

Attachment B

Recommended Conditions of Consent
--

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 7 February 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Graham Jahn AM
Chief Planner / Executive Director
City Planning Development & Transport

Sydney

19 June 2025

SCHEDULE 1

Application Number:	D/2024/854 / SSD 64090972
Applicant:	Charter Hall Holdings Pty. Limited
Consent Authority:	Central Sydney Planning Committee
Site:	201-217 Elizabeth Street, Sydney – Lot 1 DP 868008
Development:	Demolition of existing structures, removal of trees, remediation, bulk excavation and construction of a 55 storey mixed use residential, hotel and retail building with associated basement parking and public domain works.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Charter Hall Holdings Pty. Limited or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
Certifier	Means a council or accredited certifier
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	City of Sydney Council
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising demolition, remediation, site establishment, bulk excavation and construction, as modified by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EIS	The Environmental Impact Statement titled 'Stage 2 SSDA for Mixed-Use Development 201-217 Elizabeth Street, Sydney', prepared by Ethos Urban dated 10 September 2024, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage NSW, the NSW Department of Climate Change, Energy, the Environment and Water
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act</i>

1974', the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), or anything identified as a heritage item under the conditions of this consent

Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
LTEMP	Long Term Environmental Management Plan
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) <i>Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.</i>
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1 OR describe the site in detail.
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Total Floor Area TfNSW	As defined in 7.13 cl (6) of the Sydney Local Environmental Plan 2012 Transport for New South Wales

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

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

Architectural Drawings prepared by FJC Studio			
Dwg No.	Rev	Name of Plan	Date
20B5	02	Basement 5 Floor Plan	23 April 2025
20B4	02	Basement 4 Floor Plan	23 April 2025
20B3	02	Basement 3 Floor Plan	23 April 2025
20B2	02	Basement 2 Floor Plan	23 April 2025
20B1	02	Basement 1 Floor Plan	23 April 2025
20LG	02	Lower Ground	23 April 2025
2000	03	Ground Floor Plan	5 May 2025
2001	03	Level 1 Floor Plan	5 May 2025
2002	02	Level 2 Floor Plan	23 April 2025
2004	02	Level 3 to 5	23 April 2025
2004	01	Level 6 to 8	23 April 2025
2004	01	Level 9	23 April 2025
2005	02	Level 10 Hotel + Plant	23 April 2025
2006	02	Level 11 – Hotel front of House	23 April 2025
2007	02	Level 12 Residential Amenities	29 April 2025
2007	02	Level 13 Podium Roof	29 April 2025
2008	02	Level 14 to 17	23 April 2025
2020	02	Level 18 to 21	23 April 2025
2021	02	Level 22 to 35	23 April 2025
2022	02	Level 36 to 47	23 April 2025
2023	02	Level 48	23 April 2025
2024	02	Level 49	23 April 2025
2025	02	Level 50	23 April 2025
2026	02	Level 51 – Penthouse Entry	23 April 2025
2027	02	Level 52	23 April 2025
2028	02	Level 53	23 April 2025
2029	02	Level 54 – Plant	23 April 2025
2030	02	Level 55 – Plant	23 April 2025

2031	02	Roof Plan	23 April 2025
2100	02	Existing Basement 2	4 February 2025
2101	02	Existing Basement 1	4 February 2025
2102	02	Existing Plant	4 February 2025
2103	02	Existing Lower Ground	4 February 2025
2104	02	Existing Lower Ground Mezzanine	4 February 2025
2105	02	Existing Ground Floor	4 February 2025
2106	02	Existing Mezzanine	4 February 2025
2107	02	Existing Level 1	4 February 2025
2108	02	Existing Typical Tower	4 February 2025
2500	02	Adaptable Plans – Hotel	23 April 2025
2500	02	Adaptable Plans – Residential	23 April 2025
3000	03	North Elevation	23 April 2025
3001	03	South Elevation	23 April 2025
3002	03	East Elevation	23 April 2025
3003	03	West Elevation	19 May 2025
3100	02	Podium Lane Way – South East Elevation	29 April 2025
3101	02	Podium – South East Elevation	23 April 2025
4001	02	Building Section – East West Section 1:400	23 April 2025
4002	02	Building Section – North South 1:400	23 April 2025
4101	02	East-West Section 1:100	23 April 2025
4102	02	North East-South West Section 1:100	23 April 2025
5001	02	Habitable Room Ventilation Level 12	23 April 2025
5002	02	Habitable Room Ventilation Level 13	23 April 2025
5003	02	Habitable Room Ventilation Level 14-17	23 April 2025
5004	02	Habitable Room Ventilation Level 18-21	23 April 2025
5005	02	Habitable Room Ventilation Level 22-35	23 April 2025
5006	02	Habitable Room Ventilation Level 36-47	23 April 2025
5007	02	Habitable Room Ventilation Level 48	23 April 2025
5007	02	Habitable Room Ventilation Level 49	23 April 2025
5007	02	Habitable Room Ventilation Level 50	23 April 2025
5007	02	Habitable Room Ventilation Penthouse	23 April 2025
6001	02	Digital Materials Board	23 April 2025
6002	02	Tower Façade Types	29 April 2025
6003	02	Podium Façade Types	23 April 2025

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

ambiguity or conflict between any of the documents listed in condition A2(b), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

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

Prescribed Conditions

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

Evidence of Consultation

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

Structural Adequacy

A7. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

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

External Walls and Cladding

A8. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

- A9. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A10. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

A11. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

Compliance

A12. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

- A13. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A14. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

- A15. The City must be notified in writing to council@cityofsydney.nsw.gov.au seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the City must be notified in writing to council@cityofsydney.nsw.gov.au seven days after they identify any non-compliance.
- A16. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A17. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Design Quality Excellence

- A18. In order to ensure the design quality excellence of the development is retained to completion:
- (a) The design architects comprising FJC Studio is to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages
 - (b) The design 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
 - (c) Evidence of the design architect's commission must be provided to the Council prior to release of the Construction Certificate
 - (d) The design architect of the project is not to be changed without prior notice and approval of the Council's Executive Director Planning, Development & Transport.
- A19. 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.

Design Modifications – BASIX

- A20. A full set of architectural drawings listed in Condition A2 'Terms of Consent' are to be submitted to, and approved by Council's Executive Director, City Planning Development & Transport with the BASIX stamp reflecting the development's approved BASIX commitments on each plan.

Design Modifications – Building Maintenance Unit

- A21. A Building Maintenance Unit (BMU) statement is 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.
- A22. The statement is to explain how the BMU will operate (in terms of operability of walls/roof) and confirm that the final design of the BMU will not disrupt the way the building meets the sky nor requires any additional height to be accommodated.

Materials And Samples Board – Major Development

- A23. A final physical material sample board and schedule detailing all proposed materials, finishes and colours, keyed to each building elevation must be submitted to and approved by Council's Executive Director City Planning, Development & Transport, prior to any Construction Certificate being issued.

- A24. The materials and samples board and schedule must not include generic material or colour descriptions or use terminology such as 'or similar'.
- A25. The materiality and finish of the masonry vertical cladding that separate the façade types is to be specified.
- A26. Where sandstone is indicated on the material sample board and schedule for the podium, the extent of sandstone is to be clarified, with 'Yellow Block' sandstone or approved equivalent sandstone to be specified as the material used.
- A27. Where aluminium cladding with a mineral paint finish (within the tower) is indicated, this is to be replaced with terracotta cladding, the extent of which is to be submitted and approved.
- A28. Glass samples are to be prototyped to confirm that dark or heavily tinted glass is not used.

Compliance With Submitted Materials and Samples Board

- A29. The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications as approved in Condition A22 above.

Natural Ventilation – Plenum Design Details

- A30. The Memorandum, prepared by Pulse White Noise Acoustics (PWNA) dated 17 February 2025 (Council TRIM reference 2025/129857), and the architectural drawings must be updated to address the following:
 - (a) Provide plans, sections, elevations and detailed (1:20) drawings of the plenums, showing their size, location, orientation and acoustic treatment. The plenums are to be designed to integrate with the building design.
 - (b) No mechanical assistance is to be provided to the plenums, and baffles that choke airflow must not be incorporated.
 - (c) All dimensions, including clear floor to ceiling heights, must be provided under the plenums.
 - (d) Include a method of controlling the airflow within the plenum.
 - (e) The plenums must be accessible for cleaning and be fitted with an insect screen which is accessible and removable from inside the room served by the plenum.
 - (f) Include a hinged or clip on/off removable grille to the room served by the plenum for access to the required insect screen.
 - (g) Demonstrate compliance with the principles of the draft City of Sydney 'Alternative natural ventilation of apartments in noisy environments Performance pathway guideline' available at the following website:
<https://www.cityofsydney.nsw.gov.au/development-guidelines-policies/alternative-natural-ventilation-apartments-noisy-environments-performance-pathway-guideline-dr>
- A31. The plenum details must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground works.

Natural Ventilation – Plenum Design Acoustic Review

- A32. An Acoustic Verification Statement confirming that the amended plenum design, as required by the 'NATURAL VENTILATION - PLENUM DESIGN DETAILS' condition of this consent, achieves compliance with the required acoustic criteria for residential dwellings as follows:
 - (a) The plenum must have an acoustic performance requirement expressed in terms of 1/1 octave bands (centre frequencies 31.5Hz through 8 kHz) to afford compliance with the noise criteria below, whilst the plenums are operating, and external windows and doors are closed.
 - (b) Laeq, 1 hour 45 dB(A) in any main living area (24-hours) and Laeq, 1 hour 35 dB(A) in any bedroom (10:00pm-7:00am), as outlined in Section 4.2.3.11 of the Sydney Development Control Plan (SDCP) 2012.

- A33. The Verification Statement must be undertaken by a Suitably Qualified Acoustic Consultant* (see definition below) and must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate for above ground works.
- A34. All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the updated Acoustic Verification Statement must be implemented in the development prior to the commencement of its use.

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).

Natural Ventilation – Plenum Design Testing

- A35. Design testing, undertaken by a suitably qualified Ventilation Consultant, is to confirm that the amended plenum design, as required by the 'NATURAL VENTILATION - PLENUM DESIGN DETAILS' condition of this consent, meets the minimum natural ventilation and pressure loss requirements of the draft City of Sydney 'Alternative natural ventilation of apartments in noisy environments Performance pathway guideline', including all modelling requirements.
- A36. The results of the plenum Computational Fluid Dynamics (CFD) testing must include calculation of the device's pressure loss coefficient as per the draft City of Sydney 'Alternative natural ventilation of apartments in noisy environments Performance pathway guideline' and must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate for above ground works.

Ventilation Security and Weather Protection

- A37. All habitable rooms must have operable windows that provide a minimum Effective Openable Area (EOA) for ventilation purposes as required by the NCC and the Apartment Design Guide (ADG) when opened to the maximum dimension permitted under the NCC provisions for Protection of Openable Windows.
- A38. The operable windows must provide the minimum EOA under most wet weather conditions and must also be securable to prevent unauthorised entry when open. The minimum EOA must be provided in addition to any external doors as these cannot be adequately weather-protected or secured when left partially open. A reduction for fly screens must be taken into consideration to account for any future installation.
- A39. The method of measurement must be in accordance with the definition of EOA as defined by the Apartment Design Guide, which is:
'the minimum area of clear opening of a window that can take part in providing natural ventilation. The effective openable area of a sliding or hung sash window can be measured in elevation. Hinged windows such as casement, awning and hopper windows may measure the diagonal plane from the sash to the jamb and add the triangles at either end up to a total area of the window opening in the wall. Obstruction within 2m of a window reduce the effective openable area as measured in elevation. Fly screens and security screen will reduce the effective openable area by half'.
- A40. Prior to the issue of a Construction Certificate for above ground works the following details of the proposed fenestration must be submitted to the Registered Certifier:
- (a) Detailed elevation drawings and a window schedule which show the size, type and location of all openings in relation to the floor area served by those operable windows.

