

Reason

To ensure detailed construction and fit out plans are submitted which comply with the relevant standards prior to the issue of a Construction Certificate for the relevant food and drink premise.

(113) PREPARATION OF MECHANICAL VENTILATION PLANS

Prior to the issue of a Construction Certificate for above ground works, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person.

- (a) In accordance with the following and submitted to Council for approval:

- (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, 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 or above ground works.

(114) 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.

BEFORE BUILDING WORK COMMENCES

(115) CONSTRUCTION SITE ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any demolition and remedial works an Environmental Management Plan (EMP) must be prepared for the site and submitted to the City's Area Planning Manager for written approval prior to the commencement of work. The EMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours, and dust emissions.

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

Reason

To ensure demolition and remedial works are appropriately managed.

(116) 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.

(117) STOCKPILES

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.

All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.

All stockpiles of soil or other materials likely to generate dust or odours must be covered.

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.

(118) SURVEY SETOUT

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

Reason

To ensure the development does not encroach onto neighbouring properties.

(119) TREE PROTECTION ZONE (FOR PRIVATE/PROPERTY TREES)

- (a) Tree protection zones (s) (TPZs) as detailed in the table below must be established in accordance with the Australian Standard 4970 'Protection of Trees on Development Sites' before the commencement of, and until completion of, the development works.

Table 1 - TPZ Schedule

Tree No.	Species Name	Location	Radius (m) From Trunk
2	<i>Corymbia citriodora</i> (Lemon-scented Gum)	923-935 Bourke Street (south-west corner)	4.5
5			
6			6.5
16	<i>Eucalyptus microcorys</i> (Tallow wood)	923-935 Bourke Street (adjacent to McEvoy Street)	9.5
14	<i>Corymbia citriodora</i> (Lemon-scented Gum)	923-935 Bourke Street (adjacent to Young Street)	8
17			6

Tree No.	Species Name	Location	Radius (m) From Trunk
18		923-935 Bourke Street (adjacent to McEvoy Street)	7
3	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	923-935 Bourke Street (south-west corner)	10.5
25		923-935 Bourke Street (adjacent to Bourke Street)	11
26	<i>Platanus x acerifolia</i> (London Plane Tree)		3.5
30			5
33			4.5

- (b) The following works must be excluded from within any TPZs:
- (i) Soil cultivation, disturbance or compaction.
 - (ii) Stockpiling, storage or mixing of materials, washing and repairing of tools.
 - (iii) The parking (except existing on street parking) of vehicles, equipment and machinery.
 - (iv) The disposal of liquids and refuelling.
 - (v) The disposal of building materials.
 - (vi) Any action leading to an impact on tree health or structure.
- (c) Tree protection fencing (1.8m steel mesh fencing, secured and fastened to prevent movement) must be installed at the perimeter of the TPZs or as per the approved Tree Protection Plan prior to the commencement of the development works. Roots must not be damaged during the establishment or maintenance of the fencing.
- (d) Where tree protection fencing (or sections of) cannot be installed due to site constraints, written approval must be obtained from a qualified Arborist (minimum AQF Level 5) and trunk and ground protection installed as per AS4970. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.

- (e) Tree protection fencing must not be moved or relocated unless written approval is obtained from a qualified Arborist (minimum AQF Level 5) and alternate protection measures are installed to ensure the trees the viability of the tree(s) is not impacted. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.
- (f) Where site sheds cannot be installed outside of the TPZs due to site constraints, written approval must be obtained from a qualified Arborist (minimum AQF Level 5) and appropriate tree protection measures installed as per AS4970. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.
- (g) Signage identifying the TPZs must be attached to the tree protection fencing. Signage must be placed in a visible position in remain in place throughout the development works.
- (h) Ground protection in accordance with AS4970 must be installed if construction access is required within the TPZs. Existing pavements and hard stand areas can be used as ground protection.
- (i) All approved work undertaken within the TPZs must be supervised by a qualified Arborist (minimum AQF Level 5).

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

Reason

To ensure the protection and ongoing health of trees for the duration of the development.

(120) STREET TREE PRUNING AND REMOVAL

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

Reason

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

(121) TREE TRUCK PROTECTION (FOR PRIVATE/PROPERTY TREES)

- (a) The tree(s) detailed in the table below must have trunk and major branch protection installed prior to the issuing of any Construction Certificate.

Table 1 – Trunk Protection

Tree Number	Species	Location
2, 5, 6	<i>Corymbia citriodora</i> (Lemon-scented Gum)	923-935 Bourke Street (south-west corner)
16	<i>Eucalyptus microcorys</i> (Tallowwood)	923-935 Bourke Street (adjacent to McEvoy Street)
14	<i>Corymbia citriodora</i> (Lemon-scented Gum)	923-935 Bourke Street (adjacent to Young Street)
17, 18		923-935 Bourke Street (adjacent to McEvoy Street)
3	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	923-935 Bourke Street (south-west corner)
25		923-935 Bourke Street (adjacent to Bourke Street)
26	<i>Platanus x acerifolia</i> (London Plane Tree)	
30, 33		

- (b) Tree trunk(s) and/or major branches to a height of 2 metres must be protected by wrapped thick underlay carpet or similar padding material to limit damage;
- (c) Timber planks (50mm x 100mm) must be placed around tree trunk(s), spaced at 100mm intervals, and 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;
- (d) 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;
- (e) Certification of this condition must be submitted to the Principal Certifying Authority for approval.

Reason

To ensure the protection and ongoing health of trees.

(122) TREE PROTECTION ZONES (FOR STREET TREES)

Tree No.	Species	Tree Location	TPZ radius(m) from Truck	SRZ radius (m) from trunk
1	<i>Eucalyptus microcorys</i> (Tallowwood)	Young Street (street trees)	2	1.5
11			10	3.3
12			8	3
13			7	3
15			10.5	3.2
4	<i>Eucalyptus saligna</i> (Sydney Blue Gum)		6	2.5
9			6.5	2.5
16	<i>Eucalyptus microcorys</i> (Tallowwood)	McEvoy Street (street trees)	9.5	3
17	<i>Corymbia citriodora</i> (Lemon-scented Gum)		6	2.5
18			7	3
19	<i>Lophostemon confertus</i> (Brush Box)		2.5	2
		McEvoy Street (street trees)		
27		Bourke Street (street trees)		
34			5.5	2.5
24, 31	<i>Liquidambar styraciflua</i> (Sweet Gum)		7	3
28, 35	<i>Tristaniopsis laurina</i> (Water Gum)		3	2
29	<i>Platanus x acerifolia</i> (London Plane Tree)		6.5	3

- (a) All street trees located on McEvoy Street, Bourke Street and Young Street 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.
- (c) Materials or goods, including site sheds, must not be stored or placed:
 - a. around or under the tree canopy or;
 - b. within two (2) metres of tree trunks or branches or any street trees.
- (d) Temporary signs or any other items must not be fixed or attached to any street tree.
- (e) 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.
- (f) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the City of Sydney Tree Team.
- (g) 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.
- (h) 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.

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

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

Reason

To ensure relevant approvals for public domain work are obtained.

(124) OTHER REQUIRED APPROVALS

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

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

Reason

To ensure use of a public place is managed appropriately.

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

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);

- (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
- (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

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

Reason

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

(126) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

Reason

To ensure wastewater is managed appropriately.

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

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

Reason

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

DURING BUILDING WORK

(128) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation 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 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, 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.

(129) 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.

(130) 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.

(131) 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.

(132) 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.

(133) 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.

(134) 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.

(135) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of (EHO to specify hours)

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

Reason

To protect the amenity of the surrounding area.

(136) 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.

(137) 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.

(138) 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.

Table 1 – Tree (Root) Protection Zone Schedule:

Tree No	Species	Tree Location	TPZ Radius (m) from Trunk	SRZ (m) from Trunk
1	Eucalyptus microcorys (Tallow wood)	Young Street (street trees)	2	1.5

Tree No	Species	Tree Location	TPZ Radius (m) from Trunk	SRZ (m) from Trunk
2	Corymbia citriodora (Lemon-scented Gum)	923-935 Bourke Street (south-west corner)	4.5	2.5
3	Eucalyptus saligna (Sydney Blue Gum)		10.5	3.2
4, 9		Young Street (street trees)	6	2.5
5	Corymbia citriodora (Lemon-scented Gum)	923-935 Bourke Street (south-west corner)	4.5	2.5
6			6.5	2.5
11	Eucalyptus microcorys (Tallow wood)	Young Street (street trees)	10	3
13			7	3
14	Corymbia citriodora (Lemon-scented Gum)	923-935 Bourke Street (adjacent to Young Street)	8	3
15	Eucalyptus microcorys (Tallow wood)	Young Street/McEvoy Street (street tree)	10.5	3.2
16		923-935 Bourke Street (adjacent to McEvoy Street)	9.5	3
17	Corymbia citriodora (Lemon-scented Gum)		6	2.5
18			7	3
19	Lophostemon confertus (Brush Box)	McEvoy Street (street tree)	2.5	2

Tree No	Species	Tree Location	TPZ Radius (m) from Trunk	SRZ (m) from Trunk
24	Liquidambar styraciflua (Sweet Gum)	Bourke Street (street tree)	6.5	3
25	Eucalyptus saligna (Sydney Blue Gum)	923-935 Bourke Street (adjacent to Bourke Street)	11	3.5
26	Platanus x acerifolia (London Plane Tree)		3.5	2
27	Lophostemon confertus (Brush Box)	Bourke Street (street trees)	6.5	2.5
28	Tristaniaopsis laurina (Water Gum)		3	2
29	Platanus x acerifolia (London Plane Tree)		6.5	2.5
30		923-935 Bourke Street (adjacent to Bourke Street)	5	2.5
31	Liquidambar styraciflua (Sweet Gum)	Bourke Street (street trees)	8	3
33	Platanus x acerifolia (London Plane Tree)	923-935 Bourke Street (adjacent to Bourke Street)	4.5	2.5
34	Lophostemon confertus (Brush Box)	Bourke Street (street trees)	5.5	2.5

Tree No	Species	Tree Location	TPZ Radius (m) from Trunk	SRZ (m) from Trunk
35	Tristanopsis laurina (Water Gum)		3	2

- (b) Excavation must not occur within the SRZ (except for approved excavation works. 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.