Section 7.12 Contributions Payable – Submitted And Verified Prior To Issue Of Construction Certificate

- A41. A monetary contribution is payable to the City of Sydney pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Central Sydney Development Contributions Plan 2020.
- A42. The Section 7.12 levy is determined by the development cost, as per the following table:

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

A43. The Section 7.12 levy is payable to the City of Sydney in accordance with the following:

- (a) Prior to any Construction Certificate being issued or works commencing, whichever occurs first, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and that the levy has been paid to the Council in accordance with this condition. Payment may be by Electronic Funds Transfer or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, one of the following must be submitted:
 - (i) **For development between \$250,000 and \$3,000,000** – the City of Sydney Cost Summary Report must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the Cost Summary Report is available from the City's website at www.cityofsydney.nsw.gov.au; or
 - For development more than \$3,000,000** – The City of Sydney Registered Quantity Surveyor's Detailed Cost Report must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the Registered Quantity Surveyor's Detailed Cost Report is available from the City's website at www.cityofsydney.nsw.gov.au.
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Registered Certifier accordingly.
- (d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.

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

Affordable Housing Contribution – Residual Land Or Central Sydney – Payment In Lieu Of Floor Space Contribution – Prior To Construction Certificate

- A44. In accordance with the City of Sydney Affordable Housing Program and prior to the issue of any Construction Certificate or commencement of works, whichever occurs first, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- A45. The contribution is \$23,516,176.17 (indexed at 19 June 2025). This is calculated by establishing the sum of the equivalent monetary contribution \$11,646.80 multiplied by 1% of the Total Floor Area for non-residential development (46,841.005sqm); and the equivalent monetary contribution \$11,646.80 multiplied by 3% of the Total Floor Area for residential development (51,690.015sqm). Refer to Total Floor Area in Definitions.
- A46. If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2025 to 28 February 2026, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- A47. Contribution payable at Time of Payment = $C \times MDP2 / MDP1$, where:
- (a) C is the original total contribution amount payable to the City of Sydney as shown above;
 - (b) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
 - (c) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being 1 March 2025 to 28 February 2026.

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

Housing And Productivity Contribution

- A48. Before the issue of any Construction Certificate the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$ 3,703,098.43
Transport project component	Nil.
Total housing and productivity contribution	\$3,703,098.43

- A49. The calculated amount may be adjusted by existing credits. The HPC must be paid using the NSW planning portal.
- A50. 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).
- A51. 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.
- A52. 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.
- A53. The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Floor Space Ratio - Central Sydney

- A54. The Floor Space Ratio of the proposal must not exceed 14.81:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 57,763sqm.
- A55. Prior to a Construction Certificate being issued or commencement of works, whichever is earlier, Council's written verification must be obtained, confirming that 12,277.5sqm of heritage floor space was allocated (purchased, transferred and registered by Council as an allocation) to the development, being that gross floor area in excess of 8:1 as specified in the Sydney Local Environmental Plan 2012.
- A56. Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Building Height

- A57. The height of the building must not exceed RL 208.60 (AHD) to the top of the building and RL 69.60 (AHD) to the top of the podium.
- A58. Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Approved Design Roof – Top Plant

- A59. All roof-top plant and associated equipment must be located within the approved building envelope.

Reflectivity

- A60. Prior to issue of the above ground Construction Certificate, the Registered Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

Use - Separate Consent Required

- A61. No consent is granted or implied for the fit-out of each individual food and drink or retail tenancy.
- A62. A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fit-out of each individual tenancy prior to that fit-out or use commencing.

Breakthrough to 219-227 Elizabeth Street

- A63. The applicant is to consult and work with the neighbouring property, 219-227 Elizabeth Street, Sydney, to ensure the implementation of the breakthrough arrangement shown on Drawing Nos. 20B2 Basement 2 Floor Plan Revision 02 and 20B3 Basement 3 Floor Plan Revision 02.
- A64. Prior to the issue of a Construction Certificate for above ground works, evidence that a documentary Right of Carriageway and Easement has been created and registered on the Title of the subject site (201-217 Elizabeth Street) is to be submitted to Council's Executive Director City Planning Development and Transport for approval. The documentary Right of Carriageway and Easement is to provide the neighbouring property, 219-227 Elizabeth Street, with unrestricted rights at all times for vehicular access and egress, to Council's satisfaction.

Diagonal and Southern Through-Site Links and Pedestrian Access to Museum Station Link

- A65. Rights of Public Access variable width, limited in stratum, must be created pursuant to Section 88B of the Conveyancing Act, 1919 in accordance with the approved plan.
- A66. The terms of the Rights of Public Access must be to the satisfaction of Council.
- A67. A Positive Covenant must be created pursuant to Section 88B of the Conveyancing Act, 1919. The terms of the positive covenant must include obligations for maintenance of the above easement sites, indemnify Council against loss or damage or liability, and include a requirement for public liability insurance in the amount of \$20 million for any one occurrence.
- A68. The terms of the above easements and positive covenant must be to the satisfaction of Council.

Restriction on the Use of Land – Residential Development

A69. 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.

Restriction on Use of Car Spaces – Hotel

A70. The following conditions apply to car parking:

- (a) The on-site car parking spaces allocated to the hotel accommodation (87 spaces as per the ‘Allocation of Parking’ condition) are not to be used other than by hotel guests, function patrons and staff of the subject building.
- (b) Car parking spaces used in connection with hotel function areas are to be available only to patrons while using the function facilities and must not be used for public car parking.
- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a), above. The covenant is to be created appurtenant to Council, at no cost to Council.

Restriction on Use of Car Spaces – Residential

A71. A restriction on the use of land must be created, prior to the issue of an occupation certificate:

- (a) The on-site car parking spaces allocated to residential occupants (180 spaces as per the ‘Allocation of Parking’ condition) 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 user pursuant to Section 88B of the Conveyancing Act, 1919, burdening all strata lots incorporating car spaces.

Restriction on the Use of Land – Parking on Common Property Areas

A72. 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.

Strata Title Parking Spaces

A73. All parking spaces 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.

Restriction on Strata Subdivision – Hotel

A74. Any strata subdivision of the hotel site to create individual lots for hotel rooms is not permitted.

Allocation For Car Wash Bays

- A75. If car wash bays are provided, 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 all tenants.

Intercom For Visitors

- A76. 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.

Allocation of accessible car parking spaces

- A77. 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.

Signs at Egress

- A78. 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.

Security Gates

- A79. 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.

Service Vehicle Size Limit

- A80. The size of vehicles servicing the property must be a maximum length of 10.6m.

Associated Roadway Costs

- A81. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

Cost of Signposting

- A82. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

Vehicle Access

- A83. All vehicles are to enter and depart the site travelling in a forward direction.

Small Car Parking Spaces

- A84. The design and layout of all off-street small car parking spaces must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.
- A85. All small car spaces must be clearly marked and identifiable as small car spaces. The signs or line markings must be in place and approved by the Principal Certifying Authority prior to an Occupation Certificate being issued and must be maintained in good order at all times.

Swinging Doors Over Public Way

- A86. Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

Sandstone Recycling

- A87. A Geotechnical Report prepared by a suitably qualified geotechnical engineer is to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate. The report is to include an investigation of the nature of the existing subsurface profile using appropriate investigation methodology and borehole testing techniques.
- A88. The Geotechnical Report is to analyse the quality of the material, including contamination, and to assess the suitability of the rock for removal by cutting into quarry blocks for use as high quality building construction material, including for building conservation.
- A89. Subject to confirmation that the rock is of a suitable quality for reuse in other construction, the Geotechnical Report is to include an Excavation Work Method Statement with recommendations as to the depth of the most suitable profile, details excavation methodologies, cutting methods and procedures for the removal of all sandstone material in a useable form and size, noise and dust attenuation measures in addition to recommendations for monitoring, notifications and review.
- A90. In addition, details of any required storage of material off site must be submitted. If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is 'Yellow Block' sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse or sold for conservation work. Storage may be able to be facilitated by the Council or NSW Public Works. The Minister's Stonework Program Manager at NSW Public Works can be contacted on 1300 00 88 88 to discuss procurement or storage of your stone.
- A91. The programming of the works is to take into account, the above process.

Waste and Recycling Management - General

- A92. 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.

Trees Approved For Removal

- A93. All trees detailed in the table below are approved for removal. Tree removal must not occur until Construction Certificate has been issued.

Table 1 – Tree Removal:

Tree Number	Species	Location
23	<i>Ficus microcarpa</i> var. <i>hillii</i> (Hills Fig)	Lower ground courtyard
24	<i>Ficus microcarpa</i> var. <i>hillii</i> (Hills Fig)	Lower ground courtyard

- A94. 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.

Trees That Must Be Retained

- A95. The tree(s) detailed in the table below must be retained and protected in accordance with the conditions throughout development works.
- A96. 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.

Tree Number	Species	Location
1	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Castlereagh St – in front of neighbouring property

2	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Castlereagh St – in front of neighbouring property
3	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Castlereagh St
4	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Castlereagh St
5	<i>Liquidambar styraciflua</i> (Sweet Gum)	Street Tree Castlereagh St – opposite site
6	<i>Liquidambar styraciflua</i> (Sweet Gum)	Street Tree Castlereagh St – opposite site
7	<i>Liquidambar styraciflua</i> (Sweet Gum)	Street Tree Castlereagh St – opposite site
8	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Castlereagh St – opposite site
9	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Castlereagh St
10	<i>Fraxinus pennsylvanica</i> (Green Ash)	Street Tree Castlereagh St
11	<i>Fraxinus pennsylvanica</i> (Green Ash)	Street Tree Castlereagh St
12	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Park St
13	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Park St
14	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Park St
15	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Elizabeth St
16	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Elizabeth St
17	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Elizabeth St
18	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Elizabeth St
19	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Elizabeth St – in front of neighbouring
20	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Park St – opposite site
21	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Park St – opposite site
22	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Park St – opposite site

Tactile Ground Surface Indicators and Handrails

A97. 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.

No Obstructions

- A98. 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.

Paving Materials

- A99. 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".

No Charcoal or Solid Fuel Cooking

- A100. No charcoal or solid fuel cooking is approved as part of this application.
- A101. For the purpose of this condition solid fuel cooking should be defined as any solid material used as a fuel to produce energy and provide heating through combustion for the purpose of cooking. Solid fuels will include but are not limited to wood, charcoal, peat, coal etc.

Public Art

- A102. Public art must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.
- (a) A final Preliminary Public Art Plan is to be submitted to Council, documenting engagement with the Public Art Advisory Panel, prior to issue of any Construction Certificate.
 - (b) The public artwork must be in accordance with a final Preliminary Public Art Plan, the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments.
 - (c) 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.
 - (d) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Executive Director, City Planning Development & Transport prior to the issue of any Occupation Certificate.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <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.