(139) 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 monthly 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) Landscape works within the TPZs;
 - (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.

(140) STREET TREE PROTECTION

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

- (a) Tree trunk and major branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.
 - (ii) Tree trunk/s and/or major branches to a height of two metres, must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and

- (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within seven metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Reason

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

(141) 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.

(142) PROTECTION OF NATIVE WILDLIFE

- (a) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself. In regards to tree pruning, works may only proceed if the animals will not come into direct harm.
- (b) In the event that the tree(s) have nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

Reason

To ensure that wildlife is adequately protected during tree removal/pruning works.

(143) SLAB DEMOLITION

- (a) The demolition and construction of the slab within the Tree Protection Zone(s) (TPZs) must be supervised by a qualified Arborist (minimum AQF Level 5).
- (b) Demolition works within the TPZs are to be undertaken using hand-operated tools (i.e pneumatic/electric breaker). Where this is not possible, the lightest machine practically possible to complete the task must be used.
- (c) Machinery must operate from the existing slabs, pavements or areas of ground protection in accordance with AS4970.
- (d) Machinery must work in conjunction with a spotter to ensure adequate clearance to the tree is maintained at all times.

- (e) Excavation work must be undertaken using hand tools only.
- (f) Wherever possible, footings/structures below grade must be retained in-situ to minimise disturbance to roots.
- (g) Roots greater than 40mm in diameter must be retained and protected.
- (h) Final slab levels must accommodate roots greater than 40mm in diameter if encountered during excavations.

Reason

To ensure the protection and ongoing health of trees.

(144) PUBLIC DOMAIN WORKS SECURITY BOND

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

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

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

Reason

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

(145) DRAINAGE AND SERVICE PIT LIDS

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

Reason

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

(146) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

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

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

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

Reason

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

(147) HOLD POINTS

A set of hold point inspections will be included in the Public Domain works approval letter for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works.

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

Reason

To ensure hold points are adhered to during construction works.

(148) STORMWATER DRAINAGE CONNECTION

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

If the proposed site connection is to a storm water pipe smaller in diameter than Council's minimum 375mm diameter and is of a material other than Council's standard reinforced concrete (RCP) then the existing pipe is to be replaced with the minimum 375 mm diameter RCP.

Reason

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

(149) PUBLIC DOMAIN LIGHTING RETICULATION

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

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

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

Reason

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

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(150) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) Prior to the issue of an Occupation Certificate, Council's review and written approval of the as-built waste infrastructure, facilities, and vehicle access is required. The City Cleansing & Resource Recovery Unit of Council must be satisfied that:
 - (i) All waste management facilities, storage, and collection infrastructure comply with the stamped plans, approved Operational Waste Management Plan and Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.
 - (ii) All waste rooms, corridors, doors, and gates to be accessed by Council's collection contractor(s) are to be fitted and accessible via Council's master key system. Specifications of locks, barrels, and supporting infrastructure are to be submitted to Council's City Cleansing & Resource Recovery Unit.
- (b) Site inspections are to be conducted by Council's City Cleansing & Resource Recovery Unit to review the site on-site waste collection, storage and loading bay infrastructure prior to the issue of an Occupation Certificate. The inspections are to be conducted a minimum 6-months prior to projects anticipated construction completion. Prior to the inspection an electronic copy of the latest architectural plans are to be submitted.
- (c) The Operational Waste Management Plan is to be revised with any final requested updates and be submitted to Council's City Cleansing & Resource Recovery Unit, as to align with the latest version of architectural plans and waste related updates identified during the site inspections. The plan is to be reviewed by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate.
- (d) The developer is to enter into a formal agreement with the City of Sydney Council for the utilisation of Council's Waste Collection Service. A signed agreement is to be submitted to Council's City Cleansing & Resource Recovery unit prior to the issue of an Occupation Certificate.
- (e) The assigned strata manager for the development and direct contact details are to be provided to Council's City Cleansing & Resource Recovery Unit prior to the issue of an Occupation Certificate.

Reason

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

(151) 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.

(152) DEDICATION OF ROAD WIDENING ALONG BOURKE AND MCEVOY STREETS

The owner must dedicate, for road purposes, free of cost to Council, a 3 metre wide strip along the site frontage to Bourke Street and a 2.4 metre wide strip along the site frontage to McEvoy Street (Lot 4) in accordance with the Voluntary Planning Agreement contained in the Deferred Commencement Condition at Part A of this consent.

The road widening lot(s) are to be free from encroachments at the ground level to the underside of the first-floor slab (at RL 28.3 AHD). Below ground level, the Lot stratum is to extend to a minimum depth of 1.5m and be above the water-proofing membrane of any sub-structure. The road widening lot(s) are to be unlimited in height. The road widening dedication is to be detailed in a plan of subdivision of the land in accordance with the Condition '*Design Modification - Plan of Proposed Subdivision*' of this consent. This plan is to be registered at NSW Land Registry Services prior to any Occupation Certificate being issued.

Any public domain works within the dedication area must be completed to the satisfaction of the Public Domain division prior to the release of any subdivision certificate.

Reason

To ensure road widening is dedicated to the City.

(153) DEDICATION OF THROUGH-SITE LINK - LIMITED IN HEIGHT OR DEPTH

The owner must dedicate for road purposes, free of cost to Council, a 6 metre wide through-site link (Lot 5) along the southern boundary of the site connecting Bourke and Young Streets in accordance with the Voluntary Planning Agreement contained in the Deferred Commencement Condition at Part A of this consent.

The through-site link Lot is to be free of encroachments at the ground floor level up to the underside of the first-floor slab (at RL 29 AHD).

The stratum of the through-site link from the underside of the first-floor slab (at RL 29 AHD) is to be unlimited in height and limited to a width of 5.6m measured from the southern site boundary.

Below ground level, the stratum is to extend to a minimum depth of 1.5m and be above the water-proofing membrane of any sub-structure. The dedication is to be detailed in a plan of subdivision of the land in accordance with the Condition '*Design Modification - Plan of Proposed Subdivision*' of this consent. This plan is to be registered at NSW Land Registry Services prior to any type of Occupation Certificate being issued.

Any public domain works within the dedication area must be completed to the satisfaction of the Public Domain division prior to the release of any subdivision certificate.

Reason

To ensure the creation of a through-site link between Young and Bourke Streets.

(154) 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 road frontages 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.

(155) RESTRICTION ON USE OF END OF JOURNEY

- (a) An area of 310.5sqm of the building has been approved as End of Journey floor space.
- (b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of Land, 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 bonus floor space approved as part of the consent is continuously used for the approved purpose.

(156) RESTRICTION ON THE USE OF LAND - RESIDENTIAL DEVELOPMENT

A restriction on the use of land must be created pursuant to Section 88B of the Conveyancing Act, 1919 with any future strata over the residential component of the site, in the following terms burdening the site and to the satisfaction of Council:

- (a) The residential apartment lots must be used as permanent residential accommodation only and not for the purpose of a boarding house or hostel, hotel or motel accommodation, serviced apartments, tourist and visitor accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan 2012*.
- (b) No change of use of those strata lots from “residential” as defined in *Sydney Local Environmental Plan 2012* is permissible. The restriction is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

Reason

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

(157) RESTRICTION ON USE OF CAR SPACES – RESIDENTIAL

A restriction on the use of land must be created, prior to the issue of an Occupation Certificate:

- (a) The on-site residential car parking spaces (86 spaces) are not to be used other than resident or tenant of the subject building for parking of vehicles related to a residence in the unit with which the space is associated, or retail unit including parking spaces. No storage should take place for commercial businesses in car parking spaces.
- (b) The future strata subdivision of the site is to include a restriction on the use of land pursuant to Section 88B of the *Conveyancing Act, 1919*, burdening all strata lots incorporating car spaces.

Reason

To ensure the on-site car parking spaces are not to be used other than by a resident of the building.

(158) RESTRICTION ON THE USE OF LAND - PARKING ON COMMON PROPERTY AREAS

No part of the common property apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. Future strata subdivisions of the residential component of the site are to include an appropriate documentary restriction on the use of land pursuant to Section 88B of the *Conveyancing Act 1919*, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

Reason

To prevent obstruction of common property areas

(159) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL CAR PARKING

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on Use of Land is to be created burdening the site, pursuant to Section 88E of the *Conveyancing Act 1919*, created appurtenant to Council, in terms to the satisfaction of Council, requiring the on-site car parking spaces, exclusive of service car spaces, are not to be used other than by an occupant, tenant or visitor to the commercial lot within the building, with the Council being the authority to release, vary or modify the restriction. The terms of the restriction must also prevent the storage of any boxes or items other than motor vehicles in the parking spaces.

Reason

To ensure the on-site car parking spaces are not to be used other than by occupants of the building.

(160) STRATA TITLE PARKING SPACES AND STORAGE AREAS

All parking spaces and storage areas other than visitor parking or service spaces must form part of a residential or commercial strata unit in any future strata subdivision of the site. No parking spaces or storage spaces are to have their own individual strata title.

Reason

To prevent the sale of individual car parking spaces.

(161) EASEMENTS UNDER SEC 196 CONVEYANCING ACT

Documentary reciprocal easements for services, drainage, support and shelter, and emergency egress, affecting the whole/part of each lot if so desired, must be created over the lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

Reason

To ensure the orderly operation of the building

(162) RIGHTS OF CARRIAGEWAY OVER SHARED DRIVEWAY AREAS

All shared driveway areas must be covered by dimensioned rights of carriageway on the subdivision plan, in stratum if appropriate, pursuant to Section 88B of the *Conveyancing Act, 1919*. Global rights of carriageway must not be used for the shared driveway areas.

Reason

To ensure clarity in relation to the driveway areas and the orderly operation of the buildings.

(163) ENCROACHING AND/OR SHARED SERVICES

If any pipes, ducts, service lines or the like, contained within any lot, encroach upon adjoining lots within the development, or are shared by more than one lot, appropriate easements must be created, pursuant to Section 88B of the *Conveyancing Act 1919*, over the pipes, ducts, service lines (or similar) where any such encroachment or shared situation occurs.