Visitor and Tourist Accommodation - Use And Operation

- A103. The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010 and regulations thereunder and Sydney Development Control Plan 2012 – 4.4.8.

External Lighting

- A104. A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

Air Conditioners Generally

- A105. 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.

No Air Conditioning Units to Façade or Balconies of Building

A106. Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

Signage Strategy

A107. A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

Signs/Goods in the Public Way

A108. No signs or goods are to be placed on the footway or roadway adjacent to the property.

Telecommunications Provisions

A109. Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Registered Certifier prior to a Construction Certificate being issued.

A110. A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Construction Environmental Management Plan

- B1. Prior to the issue of a Construction Certificate a Construction Environmental Management Plan (CEMP) must be prepared by appropriately qualified person for the site and submitted to Council's Area Planning Manager for written approval. The CEMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.
- B2. All works must be undertaken onsite in accordance with the approved Construction Environmental Management Plan.

Construction Traffic Management Plan

- B3. The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- B4. A Construction Traffic Management Plan must be submitted to and approved by Council prior to any Construction Certificate being issued, or commencement of works, whichever occurs first.
- B5. The approved plan must be complied with during any demolition and/or construction work.

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

- B6. With the exception of any recommendations relating to the design of the acoustic plenums/ventilators which is separately addressed by the 'NATURAL VENTILATION - PLENUM DESIGN DETAILS', all relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Pulse White Noise Acoustics, dated 18 December 2024, ref 240314 – 201 Elizabeth Street – Noise and Vibration Impact Assessment – R5, Issue 5, titled '201 Elizabeth Street, Sydney Noise and Vibration Impact Assessment', Council Ref 2025/129833 must be implemented in the development prior to the commencement of its use.
- B7. 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 Condition B6 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.
- B8. 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 Conditions B6 and B7 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).

- B9. All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

Demolition, Excavation and Construction Noise And Vibration Management Plan

- B10. A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate or commencement of works, whichever occurs first. 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 (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

Dilapidation Report – Major Excavation/Demolition

- B11. Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 219-227 Elizabeth Street, 27 Park Street, 197 Castlereagh Street, 201 Castlereagh Street, 201A Castlereagh Street (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

- B12. 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.
- B13. 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.

Parking Design

- B14. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

Allocation of Parking

B15. 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	149
Accessible residential spaces	31
Car share parking	4
Hotel parking (1 small car, 30 tandem spaces)	76
Accessible hotel parking	8
Subtotal	268
Service vehicle spaces (B99 vehicle)	3
Small rigid vehicle loading dock(s) (6.4m long)	2
Medium rigid vehicle loading dock(s) (8.8m long)	1
Waste collection vehicle loading dock(s) (10.6m long, a minimum 4.0m vertical height clearance to be provided in the loading dock, entry ramp and waste truck circulation areas)	1
Total	275

Bicycle Parking and End of Trip Facilities

B16. The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	265	Spaces must be a class 1 bicycle locker [1]
Residential visitor	26	Spaces must be Class 3 bicycle rails
Non-residential staff/employee	79	Spaces must be Class 2 bicycle facilities
Non-residential visitor (12 visitor parking at ground level in a publicly accessible area within the property boundary)	35	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	8	Separate male and female facilities.
Personal lockers	100	Separate male and female facilities.

- B17. All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

Note: 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.

- B18. 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.

Car Share Spaces

- B19. A minimum of 4 car parking spaces for the exclusive use of car share scheme vehicles are to be provided.
- B20. 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.
- B21. 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.
- B22. The spaces must be sign posted for use only by car share vehicles and well lit.
- B23. The car share spaces are to be available at the same time that the car park commences operation.

Heritage Interpretation Plan

- B24. An interpretation plan for the site must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- B25. The interpretation plan must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- B26. The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- B27. Prior to occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Area Planning Manager.

Photographic Archival Documentation (Minor Works)

- B28. Prior to a Construction Certificate being issued, an archival photographic recording of the building at 201 -217 Elizabeth Street, Sydney is to be prepared to Council's satisfaction. The recording is to be in digital form and prepared in accordance with the NSW Heritage Division guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.
- B29. The form of the recording is to be as follows:
- (a) The Development Application number must be noted on the submitted information.
 - (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
 - (c) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
 - (d) The report is to be submitted on a USB or digital file transfer in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each location, image subject/description and date.
 - (e) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the

digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images.

Landscaping of the Site

- B30. A detailed landscape design including plans and details drawn to scale, and technical specification by a registered landscape architect must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
- (a) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure;
 - (b) Location and details of existing and proposed structures on the site including, but not limited to, paving walls, services, furniture, shade structures, lighting and other features;
 - (c) 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;
 - (d) 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;
 - (e) Details of drainage, waterproofing and watering systems;
 - (f) Landscape 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, transport of materials and green waste relevant to level 2 and level 5 landscaping on structure.
- B31. The submission is to be accompanied by relevant drawings from related disciplines, such as architecture, civil and hydraulics, to demonstrate a fully coordinated design suitable for construction.
- B32. All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

Inaccessible (Green) Roofs – Level 13

- B33. A detailed green roof plan including plans and details drawn to scale, and technical specification, by a registered landscape architect must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
- (a) 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.
 - (b) Details of soil types and depth including any mounding.
 - (c) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (d) 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.
 - (e) 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.
 - (f) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.
- B34. Prior to the issue of a Construction Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.

- B35. All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.
- B36. Inaccessible green roofs must be complete prior to the issue of an Occupation Certificate.

Trees - Construction Methodology Statement

- B37. The driveway on Castlereagh Street is to be located so that there are minimal impacts to both Tree 4 and Tree 3
- B38. A construction methodology statement outlining tree sensitive mitigation methods with regard to the demolition and construction of the basement within the TPZ of Trees 3, 4, 9, 10, 15, 16 and 17 is to be submitted to, and approved by Council prior to the issue of any Construction Certificate.
- B39. Awning modifications for appropriate street tree clearances are to be implemented as per arborist recommendations.

Construction Access

- B40. 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.

Tree Root Investigations

- B41. Root investigations must be undertaken to determine the impact from the driveway crossover on Tree 4 - Platanus x acerifolia (London Plane). The root trench must be located along the northern outer edge of the driveway within the TPZ of Tree 4 to a depth to the lowest point of the required excavations and be:
- (a) Carefully removing existing asphalt then 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.
 - (b) Be supervised by a qualified Arborist (minimum AQF Level 5).
- B42. The results of the root investigations must be submitted and approved by the City's Tree Management Unit prior to the issue of any Construction Certificate and include:
- (a) an assessment tree root size, number and condition.
 - (b) a root map and clear photographs of the completed excavation line including points of reference to determine orientation and location on site.
 - (c) 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.

Tree Bond

- B43. A \$255,000 unconditional bond for Trees 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 located in the public domain must be submitted to Council to ensure the retention and protection of the tree(s) prior to the issue of any Construction Certificate.
- B44. The following formula will be used for the retention of all or part of the bond(s):
- (a) An initial breach of any tree protection condition – 20% of the bond for each tree.
 - (b) A second of continuing breach of any tree protection condition – 40% of the bond for each tree.
 - (c) 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.
 - (d) 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.

- B45. The unconditional bond will be retained by Council for a minimum period of 6 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.

Pruning Specification Plan

- B46. A 'Pruning Specification Report' prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to and approved by the City's Tree Management Unit prior to the issue of any Construction Certificate. The report must include:
- (a) Number of branches and orientation, branch diameter, percentage of canopy to be pruned/removed
 - (b) Photos with individual branches which are recommended for pruning/removal to be clearly marked. (Please note reports which include photos with a single vertical line as the area recommended for pruning will not be accepted).
 - (c) A maximum of 5% canopy removal and maximum of 50mm diameter branches will be permitted by Council.
 - (d) Pruning work must be specified in accordance with Australian Standard 4373–2007, 'Pruning of Amenity Trees'.
 - (e) Tree removal must not be recommended in this report.
- B47. All approved tree pruning works must be carried out by a qualified Arborist, with a minimum Level 3 AQF in arboriculture and in accordance with WorkCover's Code of Practice – Amenity Tree Industry.
- B48. Any pruning works under this consent must not result in the death of the tree, the creation of a hazard or in excessive or inappropriate amounts of pruning, which result in the overall shape of the tree becoming unbalanced and/or unstable.
- B49. The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any additional tree pruning works or pruning of any tree roots greater than 40mm in diameter.

Updated Arboricultural Impact Assessment Report

- B50. The Arboricultural Impact Assessment Report must be updated, submitted and approved by City's Tree Management Unit prior to the issue of any Construction Certificate. The updated report must show:
- (a) SRZ locations of Tree 3, 4, 9, 10, 15, 16 and 17.
 - (b) Details in regards to sufficient awning distance clearances to support the future growth of trees impacted
 - (c) Tree sensitive construction methods in regards to the driveway construction within the TPZ of Tree 4
 - (d) Tree sensitive construction methods in regards to the demolition and construction of the basement area within the TPZ of Trees 3, 4, 9, 10, 15, 16 and 17.

Public Domain Damage Bond

- B51. A Public Domain Damage Deposit calculated on the basis of 1,090 square metres of granite paved 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.
- B52. 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.
- B53. The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

Protection of Stone Kerbs

- B54. The existing stone kerbs on the Elizabeth Street, Park Street and Castlereagh Street frontages of the site are to be retained and properly protected during demolition, excavation and construction works.
- B55. To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- B56. Note the following:
- (a) All costs associated with the works are to be borne by the developer.
 - (b) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
 - (c) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
 - (d) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
 - (e) Council approval is required before kerbs are removed.
 - (f) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
 - (g) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

Survey Infrastructure – Identification and Recovery

- B57. 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.
- B58. 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.
- B59. Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

Public Domain Concept Plan

- B60. A public domain concept plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the road centreline, must be prepared in accordance with the City's Public Domain Manual and Sydney Streets Code. It must be submitted to and approved by the City's Public Domain Unit prior to the issue of any Construction Certificate for the development other than for demolition or excavation.

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

Public Domain Levels and Gradients – Major

- B61. 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>.
- B62. Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

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

Stormwater Drainage Design

- B63. Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professionals must be submitted to and approved by the City's Public Domain Unit and must include:
- (a) A certified stormwater drainage design complying with:
 - (i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
 - (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
 - (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
 - (iv) Council's Stormwater Drainage Manual; and
 - (v) All relevant Australian Standards.
- B64. 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.

Stormwater On-site Detention

- B65. 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.
- B66. Where an OSD is not required by Sydney Water one may still be required by the City.

Stormwater Quality Assessment

- B67. The development must comply with Part 2.3 of the Integrated Water Management Plan 241371 report dated 31/7/2024 approved with this development application.
- B68. Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NER) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link report dated 10/2/2025.

Flood Planning Levels

- B69. The development must be constructed to comply with the recommended flood planning levels indicated in plan sheet 2000 of the report titled Response to Flooding and Stormwater Quality Request for Additional Information and Amendments prepared by TTW dated 10/2/2025.
- B70. 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.

Public Domain Lighting Upgrade

- B71. 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>.
- B72. The lighting upgrade plan must cover all adjacent street frontages, being Elizabeth, Park and Castlereagh Streets and shall be designed to include the following requirements:
- (a) Castlereagh, Elizabeth & Park St:
 - (i) Lighting must comply with requirements of AS1158 under Category V1 on roadway and PP1 + 4 Lux on footpaths.
 - (ii) If required supply and install COS smartpoles achieve compliance.
 - (b) Through Site Links:
 - (i) It is recommended lighting must comply with requirements of AS1158 under Category PR1.
 - (c) Notes:
 - (i) Lighting designs must be certified by a suitably qualified practicing lighting engineer and must consist of two parts: illumination design and electrical supply reticulation design. COS can only review electrical reticulation design once receiving final illumination designs.
 - (ii) Lighting design submission requirements are specified in "Sydney Streets Technical Specifications - A5: Street Lighting Design". Notes:
 - Plans should show calculation points as per Australian Standards.
 - Calculation plot scale should not be smaller than 1:250 @ A1
 - Provide a Calculation Summary table showing all relevant light technical parameters and compliance, including Maximum lux levels
 - Highlight all areas of non-compliance
 - (iii) If applicable, Developers must submit site-specific structural footing designs certified by a practicing structural engineer for council review before footing construction.
 - (iv) If applicable, Provide temporary lighting complying with COS public domain lighting specifications prior to removal of existing public lights – if applicable.
 - (v) If applicable, Undertake ASP works required to modify and remove redundant Ausgrid assets and carry out all electrical/civil works to ensure continuity of supply to the remainder of Ausgrid assets on the affected circuits.
 - (vi) Proposals for Building exterior lighting, signage lighting, terrace lighting and lighting of landscape features are to be assessed under a separate DA.
 - (vii) If applicable, under awning lighting must comply with the requirements of COS Awnings Policy using LED luminaires.
 - (viii) All relevant engineering design plans (incl electrical and lighting), design certificates, As-Builts plans, WAE plans, and construction certificates must be submitted for COS review.
 - (ix) All works shall comply with the requirements of all applicable standards and guidelines, including (but not limited to) AS1158, AS4282, and the City of Sydney's A5, B8 and Ausgrid NS119 documents.
 - (x) All new COS lights must be connected to COS's nearest metered supply point (subject to suitability assessment by Developer's electrical contractor). Otherwise, if required, supply and install a new COS 3 phase MSB.
 - (xi) Wall mount lights: Installation must be accessible for maintenance and upgrade by COS-authorized technicians/contractors along the entire length. All cabling shall be installed on the building surface within galvanised steel conduits, MIMS cabling or

a similar approved method. Establish an access easement in favour of COS for ongoing maintenance and upgrade of wall-mounted council lighting, if applicable.

- B73. 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.

Dilapidation Report – Public Domain

- B74. 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/>
- B75. 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.

Temporary Dewatering During Construction

- B76. 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.
- B77. 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.

Food Premises - Detailed Plans

- B78. Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the Australia New Zealand Food Standards Code – 3.2.3 – Food Premises and Equipment under the Food Act 2003 and AS 4674 - Design, Construction and Fit-out of Food Premises.
- B79. Prior to the issue of a Construction Certificate the plans required by (a) of this condition must be submitted to and approved in writing by the Registered Certifier.

Construction and Fitout of Food Premises

- B80. The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 – 2004 Design, Construction and Fitout of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au.

- B81. Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au

Food Premises - Additional Mechanical Ventilation Requirements

- B82. The cooking appliances require an approved air handling system designed in accordance with AS1668.1 - The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and must incorporate the following:
- (a) The discharge exhaust air must be directed in a vertical, or near vertical direction above the roof, and
 - (b) The cooking appliances must not burn any charcoal, wood or other solid fuel.
- B83. Details of the proposed system must be submitted to and approved by Council's Health and Building Unit in writing prior to the issue of a Construction Certificate.

Sanitary Facilities – Food Premises

- B84. The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the National Construction Code (previously known as Building Code of Australia), Part F 3.1, 4.8 and 4.9.

Waste Storage Area

- B85. To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment and comply with the Council Policy for Waste Minimisation in New Developments, and must be:

- (a) Provided with a hose tap connected to the water supply.
- (b) Paved with impervious floor materials.
- (c) Coved at the intersection of the floor and walls.
- (d) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
- (e) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the Protection of the Environment Operations Act 1997 or a nuisance.
- (f) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
- (g) Appropriately managed to Council's satisfaction so that it does not attract pests or create litter.

Note: Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

- B86. Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Registered Certifier prior to the issue of the Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issue of any Occupation Certificate.

Coolrooms

- B87. Coolrooms, refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the National Construction Code (previously known as Building Code of Australia), and:
- B88. The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
- B89. All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- B90. The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- B91. Must be fitted with a door that can be opened at all times from inside without a key.
- B92. An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 dB(A) when measured 3 metres from a sounding device.

Grease and Liquid Waste Traps

- B93. A grease trap as required by Sydney Water must be installed in accordance with the relevant Sydney Water requirements.
- B94. Prior to the issue of a Construction Certificate, plans and details are to be submitted to and approved by the Registered Certifier showing the following:
- (a) The grease trap is not located in any kitchen, food preparation or food storage areas;

- (b) The grease trap is constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
- (c) The grease trap is constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.

Note: In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas. The installation of any grease traps and treatment equipment must be carried out by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia.

Toilets for Food Handlers

- B95. Adequate toilet facilities must be available for food handlers working for the food business. Toilets and associated facilities must be provided in accordance with AS4674 – Design, Construction and Fit-out of Food Premises and the Australia New Zealand Food Standards Code, 3.2.3 - Food Premises and Equipment.
- B96. Details of the location of toilets which are provided exclusively for the use of food handlers and staff working at the business must be submitted for the approval of the Registered Certifier prior to the issue of a Construction Certificate.
- B97. The toilet(s) must be provided with a hand wash basin, with hot and cold running water mixed through a common spout, hand wash soap, hygienic hand drying facilities and hands-free taps.

Waste Rooms (General Waste Areas)

- B98. To ensure the adequate storage and collection of waste from the occupation of the building, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area. The waste storage area must be designed and constructed in accordance with the following requirements to minimise odours, deter vermin, and protect surrounding areas:
 - (a) Provided with a hose tap connected to the water supply;
 - (b) Paved with impervious floor materials;
 - (c) Coved at intersection of the floor and walls;
 - (d) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water)
 - (e) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
 - (f) An adequate lighting system must be provided (natural or artificial) to the waste room to aid with cleaning and the detection of pest activity;
 - (g) Fitted with appropriate interventions to meet fire safety standards in accordance with the National Construction Code.
- B99. Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate.

Mechanical Ventilation

- B100. 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.
- B101. 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.
- B102. 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.

Future Food Use - Mechanical Ventilation Provision

B103. Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings.

Waste And Recycling Management - Residential

B104. The Operational Waste Management Plan accompanying this Development Application has not been approved by this consent. An Operational Waste Management Plan is to be submitted to and reviewed by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must comply with Council's Development Control Plan and Guidelines for Waste Management in New Developments. The plan must address:

- (a) Location of residential food waste bins to be provided for in the bulky waste storage area
- (b) State that the developer is responsible for providing a heavy duty flatbed trolley for moving bulky waste to the loading dock for collection.

Waste Infrastructure – Residential

B105. 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 12mm 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.

Adaptable Housing

B106. Prior to a 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.
 - (i) demonstrating (in a checklist) compliance with Australian Standard AS4299.

Basix Certificate - Details To Be Lodged With A CC

B107. 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.

External Walls and Cladding Flammability

B108. 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.

Floor To Ceiling Height

B109. 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.

Demolition/Site Rectification

B110. The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) A bank guarantee to be provided in the sum of \$975,250 dollars as security for the costs of such works provided that:
 - the maximum liability under the Deed must not exceed \$975,250 dollars; and
 - the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - demolition of the existing building has commenced but not been completed;
 - the existing building has been demolished; or
 - the site has been excavated; or
 - the erection of the structure has commenced.
 - (iii) That it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - make the building safe and of an appearance acceptable to Council at ground level;
 - allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenantable stage.
 - AND to call on such bank guarantee to cover the cost thereof.
- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a

building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

- (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
 - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
- (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
 - (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.
 - (iii) Stage 3 – Issue of the Occupation Certificate.
- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
- (i) Certification (from the principal certifier) that the relevant stage is complete;
 - (ii) Detailed schedule of completed works carried out in the relevant stage;
 - (iii) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

Installation Of Artwork And Images On Scaffolding (Demolition / Construction Wraps)

B111. Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality and add visual and public art in the streetscape.

B112. The artwork installation must be printed, installed and maintained in accordance with Council's Guidelines for Hoardings and Scaffolding. Details of the proposed installation must be submitted to and approved by Council prior to the issue of a construction certificate or work commencing.

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

Design For Environmental Performance

B113. Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report are incorporated into the relevant construction plans and accompanying documentation:

- (a) Section 4 – Energy Efficiency and Greenhouse Gas Abatement
- (b) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
- (c) Section 6 – On site Renewable Energy Generation and Storage
- (d) Section 7 – Design for Resilience to Climate Change
- (e) Section 8 – Designing for mains potable water savings and water efficiency
- (f) Section 9 – Storm water quality

B114. Changes to any commitments as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager/Coordinator prior to the issue of any relevant Construction Certificate.

Energy Performance – NABERS

B115. The design of the building and its services must achieve a National Australian Built Environment Rating System (NABERS) Energy rating of 4 Star in operation for the hotel accommodation portion of the 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 hotel accommodation portion of the 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.

B116. The required documents specified above are to be submitted to and approved by Council's Area Planning manager prior to the issue of a Construction Certificate.

Note: Definitions referred to above are as follows:

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

Energy Performance – Green Star

B117. The design of the building must achieve 5 Star Green Star Buildings certification, with all Minimum Expectations met plus a minimum of 18 points. This is to be demonstrated by:

- (a) Registering the project with the Green Building Council of Australia (GBCA) for a rating under the Green Star Buildings v1 tool. Formal confirmation of registration with the GBCA is required.
- (b) Completing a Green Star Buildings v1 Submissions Planner, which clearly identifies how the proposed star rating will be achieved and what credits will be targeted; and
- (c) Providing a copy of an energy modelling report prepared by a suitably qualified person. Reports prepared under the reference building pathway must demonstrate compliance with all Green Star requirements. The report must demonstrate compliance with minimum expectation and credit achievement requirements.

Minimise Impact Of Pool On Neighbouring Properties

B118. To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area, the design and construction of the swimming pool/spa and associated equipment and fencing must comply with the following requirements:

- (a) The Swimming Pools Act 1992 and Regulations.
- (b) The swimming pool must have safety barriers installed in accordance with the requirements of AS 1926.1 - 2007 - 'Safety barriers for swimming pools' and AS 1926.2 - 2007 'Location of safety barriers for swimming pools'.
- (c) Australian Standards 1926.3 - Water Recirculation and Filtration; and
- (d) Protection of the Environment Operations Act 1997

Swimming Pool - Consultation with Ausgrid

B119. Ausgrid must be consulted in respect to the location of the proposed swimming pool relative to any overhead electrical wiring within a distance of 9 metres around the pool. Details of consultation with Ausgrid are to be submitted to the Registered Certifier prior to a Construction Certificate being issued.

Swimming Pool - Waste And Overflow Waters

B120. Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for a Construction Certificate to the satisfaction of the Registered Certifier.

Telecommunications in New Developments

B121. Prior to the issue of a 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.