Reason

To ensure the orderly operation of the development.

(164) ADDITIONAL EASEMENTS

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

Reason

For the orderly operation of the buildings.

(165) COMPLIANCE WITH REG 63 OF THE SURVEYING AND SPATIAL INFORMATION REGULATION 2024

The subdivision plan must show offsets where appropriate to the final surfaces of the major structural components of the building that are located within one metre of any proposed or existing vertical, horizontal or inclined boundary or easement, sufficient to satisfy sub-clauses (i), (j), (k) & (l) of Reg 63 of the *Surveying and Spatial Information Regulation 2024* and to the satisfaction of Council. All structural components of the buildings located within one metre of any proposed or existing boundary must be fully completed, with their final surfaces applied or constructed, prior to the subdivision plan being finalised.

Reason

To ensure the integrity of the Cadastre, compliance with the Regulation, and to inform lot owners and other stakeholders.

(166) EASEMENTS FOR ACCESS

Appropriate Easements for Access (or similar) are to be created over any required corridors, passages, traffic aisles, stairs and lifts, within the development that are needed to provide access from (or across) one lot to another, pursuant to Section 88B of the Conveyancing Act 1919. The Easements are to be reciprocal in nature (where applicable), granting rights of access to persons and/or vehicles, and are to be created in appropriate terms acceptable to Council, with the Council being the authority to release, vary or modify the easement.

Reason

To ensure the orderly development of the property.

(167) BUILDING/STRATA MANAGEMENT STATEMENT

The Building/Strata Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to Council's satisfaction, and be submitted with the subdivision application.

Shared driveways and loading docks must be covered by suitable easements defined on the subdivision plan to the satisfaction of Council, and not be dealt with only by means of an SMS or BMS.

Garbage rooms must be covered by suitably dimensioned easements shown on the plan to Council's satisfaction, unless fully enclosed by walls, and garbage room doors kept closed at all times unless personnel are present

The Building / Strata Management Statement must not prevail over any easement, restriction on the use of land, or positive covenant that benefits Council

Reason

For the orderly operation of the buildings, and clarity for owners and purchasers of future lots.

(168) 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 Accredited Certifier prior to any Occupation Certificate or Subdivision/Strata Certificate being issued.

Reason

To ensure requirements of Section 73 under the Sydney Water Act 1994 are met.

(169) AERIAL BUNDLING OF WIRES

Overhead wires along Bourke and Young Street must be converted to aerial bundled conductors (ABC). The works must be completed prior to the issuing of the Occupation Certificate. The City must be notified in writing once the approval of Ausgrid has been given and once the bundling works have been completed.

Reason

To ensure the protection of street trees.

(170) PUBLIC DOMAIN WORKS COMPLETION

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

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

Reason

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

(171) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION

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

Reason

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

(172) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate:

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

Reason

To protect underground drainage system.

(173) SURVEY INFRASTRUCTURE – PRE-SUBDIVISION CERTIFICATE WORKS

- (a) Pursuant to Section 38 of the Surveying and Spatial Information Act 2002, if it is likely that any new survey mark will be disturbed by associated works (for example, footpath or kerb and gutter construction), a surveyor may defer the placement of those marks.
- (b) Prior to any the issue of any Subdivision Certificate, documentary evidence in accordance with Section B11 – *Survey Infrastructure of the Technical Specification* must be prepared by a Registered Surveyor and submitted to and approved by the City. This evidence must include:
 - (i) A copy of any Surveyor-General's Approval for Deferment of Survey Marks granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the draft deposited plan) or
 - (ii) A certificate of Practical Completion obtained from the City's Public Domain team, together with 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 survey marks shown on their Deposited Plan remain at the date of practical completion.

Reason

To allow for deferment of survey marks.

(174) SURVEY INFRASTRUCTURE – RESTORATION

- (a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
 - (i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
 - (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;
 - (iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

Reason

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

(175) LAND SUBDIVISION – SUBDIVISION CERTIFICATE

A separate application must be made for the subdivision online through the Planning Portal, at www.planningportal.nsw.gov.au to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*. Go to the "Post Consent Certificates" section on the website for Subdivision Certificates, and ensure that Sydney City Council is noted as the certifier. It is recommended that the PDF versions of the subdivision, Administration sheets & Section 88B Instrument that are uploaded are between 400 & 600 dpi as these may be digitally signed.

Reason

To ensure separate development consent is sought for land subdivision.

(176) LAND DEDICATION AND LAND TRANSFER – IN CONJUNCTION WITH SUBDIVISION CERTIFICATE

- (a) Land dedicated as road widening or public through-site link must be dedicated in compliance with the registered Planning Agreement(s) for the site and must not be encumbered by any Long-Term Environmental Management Plan.

- (b) Public domain works within the land to be dedicated must be sufficiently complete to the satisfaction of Council's Public Domain unit prior to the issue of the subdivision certificate.
- (c) Where there is a dedication in stratum, the lower limit of the dedication shall be 0.05 metres above the upper surface of the waterproofing membrane for the concrete roof of the basement structure below.
- (d) Where an awning is of primarily concrete or masonry construction, and an integral structure to the building, not a separate attached structure, the boundary for dedications shall step around the awning in stratum so that the awning is contained wholly within the boundary of the lot. In this situation, a positive covenant shall be created burdening the lot, and benefiting the City of Sydney Council, requiring the boundary to be adjusted within six months of demolition of either the awning or the building façade, to remove that component of the boundary stepping around the awning and establish a conventional vertical boundary.
- (e) Lot 4 in the plan of proposed subdivision, as amended by the Condition '*Design Modification – Plan of Proposed Subdivision*' must be dedicated to the public as footpath widening.
- (f) Lot 5 in the plan of proposed subdivision, as amended by the Condition '*Design Modification – Plan of Proposed Subdivision*' must be dedicated to the public as a pedestrian through-site link with the subdivision.
- (g) Lots 4 and 5 in the plan of proposed subdivision, as amended by the Condition '*Design Modification – Plan of Proposed Subdivision*' of this consent, are to be transferred to the City of Sydney and classified as Operational land. The land within these lots must be prepared to a standard acceptable to Council's Public Domain unit prior to the issue of the subdivision certificate.
- (h) Land must be dedicated unencumbered. All leases, restrictions, covenants, easements and planning agreements must be extinguished prior to, or with the dedication of land, other than those designated as permitted encumbrances in the registered VPA for the site.

Reason

To ensure land to be dedicated to the City is not encumbered.

(177) STREET ADDRESSES OF LOTS

In accordance with Clause 61 of the *Surveying and Spatial Information Regulation 2024*, the street addresses for each lot must be shown on the Administration Sheet for the final plan of subdivision. An application must be made to Council's Spatial Information Systems Team, by email, prior to the lodgement of the subdivision application, to obtain the correct street address for each lot.

The street addresses allocated by Council must be provided to the Registered Surveyor by the applicant for inclusion in a schedule on the Administration Sheet.

Reason

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

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

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

Reason

To ensure shops can be easily identified.

(179) 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 Impact Assessment Report' prepared by Van der Meer dated 12 December 2024 (Council Reference: 2024/731365).

Reason

To ensure the development achieves the required floor levels.

(180) FLOOD RISK MANAGEMENT

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

Reason

To ensure flood risk management measures are complied with.

(181) NOTIFICATION OF CONDUCT OF FOOD BUSINESS

Prior to the issue of an Occupation Certificate, Council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.

Reason

To enable Council to ensure compliance with the consent when the business is operating.

(182) BASIX

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate being issued.

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 EP&A Regulation 2021).

(183) 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.

(184) 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.

OCCUPATION AND ONGOING USE

(185) DELIVERY AND WASTE VEHICLES

Deliveries and waste collections associated with the site that involve the movement of vehicles, must only occur between the hours of 6.00am and 8.00pm, Mondays to Sundays inclusive. No exceptional out-of-hours deliveries are to occur outside of the specified hours.

Reason

To ensure deliveries to the site do not adversely impact on local traffic movements.

(186) ONGOING WASTE MANAGEMENT - RESIDENTIAL

- (a) The ongoing use of development must be in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.
- (b) All general waste and recycling stream(s) materials emanating from the premises must be stored in the designated waste storage area(s) integrated within the built form and must not be stored outside the premises (including any public place) at any time.
- (c) The property manager is responsible for lodging requests for damaged/broken bins, managing the rotation of bins, ensuring the full allocation of relevant bins are available for scheduled collections, management of odour and the routine cleaning and maintenance of all waste storage areas.

- (d) Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.
- (e) The property manager is responsible for the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney Council responsive to the approved Operational Waste Management plan.
- (f) Commercial waste and recycling stream(s) and supporting infrastructure to be stored in a separate lockable, enclosed, and walled area free from the residential waste and recycling stream(s) rooms. The residential rooms to have relevant locks to inhibit commercial tenants access to Council's residential waste streams.

Reason

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

(187) SCHEDULED COLLECTIONS – RESIDENTIAL

- (a) Scheduled collections and waste management arrangements of Council's residential waste stream(s) is to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan, the developments Conditions of Consent and the City's Local Approvals Policy *Managing Waste in Public Spaces*.
- (b) Council's Domestic Waste Charge is applied to all residential rate accommodation properties in accordance with section 496 of the *Local Government Act 1993*. Residential accommodation is defined in accordance with the *Sydney Local Environmental Plan 2012* dictionary.

Reason

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

(188) ONGOING WASTE MANAGEMENT - COMMERCIAL

- (a) All general waste and recycling materials emanating from the premises must be stored in the designated waste storage area(s), must not be stored outside the premises (including the public domain) at any time.
- (b) All waste and recycling stream(s) storage area(s) are to only be used for the purposes of storing waste and recycling from the premises in accordance with the original consent and approved Operational Waste Management Plan and not be converted to a different use.