Utility Services

B122. 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.

Dewatering – Approval NSW Office of Water

B123. If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water under the provisions of Part V of the Water Act 1912. The NSW Office of Water licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

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

Electricity Substation

B124. 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 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.

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

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

Certified Drawings

- C3. Prior to the commencement of construction, the Applicant must submit to submit and obtain approval from the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.
- C4. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier.

Use of a Structural Engineer

- C5. A suitably qualified practising structural engineer is to be commissioned to work with the consultant team throughout the design development, contract documentation and excavation stages of the project. The engineer is to be involved in the resolution of all matters relating to the excavation of the basement. The structural engineer is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of excavation issues throughout the project.

Excavation and Construction Methodology

- C6. A Detailed Excavation and Construction Methodology is to be prepared by the builder engaged for the project. The methodology must be endorsed by the structural consultant engaged as per the 'Use of a Structural Engineer' condition above and submitted to the Principal Certifier prior to commencement of excavation or construction works whichever is the earlier.
- C7. Excavation is to be carried out in accordance with the methodology.

Use of Geotechnical Engineer

- C8. A suitably qualified geotechnical engineer is to be commissioned to work with the consultant team throughout the design development, contract documentation and excavation stages of the project. The engineer is to be involved in the resolution of all matters relating to the excavation to extend the existing basement. The geotechnical engineer is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of excavation issues throughout the project.
- C9. The recommendations of the geotechnical engineer engaged must be implemented, and where relevant be included in the Excavation Work Method Statement required by a separate condition below.

Demolition, Excavation and Construction Management

- C10. Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:
 - (a) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
 - (b) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (c) An Excavation Work Method Statement prepared by an appropriately qualified person.

- (d) A Waste and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.
- (e) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

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

- C11. Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; City's Guidelines for Waste Management in New Developments 2018, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
- (a) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
 - (b) The name and address of the company/contractor undertaking demolition/excavation works.
 - (c) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (d) The name and address of the transport contractor.
 - (e) The type and quantity of material to be removed from site.
 - (f) Location and method of waste disposal and recycling.
 - (g) Proposed truck routes, in accordance with this development consent.
 - (h) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (i) Measures to control noise emissions from the site.
 - (j) Measures to suppress odours.
 - (k) Enclosing and making the site safe.
 - (l) Induction training for on-site personnel.
 - (m) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
 - (n) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
 - (o) Disconnection of utilities.
 - (p) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (q) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - (r) Waterproofing of any exposed surfaces of adjoining buildings.
 - (s) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
 - (t) Working hours, in accordance with this development consent.
 - (u) Any SafeWork NSW requirements.

- C12. The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.
- C13. All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.
- C14. These records must be available for sighting on request by an authorised Council officer.

Erosion and Sediment Control

- C15. Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifier. The ESCP must:
- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
 - (b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas
 - (v) existing and proposed drainage patterns with stormwater discharge points
 - (vi) north point and scale
 - (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
 - (viii) frequency and nature of any maintenance program
 - (ix) other site-specific soil or water conservation structures.

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

- C16. 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.
- C17. Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding; and the conditions of approval (Permit) granted including:
- (a) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (b) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (c) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);

- (d) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (e) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
 - (f) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
 - (g) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
 - (h) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
 - (i) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).
- C18. If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be made to Council to obtain approval.

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

Other Approvals

- C19. Any activity which is proposed to be undertaken in, on or above a road reserve or the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the *Local Government Act 1993* and/or Section 138/139 of the *Roads Act 1993* prior to the commencement of work/activities within the road reserve/public domain. Such activities include but not limited to:
- (a) installation of construction-related temporary structures including hoardings/scaffolding;
 - (b) installation and/or alterations to advertising/business signs;
 - (c) installation and/or alterations to street awnings;
 - (d) crane operation and other hoisting activities;
 - (e) temporary works (e.g. barricading, road openings, mobile hoisting devices);
 - (f) works zones (for loading and unloading from the roadway); and
 - (g) temporary ground anchoring and shoring to support a roadway when excavating; and
 - (h) any other structure or encroachment including facade elements/architectural features.

Underground Petroleum Storage System - Decommissioning Report

- C20. The underground petroleum storage system must be investigated for contamination and a site investigation report obtained from a suitably qualified Environmental Consultant in accordance with NSW Environmental Protection Authority guidelines, must be submitted to Council's Area Planning Manager within 60 days of completion of either validation that no site remediation is necessary or completion of any necessary remediation works. The report must provide confirmation that the site is suitable for continued approved land use or prior approved remediation criteria.
- C21. The report must be undertaken in accordance with clause 13 and 15 of the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2014 and the NSW Department of the Environment, Climate Change and Water Underground Petroleum Storage System Technical Note: Site Validation Reporting – January 2010 and Guidelines for Consultants Reporting on Contaminated Sites (NSW Office of the Environment and Heritage 2011).
- C22. The decommissioning report must contain:
- (a) A description of the scale and nature of any contamination originally present,

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

Contamination/Remediation/Decommissioning Of Underground Petroleum Storage Tanks

- C23. The removal of underground petroleum storage tanks must be undertaken in accordance with Safework NSW requirements which include writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed and all relevant EPA NSW Guidelines and Australian Standards including the following;
- (a) Guidelines for implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 Dec 2020
 - (b) Contamination assessment of Service Station Sites NSW EPA July 2023
 - (c) AS 1940 –2004: Storage and handling of flammable and combustible liquids
 - (d) AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks
- C24. A site contamination assessment must be conducted in accordance with Consultants Reporting on Contaminated Land- Contaminated Land Guidelines NSW EPA 5 May 2020 and the Sampling Design Guidelines (NSW Environmental Protection Authority August 2022) to determine whether petroleum has contaminated soil and groundwater in the vicinity of the storage system and whether remediation is required to ensure the land remains suitable for the continued approved land use.
- C25. Subsequent remediation of the site must be undertaken in accordance with the Managing Land Contamination – Planning Guidelines (Department of Urban Affairs and Planning 1998) and the State Environmental Planning Policy (Resilience and Hazards 2021) including notification to Council's Area Planning Manager at the start and completion of land remediation.
- C26. The removal or in-situ decommissioning of the underground petroleum storage system and any subsequent contamination assessment, preparation of a remediation strategy and final decommissioning reporting must be carried out by a duly qualified person, who has competencies and experience in relation to this area of work that are recognised as appropriate by the relevant industry and the NSW Environmental Protection Authority.

Street Tree Pruning

- C27. 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.
- C28. 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'.

Tree Protection Zones (for street trees)

Tree No.	Species Name	Tree Location	TPZ Radius (m) from trunk	SRZ radius (m) from trunk
3	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Castlereagh St	6.0	2.7
4	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Castlereagh St	5.4	2.7
9	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Castlereagh St	4.8	2.5
10	<i>Fraxinus pennsylvanica</i> (Green Ash)	Street Tree Castlereagh St	4.8	2.5
11	<i>Fraxinus pennsylvanica</i> (Green Ash)	Street Tree Castlereagh St	3.6	2.3
12	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Park St	4.2	2.3
13	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Park St	4.2	2.3
14	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Park St	4.2	2.3
15	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Elizabeth St	6.0	2.7
16	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Elizabeth St	6.0	2.7
17	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Elizabeth St	6.0	2.7
18	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Elizabeth St	2.0	1.5

C29. All street trees located adjacent to the site along Castlereagh St, Park St and Elizabeth St must be retained and protected in accordance with Australian Standard 4970 'Protection of trees on development sites' and as follows:

- (a) 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.
- (b) 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 or any street trees.
- (c) Temporary signs or any other items must not be fixed or attached to any street tree.
- (d) Where installed, hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on exposed tree roots.
- (e) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the City of Sydney Tree Team.
- (f) Any damage sustained to street tree(s) as a result of any construction activities (including demolition), must be immediately reported to the City of Sydney Tree Team on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.
- (g) Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

Public Domain Works - Construction Approval Under Section 138 Roads Act 1993

- C30. 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.

Operating Hoisting Devices Including Building Maintenance Units Over A Public Road

- C31. If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council prior to the installation of such devices.

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

PART D DURING CONSTRUCTION

Site Notice

- D1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- D2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Demolition

- D3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition C4.

Air Quality

- D4. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D5. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Emergency Management

- D6. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

Survey

- D7. All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

Check Surveys During Construction

- D8. Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying and Spatial Information Act, 2002, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries and is in accordance with approved setbacks. This survey shall be provided to the Principal

Certifier prior to the concrete pour. The concrete pour must not take place until the Principal Certifier receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site, and is compliant with the setbacks approved under this consent.

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

- D9. All works conducted on site which form part of this development must be carried out in accordance with the approved Demolition, Excavation and Construction Management Plan prepared in accordance with this consent.
- D10. Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP) Such periods must be set and agreed to by Council's Health and Building Unit.

Use of Intrusive Appliances – Not Approved

- D11. This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992".
- D12. A separate Section 4.55 application must be submitted to the Council for the use of any equipment of a highly intrusive nature (such as pile drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992.

Asbestos Removal Works

- D13. All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.
- D14. A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.
- D15. Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- D16. All work must be carried out in accordance with the Work Health and Safety Regulation 2017 and the NSW Government and SafeWork NSW document entitled How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011 and the City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines.
- D17. The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- D18. Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The

signs must be in accordance with AS 1319 -1994 Safety Signs for the Occupational Environment for size, illumination, location and maintenance.

- D19. Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- D20. No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- D21. No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- D22. A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.
- D23. The site notice board must include the following:
 - (a) contact person for the site
 - (b) telephone and facsimile numbers and email address and
 - (c) site activities and time frames.

Land Remediation (No Site Auditor Engaged - Low Level Of Risk)

- D24. The site is to be remediated and validated in accordance with the recommendations set out within the Remedial Action Plan, prepared by Douglas Partners dated 23 August 2024 reference 213645.06.R.002.Rev0.
- D25. 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 and the Principal Certifier.

Notification - New Contamination Evidence

- D26. Council's Area Planning Manager and the Principal Certifier must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.

Imported Fill Materials

- D27. 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.
- D28. The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:
 - (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
 - (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (2022) Sampling Design Guidelines.

Classification Of Waste

- D29. Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste (November 2014). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for a particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Discharge of Contaminated Groundwater

- D30. Contaminated groundwater must not be discharged into the City's stormwater drainage system.

- D31. 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.

Stockpiles

- D32. 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.
- D33. All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.
- D34. All stockpiles of soil or other materials likely to generate dust or odours must be covered.
- D35. All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours.

Site Validation Report (No Site Auditor Engaged - Low Level Of Risk)

- D36. Prior to the issue of any Occupation Certificate, a Site Validation Report is to be forwarded to Council's Area Coordinator Planning Assessments / Area Planning Manager for written approval. The validation report is to be prepared by a suitably qualified environmental consultant with experience in land contamination and New South Wales EPA contaminated land legislation and guidelines including the Contaminated Land Management Act 1997. The report is to satisfactorily document the following.
- (a) The extent of validation sampling, and the results of the validation testing.
 - (b) That the remediation and validation of the site has been undertaken in accordance with Remedial Action Plan prepared by Douglas Partners reference 213645.06.R.002.Rev0 dated 23 August 2024.
 - (c) That the site is suitable for the proposed use.

Tree Sensitive Excavation

- D37. 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 Tree (Root) Protection Zone Schedule:

Tree No.	Species	Tree Location	TPZ Radius (m) from Trunk	SRZ (m) from Trunk
3	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Castlereagh St	6.0	2.7
4	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Castlereagh St	5.4	2.7
9	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Castlereagh St	4.8	2.5
10	<i>Fraxinus pennsylvanica</i> (Green Ash)	Street Tree Castlereagh St	4.8	2.5
11	<i>Fraxinus pennsylvanica</i> (Green Ash)	Street Tree Castlereagh St	3.6	2.3

12	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Park St	4.2	2.3
13	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Park St	4.2	2.3
14	<i>Lophostemon confertus</i> (Brush Box)	Street Tree Park St	4.2	2.3
15	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Elizabeth St	6.0	2.7
16	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Elizabeth St	6.0	2.7
17	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Elizabeth St	6.0	2.7
18	<i>Platanus x acerifolia</i> (London Plane)	Street Tree Elizabeth St	2.0	1.5

- D38. Excavation must not occur within the SRZ. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately, and the excavation must be carried out in accordance with Council's direction.
- D39. 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.
- D40. 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.
- D41. 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'.
- D42. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

Site Supervision And Reporting

- D43. 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.
- D44. The Arborist must undertake every 2 months inspections through the development works.
- D45. The Arborist must certify compliance with each key milestone detailed below:
- 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;
 - Demolition of ground surface materials (pavers, concrete, grass etc.) or inground structures within the TPZs of any tree to be retained;
 - Excavation and trenching within the TPZs;
 - Construction of the driveway within the TPZ of Tree 4 - *Platanus x acerifolia* (London Plane) adjacent to Elizabeth St.
 - Landscape works within the TPZs;

- (f) Other times as specified in the Arboricultural Impact Assessment Report, Tree Protection Plan or these conditions.
- D46. 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:
- (a) Confirmation that the tree protection measures have been installed in accordance with these conditions;
 - (b) Details of any additional tree protection recommendations and subsequent implementation to ensure the tree(s) remain in a healthy condition;
 - (c) Details of works undertaken on any tree to be retained or any works within the TPZs.
- D47. 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 Occupation Certificate.

Public Domain Works Security Bond

- D48. 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.
- D49. 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.
- D50. The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to the 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.

Drainage and Service Pit Lids

- D51. All existing or proposed drainage and service pit lids throughout the public domain must be to City of Sydney specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

Public Domain Plan Detailed Documentation For Construction

- D52. 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.
- D53. 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>.
- D54. The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients

documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, details must be submitted for approval with the public domain plan and additional fees may apply.

Hold Points

- D55. Prior to an approval being issued for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works, a set of hold points will be provided by the City's Public Domain Unit in accordance with the City's Public Domain Manual and Sydney Streets Technical Specification. The list of hold point inspections will be included in the Public Domain works approval letter.
- D56. These hold point inspections must be adhered to during construction works. Prior to the issue of any Occupation Certificate, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Principal Certifier.

Stormwater Drainage Connection

- D57. 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.

Public Domain Lighting Reticulation

- D58. 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.
- D59. 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>
- D60. 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.

Hours Of Work And Noise – CBD

- D61. The hours of construction and work on the development must be as follows:
- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
 - (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

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

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

Erosion and Sediment Control

- D62. The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.
- D63. During the construction period: -
- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
 - (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
 - (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

Hazardous and Industrial Waste

- D64. Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:
- (a) Protection of the Environment Operations Act 1997
 - (b) Protection of the Environment Operations (Waste) Regulation 2005
 - (c) Waste Avoidance and Resource Recovery Act 2001
 - (d) Work Health and Safety Act 2011
 - (e) Work Health and Safety Regulation 2017.

Vehicle Cleansing

- D65. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Loading And Unloading During Construction

- D66. The following requirements apply:
- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
 - (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
 - (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
 - (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

No Obstruction of Public Way

- D67. Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

Access Driveways to Be Constructed

D68. Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

Use of Mobile Cranes

D69. The following requirements apply:

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

Covering of Loads

D70. All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Sydney Water Certificate

D71. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

D72. 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.

D73. 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.

D74. The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to any Occupation Certificate or subdivision/strata certificate being issued.

PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE/ COMMENCEMENT OF OPERATION

Waste Chute – Acoustic Construction Performance Verification

- E1. Prior to the issue of an Occupation Certificate, the chute/s construction are to be verified by an appropriately qualified acoustic consultant to the satisfaction of the principal certifying authority to achieve:
- (a) an RW + Ctr of not less than 55 if the adjacent rooms are habitable rooms (includes a kitchen, laundry and hallway) and achieve a DnT,w + Ctr of not less than 50 in verification prior to occupation, and
 - (b) an LnT,W + CI of not more than 55 if the adjacent rooms are habitable rooms (includes a kitchen, laundry and hallway) and achieve a L'nT,w + CI of not more than 55 in verification of the construction methodology prior to occupation.

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).

External Walls and Cladding

- E2. Prior to the issue of the occupation certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Physical Models

- E4. Prior to the issue of any Occupation Certificate an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the City Model in Town Hall House.

Note:

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

Submission Of Electronic Cad Models Prior To Occupation Certificate

- E5. 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.
- E6. The data required to be submitted within the surveyed location must include and identify:
- (a) building design above and below ground in accordance with the development consent;
 - (b) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (c) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.
- E7. 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.
- E8. 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.

Waste and Recycling Collection Contract – Commercial

- E9. Prior to the issue of an Occupation Certificate or commencement of the use, whichever is earlier, the building owner/tenant is to enter into a contract with a licensed waste service provider for the removal of all waste and recycling stream(s). A copy of the commercial waste and recycling contract and invoices are to be made available upon request by an authorised Council officer at any time.

Waste and Recycling Management Commercial

- E10. Prior to the issue of an Occupation Certificate, the Principal Certifier is to ensure all waste management, collection, loading and supporting infrastructure is provided in accordance with the stamped plans, approved Operational Waste Management Plan and specifications approved at the Construction Certificate.

Waste and Recycling Management – Residential

- E11. 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:
- (a) All waste management facilities, storage, and collection infrastructure to be supplied and 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.
 - (b) 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.
- E12. 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.
- E13. An updated Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery Unit that aligns with the latest version of architectural plans and waste related updates identified during the site inspections. The plan is to be reviewed by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate.
- E14. 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.
- E15. 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.

Compliance with Hazardous Materials Survey Report

- E16. All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report (prepared by Douglas Partners, Ref. 213645.07.R.001.Rev1, dated 26 July 2024), as approved must be complied with.
- E17. Prior to the issue of any Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (Australia Institute of Occupational Hygienists) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report and that the site is safe for future occupation in accordance with the approved use.

Public Domain Works Completion

- E18. 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.
- E19. The public domain work must be inspected and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

Public Domain Completion - Work As Executed Documentation

- E20. 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.

Stormwater Completion Deed Of Agreement And Positive Covenant

- E21. 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.

Survey Infrastructure – Restoration

- E22. Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
- (a) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with
 - (b) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and
 - (c) Timestamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

Constructed Floor Levels

- E23. A certification report prepared by a suitably qualified practitioner engineer (NER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of plan sheet 2000 within the report titled Response to Flooding and Stormwater Quality Request for Additional Information and Amendments prepared by TTW dated 10/2/2025.

Flood Risk Management

- E24. 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.

Notification of Conduct Of Food Business

- E25. The use must not commence until the food business has notified Council with their food business details in accordance with the Food Act 2003 and The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4.
- E26. An Occupation Certificate must not be issued until such notification has been received by Council in accordance with Clause (a) of this condition.

Survey Certificate at Completion

- E27. A Survey Certificate prepared by a Registered Surveyor must be submitted to the Principal Certifier at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

BASIX

- E28. All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate being issued.

PART F POST OCCUPATION

Operation of Plant and Equipment

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

Warm Water Systems and Cooling Systems

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

Unobstructed Driveways and Parking Areas

- F3. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Use of Communal Open Space

- F4. The communal open space at ground level (indoor and outdoor) at levels 11 and 12 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.
- F5. The use of the outdoor communal open space is restricted to between 8.00am and 10.00pm, Mondays to Sundays.

No Spruiking Noise

- F6. No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

No Speakers or Music Outside

- F7. Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain, unless otherwise permitted in the approved acoustic report. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

Plan of Management

- F8. The use must always be operated / managed in accordance with the Plan of Management '201-217 Elizabeth Street, Sydney State Significant Development Application (SSD-64090972) Hotel Plan of Management', prepared by Tuscan Corp Pty Ltd and dated 1 August 2024, approved by this consent. In the event of any inconsistency, the conditions of this consent will prevail over the Operational Management Plan.

Copies Of Consents And Management Plans

- F9. A full and current copy of all current development consents for the operation of the licensed premises, and the Plan of Management (once approved) must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

Surveillance Cameras

- F10. CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:
- (a) principal entrance/s and exits;
 - (b) all areas within the premise occupied by the public (excluding toilets);

- F11. All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the identification of patrons, offenders and incidents within the depth of field view of the cameras.
- F12. CCTV recordings shall have time and date auto recorded and be retained for 28 days before being re-used, destroyed or deleted. A digital copy must be handed to the Council or Police Officer on request.
- F13. All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. All reasonable steps must be taken to ensure repairs to the system are completed as soon as practicable within 24 hours.
- F14. The CCTV recording device must be kept in a secured location.

Removal Of Glass

- F15. Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises (except from any approved bottle shop area) or approved outdoor dining area included in the boundaries of the licensed premises.

Noise From Glass Removal

- F16. Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

Neighbourhood Amenity

- F17. Signs must be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage must be in bold letters not less than 25mm in height on a contrasting background.
- F18. The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

Queuing

- F19. No persons are to be permitted to drink or queue outside the premises at any time. Security officers are to ensure that there is no queue for the premises and take all reasonable steps to ensure compliance with this condition.

Incidents – Recording and Notification

- F20. The manager/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

Noise – Structure Borne Impact on Separate Residential Premise

- F21. Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate residential accommodation:
 - (a) LA1, Slow 15 minute $\leq$ LA90, 15 minute dB(A).

Noise Structure Borne Impact on Separate Commercial Premise

- F22. Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate commercial premise:
 - (a) LA1, Slow 15 minute $\leq$ LA90, 15 minute +3 dB(A)

Vibration

- F23. Operation of the use is not to result in the transmission of any perceptible vibration to an occupiable area within a separate premises.

Noise – Entertainment

- F24. The LAeq, 15 minute noise level from the use must not exceed the background noise level (LA90, 15minute) 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.

- F25. The LAeq, 15 minute noise level from the use must not exceed the background noise level (LA90, 15 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.
- F26. Notwithstanding (F30) above, the LAeq, 15 minute noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:
- (a) The existing internal LA90, 15 minute (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
 - (b) If the LZ90, 15 minute background level is below the hearing threshold curve (Tf Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's LZeq 15 minute noise criteria level.
- F27. Notwithstanding (F31) above, the LA1 15 minute noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:
- (a) The existing internal LA90, 15 minute (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,
 - (b) If the LZ90, 15 minute minus 10 dB level is below the hearing threshold curve (Tf Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's LZ1 15 minute noise criteria level.