- (c) Scheduled collections and waste management arrangements of the development/tenancy is the responsibility of the business owner or property manager and are to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan and this consent. These arrangements include:
 - (i) arranging an adequate number of bins and the servicing regime matched to the needs of the premises.
 - (ii) actively managing waste streams and supporting infrastructure to ensure bins are not overflowing, damaged or leaking and lids are fully closed at all times.
 - (iii) routine cleaning and maintenance of waste storage area(s) to inhibit the permeation of odour and prevent litter and pests.
 - (iv) the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney.
- (d) Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.

Reason

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

(189) SCHEDULED COLLECTIONS – COMMERCIAL

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

In accordance with the approved waste management plan, waste and recycling stream(s) bins must not be placed on the street for collection. Waste collection will occur within the site at all times. Unimpeded access must be provided to the waste and recycling stream(s) storage area(s) at all times.

- (b) 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.

(190) USE OF COMMON AREAS AND FACILITIES

The communal areas including level 1, 5 and 6 terraces, level 1 music room and level 5 communal room must be available for the use all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

Reason

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

(191) SUPERMARKET - TRADING HOURS

The trading hours of the supermarket on basement level 1 is regulated as follows:

- (a) The permitted trading hours are restricted to between 7.00am to 12.00 midnight, Mondays to Sundays inclusive.
- (b) Notwithstanding (a) above, the premises may trade between 6.00am to 7.00am for a trial period of 2 years from the date of issue of the Occupation Certificate relating to the use.
- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council within 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received, and any views expressed by NSW Police and Liquor & Gaming.

Reason

To ensure the premises trades within the approved trading hours.

(192) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management for Woolworths Waterloo dated May 2025 (Council Reference: 2025/303022). In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

The Plan of Management can be updated at any time. Any revised Plan of Management is to be submitted to and endorsed by Council's Area Planning Manager and may be updated without the requirement for a Section 4.55 modification application.

Reason

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

(193) 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.

(194) COPIES OF CONSENTS AND MANAGEMENT PLANS

A copy of the current development consent(s) for the operation of the licensed premises, and the Plan of Management must be kept on-site and made available to Authorised Officers.

Reason

To ensure all relevant approved documents are available on-site upon request.

(195) 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.

(196) 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 NPfl unless otherwise agreed by the City's Area Planning Manager.

Reason

To protect the acoustic amenity of surrounding properties.

(197) 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.

(198) 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.

(199) 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 Coordinator / Area Planning Manager prior to the issue of an Occupation Certificate for the site/use:

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

Reason

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

(200) LOADING DOCK AND DIRECT TO BOOT MANAGEMENT PLAN

A final Loading Dock and Direct to Boot 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. Details on the operation of the Direct to Boot (including shared loading area for delivery vans in the Direct to Boot area) is to also be included in the plan. 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, submitted to and approved by Council's Area Coordinator/ Area Planning Manager prior to issue of an Occupation Certificate.

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

Reason

To ensure that the loading dock is appropriately managed.

(201) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

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

Reason

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

(202) STORAGE AND DISPOSAL OF WASTE MATERIALS DURING ONGOING USE

During ongoing use of the premises:

- (a) An adequate number of bins must be put on the premises for the storage of any waste that is generated (including for recycling).
- (b) All garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time.
- (c) Arrangements must be implemented for the separation of recyclable materials from garbage.
- (d) Any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests.
- (e) Where Council does not provide commercial garbage and recyclable materials collection services:
 - (i) a contract must be entered into with a licensed contractor to provide these services for the premises; and
 - (ii) a copy of the contract must be kept on premises and provided to relevant authorities including council officers on request.
- (f) All liquid trade waste discharged to sewerage system must comply with the trade waste approval issued by the relevant water authority.
- (g) All liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by the relevant water authority.
- (h) Liquid waste shall be stored within a building or in a covered and bunded area in appropriate containers.

Reason

To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises.

(203) ENCROACHMENTS – NEIGHBOURING PROPERTIES AND PUBLIC WAY

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

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 neighbouring properties and the public way.

SCHEDULE 3

TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by Water NSW (Ref no. IDAS1159700) are as follows:

WATER NSW GENERAL TERMS OF APPROVAL

The GTA issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity

Dewatering

- | | |
|--------------|---|
| GT0115-00001 | Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed. |
| GT0117-00001 | A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018. |
| GT0118-00001 | If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date. |
| GT0119-00001 | All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement. |

- GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/waterlicensing/dewatering

- GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.
- GT0174-00001 Construction phase monitoring bore requirements GTA: a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval. d) The monitoring bores should be used to develop a water table map for the site and its near environs. e) The monitoring bores must be protected from construction damage. Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.
- GT0241-00001 A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: An approval under the Water Management Act 2000 is required

to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. A water use approval may also be required,

WaterNSW information for the proponent:

- An extraction limit will be determined by the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) following a further hydrogeological assessment and included on the conditions applied to the approval authorisation for the dewatering activity.
- Detailed information required to permit the hydrogeological assessment to be carried out is to be provided by the applicant otherwise the issue of the authorisation will be subject to delay. The Minimum requirements for building site groundwater investigations and reporting (DPE Oct 2022) identify what data needs to be collected and supplied.
- The authorisation will be issued for the purpose of temporary construction dewatering only and it does not constitute any form of approval for ongoing pumping of groundwater from basement levels after the building is issued an occupation certificate.

SCHEDULE 4 – CONDITIONS OF CONSENT – EXTERNAL AGENCIES

The following conditions have been recommended by NSW State Agencies:

AUSGRID

Proximity to Existing Network Assets

Overhead Powerlines

There are existing overhead electricity network assets in Bourke St. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au. Based on the design of the development provided, it is expected that the “as constructed” minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Underground Cables

There are existing underground electricity network assets in Bourke St, McEvoy St and Young St. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

SYDNEY WATER

Critical assets

- Our system indicates that there are several critical assets traversing the site in the form of a DN1350 trunk watermain (City Tunnel Offtake), DN450 wastewater carrier, and wastewater maintenance structures. **Based on the provided architectural plans, it appears that the proposed basement will impact our critical assets.**

- Wastewater assets
The proponent should contact a Water Servicing Coordinator (WSC) and identify concept wastewater design arrangements which will include how access and protection of our critical assets will be maintained. This may include deviation of assets.
- Water assets
Sufficient clearance between the basement and the DN1350 City Tunnel Offtake must be achieved in accordance with Sydney Water Specialist Engineering Assessment guidelines.
- The applicant should provide updated architectural plans and locate key Sydney Water assets in relation to the proposed building works.
- **An Anticipated Section 73 application is to be submitted with Sydney Water as soon as possible. Concept wastewater design arrangements should be provided as part of this application.**

Water and Wastewater Servicing

- Our preliminary assessment indicates that water and wastewater servicing should be available for the proposed development.
- Amplifications, adjustments, deviations and/or minor extensions may be required.
- Detailed requirements will be provided at the Anticipated Section 73 application stage.

Growth information

Sydney Water supports government-backed growth initiatives within our area of operations, striving to provide timely and cost-effective water and wastewater infrastructure without undue impacts. To offer robust servicing advice and investigate staged servicing possibilities, we require the proponent to provide **anticipated ultimate and annual growth data** for this development as outlined in the enclosed Growth Data Form.

Next steps

- Sydney Water requests deferral of D/2024/1208 until a concept wastewater design has been approved in principle by Sydney Water under an Anticipated Section 73 application, or other Sydney Water application.
- Due to the critical nature of the impacted assets, early approval of works relating to Sydney Water infrastructure is pivotal in preventing delays post development consent.
- The proponent should complete and return the enclosed Growth Data Form as part of their Anticipated Section 73 application. The Growth Data Form should be updated promptly with Sydney Water in case of changes or every six months.
- Council is advised to forward the enclosed *Sydney Water Development Application Information Sheet (for proponent)* to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions.

TRANSPORT FOR NSW

1. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth) along the McEvoy Street boundary.
2. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon McEvoy Street are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.
The developer is to submit all documentation prior to the issue of a Construction Certificate and at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.
If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
4. Any proposed public utility adjustment/relocation works on the state road network/McEvoy Street will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued
5. The developer is required to enter a Works Authorisation Deed (WAD) with TfNSW, or other suitable arrangement as agreed to by TfNSW, for the works required by Conditions 2, 3 and 4 that impact McEvoy Street, its infrastructure, and assets.
6. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to TfNSW for review and endorsement prior to the issue of a construction certificate. Please send to development.ctmp@transport.nsw.gov.au.
7. Prior to the issue of the construction certificate, if construction activities will affect the existing bus stops on McEvoy Street and/or Bourke Street, its facilities and operation, the developer must consult with TfNSW/the bus operator and the Council to identify an appropriate location for a temporary bus stop relocation. Written agreement from TfNSW/the bus operator and the Council shall be provided to the certifier with all required works to be completed before construction commences to the satisfaction of the Council. These works shall be at no cost to TfNSW.

8. Prior to the issue of the occupation certificate the developer shall consult with TfNSW/the bus operator and the Council to determine a suitable location for the bus stops, in McEvoy Street and/or Bourke Street, post-construction works. Written agreement from TfNSW/the bus operator and the Council shall be provided to the certifier with all required works to be completed to the satisfaction of the Council before the issue of an occupation certificate. These works shall be at no cost to TfNSW.
9. A Road Occupancy Licence (ROL) shall be obtained from the Transport Management Centre for any works that may impact on traffic flows on McEvoy Street and Bourke Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
10. A construction zone will not be permitted on McEvoy Street or Bourke Street.
11. For the life of the completed development:
 - a. all servicing of the site (e.g. delivery drop offs and pick ups) for the retail/commercial premises, including waste collection, must be undertaken within the development site, and not be undertaken from the Bourke Street frontage of the site.
 - b. vehicles are to enter and exit the site in a forward direction.

SYDNEY AIRPORT CORPORATION

Application for Approval of Crane Operation

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

- a) Application pursuant to airport (protection of airspace) regulations reg 7:
- b) Pursuant to s. 183 of the *Airports Act 1996* and Reg 7 of the *Airports (Protection of Airspace) Regulations 1996*, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("*controlled activity*") set out in the Schedule.
- c) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- d) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- e) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- f) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.

- g) The Secretary and the Airport, as applicable, may request further information before determining an application.
- h) The "Important Notes" must be read and accepted.
- i) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.