Note: Leq, L01, and L90, metrics and 'A' (weightings) are as per the definitions in the standard AS105520148. 'Z' means unweighted noise. An internal LA90 level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External LA90 levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

Noise Commercial Plant/Industrial Development

- F28. Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI) unless agreed to by the City's Area Planning Manager. Further:
- (a) Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.
 - (b) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- F29. An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
- (a) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
 - (b) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- F30. Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

On-site Loading Areas and Operation

- F31. 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.
- F32. 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.

Loading Dock and Servicing Management Plan

- F33. A Loading Dock Management Plan is to be prepared for distribution to relevant tenants outlining how the loading dock will be managed and used by all relevant tenants and not only the hotel. The Plan must include, but is not limited to, management of deliveries to ensure vehicles are not waiting on public streets to enter the site. The plan also details about the traffic management of one way vehicle access on Pitt St to and from the loading dock.
- F34. The Loading and Servicing Management Plan must include the strategy for the management of all servicing of the site including delivery vehicles, garbage collection, service vehicles and should include information such as arrivals to the site, the anticipated numbers of arrivals per week, time of day of the arrivals, length of stay, vehicle type etc. along with how these will be managed to prevent disruption to public streets.
- F35. The plan is to be prepared and submitted to and approved by Council's Area Planning Manager, prior to issue of an Occupation Certificate.
- F36. Once approved, this management plan is to be provided to all relevant tenants and external users of the loading area.

Transport Access Guide

- F37. A Transport Access Guide must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times. The following information shall be submitted to and approved by Council's Area Planning Manager, prior to the issue of an Occupation Certificate for the site/use:
 - (a) A Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes.
 - (b) Nearby suitable drop off/pick up locations, taxi rank, public car parking to assist who need point to point transport.
 - (c) Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

Stacked And Tandem Parking Employees Or Tenants Only

- F38. Any stacked and tandem parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked and tandem parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to any Occupation Certificate being issued. The moving of stacked vehicles must occur wholly within the property.

Guest Pick-Up and Drop-off, Coach Parking And Porte-Cochere Management Plan

- F39. A Coach Parking, Guest Pick-Up and Drop-off and Porte-cochere Management Plan is to be submitted demonstrating management of all vehicles associated with guest arrivals, departures and tours and its potential impacts on surrounding streets. The plan is to be prepared and submitted to and approved by Council's Area Planning Manager prior to issue of an Occupation Certificate. The Plan is to include the following:
 - (a) Details of porte-cochere management;
 - (b) Details on how point to point transport accessing the proposed development will be managed;
 - (c) Management of tandem and or stacked car parking spaces and or valet operation (if any);
 - (d) Location coach (for larger than 7.7m buses, if occasionally required)/bus parking spaces available in proximity to the site, pedestrian travel paths and the reasonability of the

assumption (distance, travelling with luggage, grades, crossings) and how arrivals will be managed;

- (e) The applicant should utilise nearby existing coach parking areas to service the hotel use (for larger buses/ coach);
 - (f) Management of limousine and or similar wedding/ function;
 - (g) Management of guests, luggage and/or trollies to ensure the public footpath remains unobstructed for use of pedestrians;
 - (h) Details of coach/ bus operations/ group tours/ airport shuttle including:
 - (i) Coach types (size);
 - (ii) Number per week and arrival and departure time of day; and
 - (iii) Length of stay.
 - (i) Details to demonstrate that the forecast coach demand could adequately be accommodated on-site without significant impacts on people walking and riding a bicycle, general traffic and public transport operation; and
 - (j) Mitigations measures should any impacts be identified.
- F40. The plan must include a coordination strategy with adjacent hotels or similar establishments to ensure efficient use and maximum utilisation of available kerbside coach parking spaces. Any changes proposed to be sought to street parking restrictions to accommodate guest drop-off and pick-up, including locations and proposed restrictions. Contact should be made with Council Traffic Operations Manager-North.
- F41. The plan (and any updates to the plan), shall be implemented and adhered to at all times by the applicant following the issue of the Occupation Certificate.

Bicycle Parking Signage And Wayfinding Plan

- F42. Signage directing users to the bicycle parking and the End of Trip facility is to be installed from the street level between the main entry point/s, bike parking and End of Trip facilities. In addition, signage directing vehicle drivers using the parking areas, including on the ramp, to watch for people accessing the bike parking is to be installed. Signage can include on the ground line marking.
- F43. Signage is to be generally in accordance with signage in Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. The signage plan must be submitted to and approved by Area Planning Manager of the Council prior to the Occupation Certificate for the site being granted.
- F44. Signage is to be installed and approved by the Certifying Authority prior to an Occupation Certificate being issued and must be maintained in good order at all times.

Scheduled Collections - Commercial

- F45. 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.
- F46. 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.
- F47. Unobstructed access is to be provided for waste collection vehicles to set down within 10m of the waste storage and collection area(s) during zone collection times on collection days.
- F48. 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.

Ongoing Waste Management - Residential

- F49. 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.
- F50. 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.
- F51. 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.
- F52. 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.
- F53. 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.
- F54. Commercial waste and recycling stream(s) and supporting infrastructure to be stored in a separate lockable, enclosed, and walled area free from the residential waste and recycling stream(s) rooms. The residential rooms to have relevant locks to inhibit commercial tenants access to Councils residential waste streams.

Scheduled Collections – Residential

- F55. 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.
- F56. 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.
- F57. 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.
- F58. Unobstructed access to be provided for Councils standard waste collection vehicles to access the waste and recycling storage area(s), loadings bays and supporting infrastructure between the hours 6am and 6pm on collection day(s) to support the provision of a safe and efficient waste collection service to the site.

Ongoing Waste Management – Commercial

- F59. The ongoing use of development/tenancy must be in accordance with the approved Operational Waste Management Plan, Council's Guidelines for Waste Management in New Developments, the City of Sydney's DCP, and the developments Conditions of Consent.
- F60. 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.
- F61. 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.
- F62. Scheduled collections and waste management arrangements of the development/tenancy is the responsibility of the business owner or property manager and are to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan and this consent. These arrangements include:
 - (a) arranging an adequate number of bins and the servicing regime matched to the needs of the premises.

- (b) actively managing waste streams and supporting infrastructure to ensure bins are not overflowing, damaged or leaking and lids are fully closed at all times.
- (c) routine cleaning and maintenance of waste storage area(s) to inhibit the permeation of odour and prevent litter and pests.
- (d) the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney.

F63. Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.

Defects Liability Period - Public Domain Works

F64. 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.

Hot Water Service

F65. The capacity of the hot water service must ensure that a constant supply of hot water is provided to the premises at all times for all sinks and basins including hand wash basin/s. The temperature of the hot water provided to the sinks must be in accordance with AS4674 – Design, Construction and Fit-out of Food Premises and the Australia New Zealand Food Standards Code 3.2.2 - Food Safety Practices and general requirements.

Encroachments - Public Way

F66. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Encroachments – Neighbouring Properties

F67. No portion of the proposed structure shall encroach onto the adjoining properties.

Energy Performance Certification – NABERS

F68. The building and its services must achieve a National Australian Built Environment Rating System (NABERS) Energy rating of 4 star in operation for the hotel portion of the building. Within 24 months from the day on which an occupation certificate is issued, a NABERS Energy rating application for the development is to be prepared by a NABERS Accredited Assessor and lodged with the NABERS National Administrator. Once certified, a copy of the NABERS certificate and report are to be submitted to Council.

F69. The NABERS report must demonstrate the following:

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

Energy Performance Certification – Green Star

F70. Within 24 months from the day on which an occupation certificate is issued, a Green Star certificate, along with reporting confirming that the required level of achievement in 5 star Green Star rating under the Green Star Buildings v1 tool has been met, is to be submitted to Council.

Car Park Ventilation

F71. The car park must be ventilated in accordance with the National Construction Code (previously known as Building Code of Australia) and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

Car Wash Bays

F72. All car wash bays must have connections to water and sewer.

- F73. All car washing must be conducted in a wash bay which is roofed and bunded to exclude rainwater, and which is graded to an internal drainage point connected to sewer in accordance with the trade waste agreement obtained from Sydney Water. Car wash run off must not enter the stormwater drainage system or give rise to water pollution.

Number Of Adults Per Room

- F74. No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- F75. The total number of adults residing in one unit must not exceed twice the number of approved bedrooms.

Occupation Certificate To Be Submitted

- F76. An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

PART G GOVERNMENT AGENCY CONDITIONS

TfNSW

Conditions as advised by TfNSW are as follows:

Comment

The development involves excavation and is in close proximity to the Cross City Tunnel. To mitigate any impacts: i) further consultation is required with TfNSW and Transurban and ii) approval is to be obtained prior to construction commencing to ensure the development will not adversely impact the Cross City Tunnel, its infrastructure, and assets.

G1. Recommended condition

Before the issue of a Construction Certificate, the developer must submit the following documents for assessment/review and approval by Transport for NSW (TfNSW) and Transurban CCT Pty Ltd to ensure the development will not adversely impact the Cross City Tunnel, its infrastructure, and assets. Noting the comments/requirements below, written approval must be provided by TfNSW in relation to the acceptance of the design before the Construction Certificate is issued:

- (a) Independent Stress Assessment: As highlighted in the conclusion of the Geotechnical Report (prepared by Douglas Partners with reference Project 213645.05, Revision 1 dated 15.8.24), TfNSW requires that prior to any on-site work, the designer or structural engineer conduct an independent evaluation of the stresses in the shotcrete, taking into account the predicted rock deformations detailed in the report.
- (b) Additional Clarifications and Requirements from Transurban CCT Pty Ltd: Transurban CCT Pty Ltd has identified several points requiring clarification / further action:
 - (i) Rock Bolt Displacements: Section 6.2 of the Geotechnical Report mentions that the displacements “will not have a significant impact on the rock bolts.” However, further elaboration is needed to confirm there will be no adverse impacts, ensuring alignment with the statement in the preceding sentence of this section.
 - (ii) Tunnel Lining Impact: While it is noted that the shotcrete's contribution to tunnel strength is ignored to avoid reliance on it for additional development loads, a clear statement is required to confirm that the tunnel lining (shotcrete) will not be adversely affected by predicted displacements or stress changes.
 - (iii) Timing of Independent Check: The report recommends an independent check to assess stresses in the shotcrete before commencing work. Confirmation is needed regarding when this assessment will be undertaken.
 - (iv) Vibration Impacts: The report does not address the potential effects of construction activities, such as vibration from excavation, on the tunnel or its lining. This analysis needs to be included.
 - (v) Monitoring and Assessments: No recommendations are provided for monitoring during construction or for pre and post-construction dilapidation assessments. Clarification is needed on whether these assessments will be addressed in a separate report.
- (c) To mitigate potential impacts on the Cross City Tunnel, the developer is required to consult with TfNSW and Transurban CCT Pty Ltd to establish and agree on interface arrangements to address the above. The developer is required to reimburse TfNSW and Transurban CCT Pty Ltd on demand for all costs incurred in preparing the interface agreement.
- (d) All comments and feedback from TfNSW and Transurban CCT Pty Ltd must be addressed and incorporated into the design before any construction works commence. The developer must submit all documentation for TfNSW and Transurban CCT Pty Ltd to review, ensure all concerns are resolved, and confirm that there will be no adverse effect on the Cross City Tunnel, its supports, or infrastructure before construction begins. The developer is to bear the full cost of assessments conducted by TfNSW and Transurban CCT Pty. All documentation must be submitted at least eight (8) weeks before the commencement of construction. It is the developer's responsibility to submit the above

documents as early as possible to minimize delays to the commencement of development works.

- (e) Please send all documentation for review and approval to development.sydney@transport.nsw.gov.au.
- (f) The developer is required to enter a Works Authorisation Deed (WAD) for the abovementioned works. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved design plans by TfNSW.

Comment

Any construction activities that may impact the traffic flows on the classified road network would require a Road Occupancy Licence (ROL) from TfNSW.

G2. Recommended Condition

- (a) A Road Occupancy Licence (ROL) shall be obtained from the Transport Management Centre (TMC) for any works that may impact on traffic flows on Elizabeth Street and/or Park Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.js>.

Ausgrid

Conditions as advised by Ausgrid are as follows:

- G3. Ausgrid notes that in “Appendix RR – Infrastructure Plan_PAN-475359” the proponent has already contacted Ausgrid regarding supply to the development and relocation of existing assets through the connection application process.
- G4. The existing electricity substations may be impacted by the proposed construction. Subsidence and vibration must be minimised at the substation sites. The use of ground anchors under a substation is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.
- G5. We encourage the proponent to continue to discuss the staging of the substation decommissioning and commissioning works and any other connection requirements directly with Ausgrid.
- G6. **Ausgrid Underground Cables are in the vicinity of the development.**
 - (a) Ausgrid has both Transmission and distribution underground assets present along adjacent roadways to the site.
 - (b) Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.
 - (c) It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA).
 - (d) In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:
 - (i) SafeWork Australia – Excavation Code of Practice.
 - (ii) Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.
 - (e) The following points should also be taken into consideration.
 - (i) Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
 - (ii) Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

G7. New Driveways - Proximity to Existing Poles

- (a) Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

G8. Conduit Installation

- (a) The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

G9. Ausgrid Overhead Powerlines are in the vicinity of the development

- (a) Ausgrid has distribution overhead assets present along adjacent roadways to the site. The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process.
- (b) It is a statutory requirement that these distances be maintained throughout the construction phase. Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site. The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.
- (c) It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.
- (d) The developer is to consider the impact that existing streetlighting and any future replacement streetlighting and maintenance may have on the development. Should the developer determine that any existing streetlighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the streetlighting. The relocating of any streetlighting will generally be at the developers cost. In many cases is not possible to relocate streetlighting due to its strategic positioning.

G10. Easements

- (a) Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.
- (b) For further details refer to Ausgrid's Network Standard 143.
- (c) Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Sydney Water

Conditions as advised by Sydney Water are as follows:

Prior to the issue of a Construction Certificate/Complying Development Certificate:

Building Plan Approval (including Tree Planting Guidelines)

- G11. The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.

- G12. Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting

- G13. Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.
- G14. For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.
- G15. For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

Prior to the issue of an Occupation/Subdivision Certificate:

Section 73 Compliance Certificate

- G16. A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.
- G17. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Trade Wastewater Requirements

- G18. If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.
- G19. The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au
- G20. A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.
- G21. If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

- G22. Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.
- G23. All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.
- G24. Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.
- G25. Before you install a backflow prevention device:

- (a) Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
 - (b) Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.
- G26. For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website: <https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflowprevention.html>

Water Efficiency Recommendations

- G27. Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.
- G28. Some water efficiency measures that can be easily implemented in your business are:
- (a) Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
 - (b) Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managingyour-water-use/water-efficiency-tips.html>
 - (c) Install water-monitoring devices on your meter to identify water usage patterns and leaks.
 - (d) Develop a water efficiency plan for your business.
- G29. It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

- G30. Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.
- G31. Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.
- G32. Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.
- G33. Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

Sydney Airport

Conditions as advised by Sydney Airport are as follows:

- G34. The building must not exceed a maximum height of **208.6 metres AHD, including all** lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- G35. Separate approval **must be sought** under the Regulations for any equipment (e.g. cranes, concrete pumps) required to construct the building. Construction cranes or concrete pumps may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (e.g. cranes, concrete pumps) be obtained prior to any commitment to construct.
- G36. The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-976.

- G37. On completion of construction of the building, the Proponent **must provide** SACL with a written report from a certified surveyor on the finished height of the building.
- G38. A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.
- G39. **Breaches of approval conditions are subject to significant penalties** under Sections 185 and 187 of the Act.

Heritage NSW (Department of Climate, Energy, the Environment and Water

Conditions as advised by Heritage NSW are as follows:

- G40. The Registered Aboriginal Parties must be kept informed about the State Significant Development (SSD) and be provided with the opportunity to continue to be consulted about the Aboriginal cultural heritage management requirements of the SSD.
- G41. A procedure for the management of unexpected Aboriginal objects and human remains must be developed in consultation with the Registered Aboriginal Parties and Heritage NSW. The procedure must be prepared in accordance with Heritage NSW guidelines and codes of practice and must be implemented for the duration of the project.
- G42. *An Unexpected Heritage Finds and Human Remains Procedure* is to be prepared for the development. The procedure must be prepared by a suitably qualified and experienced heritage specialist, and is to:
 - (a) Provide a process for the management of unexpected heritage finds and human remains.
 - (b) Provide stop work and protection measures to be implemented where suspected unexpected heritage finds and/or human remains are identified.
 - (c) Identify the roles and responsibilities of project staff, and any requirements to notify statutory authorities, including the NSW Police, the determining body and Heritage NSW, should human remains be recovered.
- G43. Where an unexpected heritage find is identified, work in the immediate vicinity must not recommence until authorised by the determining body and Heritage NSW. The *Unexpected Heritage Finds and Human Remains Procedure* is to be implemented for the duration of construction.

Sydney Metro

Concurrence conditions as advised by Sydney Metro are as follows:

Prior to issue of a Construction Certificate

Engineering

- G44. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:
 - (a) Geotechnical Impact Assessment for Sydney Metro, prepared by Douglas Partners, Revision 2, dated 14 February 2025.
 - (b) Noise and Vibration Impact Assessment, prepared by PWNA PTY LTD, Issue 5, dated 18 December 2024.
 - (c) Risk Assessment Report, prepared by TTW (NSW) PTY LTD, Revision B, dated 17 February 2025
 - (d) Electrolysis Risk Desktop Study, prepared by Corrosion Control Engineering (Holdings) Pty Ltd, dated 12 February 2025
 - (e) Sydney Metro Underground Rail Tunnel Structural Impact Assessment, prepared by TTW (NSW) PTY LTD, dated 15 May 2025.
 subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

- G45. The Certifier must not issue a Construction Certificate for the development until the Certifier has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- G46. Any changes to architectural and structural drawings must to be submitted to Sydney Metro for approval.
- G47. Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.
- G48. The Certifier must not issue a Construction Certificate for the development unless the Applicant has submitted to Sydney Metro and Sydney Metro has provided written approval of the following items:
- (a) An Independent Verification, in accordance with Section 7.9 of the Sydney Metro Underground Corridor Protection Guidelines of the following:
 - (i) Sydney Metro Underground Rail Tunnel Structural Impact Assessment, prepared by TTW (NSW) PTY LTD, dated 15 May 2025.
 - (ii) Geotechnical Impact Assessment for Sydney Metro, prepared by Douglas Partners, Revision 2, dated 14 February 2025.
 - (b) Updated Sydney Metro Underground Rail Tunnel Structural Impact Assessment (see Attachment B)
 - (c) Final Structural design and shoring design drawings, including foundations, lift course and loading details.

Rail Corridor

- G49. All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Sydney Metro - City & Southwest rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Sydney Metro - City & Southwest rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

Survey and Services

- G50. Prior to the issue of a Construction Certificate:
- (a) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and
 - (b) a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.
- G51. Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. A services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

Noise & Vibration

- G52. The development must:
- (a) comply with State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Department of Planning & Environment's document titled "Development Near

Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from www.sydneymetro.info.);

- (b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and
 - (c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.
- G53. The Applicant must incorporate as part of the development all the measures recommended in the acoustic assessment report [Noise and Vibration Impact Assessment, prepared by PWNA PTY LTD, Issue 5, dated 18 December 2024. A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

Electrolysis

- G54. Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the electrolysis report to control that risk. A copy of the electrolysis report is to be provided to the Certifier with the application for a Construction Certificate.
- G55. Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

Construction

- G56. No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- G57. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- G58. Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:
- (a) Machinery to be used during excavation/construction;
 - (b) Demolition, excavation and construction methodology and staging;
- The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- G59. If required by Sydney Metro, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- G60. If required by Sydney Metro, a tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- G61. Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the

plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.

- G62. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.

Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro - City & Southwest rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.

- G63. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.

Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro - City & Southwest rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.

- G64. Prior to the issue of a Construction Certificate, the Applicant must prepare and provide to Sydney Metro for review and endorsement a hydrogeologic assessment report demonstrating that any dewatering during construction will not have any adverse settlement impacts on the rail corridor. The Certifier must not issue a Construction Certificate until this report has been endorsed by Sydney Metro in writing.
- G65. Prior to the issue of a Construction Certificate, the Applicant must prepare and provide to Sydney Metro for review of a Construction Traffic Management Plan to ensure no adverse impacts to Sydney Metro operations. The Certifier must not issue a Construction Certificate until this Plan has been endorsed by Sydney Metro in writing.
- G66. Prior to the issue of a Construction Certificate, any proposed alterations to Sydney Metro assets must be approved by Sydney Metro and any proposed changes may be subject to operator requirements. The Certifier must not issue a Construction Certificate until Sydney Metro approval has been provided in writing.

Drainage

- G67. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not to issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.

Documentation

- G68. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

During Construction

Supervision

- G69. Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

Consultation

- G70. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;
 - (b) acts as the authorised representative of the Applicant; and
 - (c) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.
- G71. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.
- G72. Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro interface team.

Drainage

- G73. The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
- G74. The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.

Inspections

- G75. If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:
- (a) site investigations;
 - (b) foundation, pile and anchor set out;
 - (c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
 - (d) foundation, pile and anchor excavation;
 - (e) other excavation;
 - (f) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
 - (g) other concreting; or
 - (h) any other event that Sydney Metro has notified to the Applicant in writing so that Sydney Metro may inspect the carrying out or completion of those works on the development site.
- G76. If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

Prior to the issue of an Occupation Certificate

Noise & Vibration

- G77. Prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:
- (a) State Environmental Planning Policy (Transport and Infrastructure) 2021;
 - (b) the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and
 - (c) any other noise and vibration requirements imposed by this consent.
- G78. The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

Documentation

- G79. Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- G80. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.

Inspections

- G81. If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- G82. At any time during the use and occupation of the development, Sydney Metro may also require a joint inspection of the rail infrastructure and property in the vicinity of the development by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. Any such dilapidation survey will establish the extent of any damage or deterioration during operation of the development to be observed and rectified at the Applicant's cost.

General

Inspections

- G83. At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
- (a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
 - (b) attend on-site meetings with the Applicant and its contractors, to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

Other

- G84. Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
- G85. Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.
- G86. All reasonable Sydney Metro costs associated with review of plans, designs and legal must be borne by the applicant.

APPENDIX 1 ADVISORY NOTES

General

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

Long Service Levy

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

Access for People with Disabilities

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

Utilities and Services

- AN4. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- AN5. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

Road Occupancy Licence

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

SafeWork Requirements

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

Hoarding Requirements

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

Handling of Asbestos

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

Fire Safety Certificate

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

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

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