Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces, I grant consent to the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

The conditions imposed under this consent are required to:

- meet statutory requirements;
- protect the amenity of the locality; and
- ensure amenity for future residents.

Aditi Coomar
Acting Director
Affordable Housing Assessments

Sydney 24 July 2026 File: SSD-87245208

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

FOR INFORMATION

SCHEDULE 1

Application Number:	SSD-87245208
Application lodged by:	17 Oxford St Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	13-15 and 17 Oxford Street and 2 Verona Street, Paddington (Lot 1 in DP75105, Lot 1 in DP137013 and Strata Plan 22113)

Development:	Construction of a mixed-use development comprising:
	• a seven-storey building with:
	  ○ 60 apartments (including 14 affordable apartments);
	  ○ three retail tenancies;
	  ○ ground level and rooftop communal open spaces;
	  ○ four levels of basement containing 56 car parking spaces and floor space used for cultural or creative purposes; and
	  ○ vehicle access from Verona Street;
	• a three-storey residential terrace building with four dwellings and rooftop private open spaces; and
	• associated works including demolition, site preparation, tree removal, landscaping and infrastructure works.

FOR INFORMATION

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-87245208-MOD-2	6 October 2026	Principal Planning Officer, Affordable Housing Assessments	Modification to amend the approved demolition methodology and to modify the phasing of Condition B6.

FOR INFORMATION

DEFINITIONS

Interpretation

References in the conditions of this consent to any guideline, protocol, or policy are to such documents in the form they are in as at the date of this consent.

Definitions

Unless otherwise defined in the following definitions table, words and expressions that occur in this development consent have the same meanings as they have in the EP&A Act and EP&A Regulations.

Above Ground Works	Includes all works above and including the ground floor levels at 13-15 & 17 Oxford Street nominated on plan number A104 (Revision B) prepared by Tonkin Zulaikha Greer and dated 22 May 2026, and the ground floor levels at 2 Verona Street nominated on plan number A105 (Revision B) prepared by Tonkin Zulaikha Greer and dated 22 May 2026, but excludes Demolition Works, Enabling Works, Bulk Excavation Works, Below Ground Works, Landscape Works and Public Domain Works.
Applicant	The person having the benefit of this consent, or who is carrying out the Development.
Australian Standards (AS)	Australian Standards published by Standards Australia Limited and means the standard which applies at the time the relevant work or action is undertaken.
Below Ground Works	Includes all works (except demolition works) below the ground floor structure at 13-15 & 17 Oxford Street nominated on plan number A 104 (Revision B) prepared by Tonkin Zulaikha Greer and dated 22 May 2026, and the ground floor structure at 2 Verona Street nominated on plan number A 105 (Revision B) prepared by Tonkin Zulaikha Greer and dated 22 May 2026, but excludes Bulk Excavation Works, Enabling Works, Demolition Works and Public Domain Works.
Bulk Excavation Works	Includes all bulk excavation and basement retention system works but excludes Demolition Works and Enabling Works.
Certifier	A council or person registered as a registered certifier under the *Building and Development Certifiers Act 2018*.
Consultation	Means undertaking a consultation process with a party under which the Applicant: (a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and (b) provides 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.
Council	Council of the City of Sydney
Cultural or Creative Purpose	Has the same meaning as in clause 6.60D(11) of the Sydney Local Environmental Plan 2012.
Demolition Works	Includes all works for demolition (and associated façade retention works to facilitate demolition) as nominated on plan numbers A050 **(Revision A) and** A051, A052, A053, A054, A060 and A061 (Revision **C**) prepared by Tonkin Zulaikha Greer and dated **01 September** 2026.
Department	NSW Department of Planning, Housing and Infrastructure.
Development	The Development approved pursuant to this consent.
EIS	The Environmental Impact Statement titled '13-15 & 17 Oxford Street and 2 Verona Street, Paddington – Environmental Impact Statement', prepared by Urbis and dated 21 November 2025, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
Enabling Works	Includes early works, enabling works and site establishment works, including in-ground remediation works (if required) and associated shoring to facilitate remediation works, but excludes Demolition Works.
EPA	NSW Environment Protection Authority.
EP&A Act	*Environmental Planning and Assessment Act 1979.*
EP&A Regulations	Environmental Planning and Assessment Regulation 2021 and where relevant, other regulations made under the EP&A Act.
Fire Safety Certificate	Has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
Incident	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
Landscape Works	Includes all landscaping works as specified in the Landscape Plans prepared by Wyer and Co approved under Condition A1(c) and dated 10 April 2026.

Material Harm	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: • involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or • results in actual 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).
Minister	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
Prescribed Conditions	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
Professional Engineer	A Professional Engineer as defined in the *Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020.*
Public Domain Works	Includes all works within the public domain including footpath, driveway and tree pruning works.
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.
Report	A written report including all required information and details set out in the relevant condition, prepared by a Professional Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.

FOR INFORMATION

SCHEDULE 2
PART A GENERAL CONDITIONS

ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

A1. The Development must be carried out:

(a) in compliance with the conditions of this consent;

(b) in accordance with the EIS, the Applicant's response to submissions, and the Applicant's response to requests for further information; and

(c) **in accordance with the section 4.55(1A) Modification Report and accompanying documents for SSD-87245202-Mod-2 prepared by Urbis and dated September 2026; and**

(d) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural drawings prepared by *Tonkin Zulaikha Greer*			
Drawing Number	**Rev**	**Name of Plan**	**Date**
A004	A	Site Plan	22/05/2026
A050	**A**	Excavation and Demolition Plan – Basement 4	**01/09/2026**
A051	**C**	Excavation and Demolition Plan – Basement 3	**01/09/2026**
A052	**C**	Excavation and Demolition Plan – Basement 1	**01/09/2026**
A053	**C**	Excavation and Demolition Plan – Ground Floor	**01/09/2026**
A054	**C**	Demolition Plan – Level 1	**01/09/2026**
A060	**C**	Demolition Elevation and Section – Oxford Street	**01/09/2026**
A061	**C**	Demolition Elevation and Section – Verona Street	**01/09/2026**
A100	-	Basement 4 Plan	22/05/2026
A101	B	Basement 3 Plan	22/05/2026
A102	B	Basement 2 Plan	22/05/2026
A103	B	Basement 1 Plan	22/05/2026
A104	B	Ground Floor Plan	22/05/2026
A105	B	Terraces Ground Floor Plan	22/05/2026
A106	B	Level 1 Floor Plan	22/05/2026
A107	B	Level 2 Floor Plan	22/05/2026
A108	B	Level 3 Floor Plan	22/05/2026
A109	B	Level 4 Floor Plan	22/05/2026
A110	B	Level 5 Floor Plan	22/05/2026
A111	B	Level 6 Floor Plan	22/05/2026

A112	B	Level 7 Rooftop Floor Plan	22/05/2026
A200	B	North Elevation – Oxford Street	22/05/2026
A201	B	South Elevation – Marshall Street	22/05/2026
A202	B	East Elevation – Verona Street	22/05/2026
A203	B	West Elevation	22/05/2026
A204	B	North Elevation and Section – Terraces	22/05/2026
A205	B	South Elevation and Section – Courtyard	22/05/2026
A206	B	West Elevation and Section – Courtyard	22/05/2026
A207	A	Section – Cultural Creative and Courtyard	22/05/2026
A208	A	Section – Loading Dock and Terraces	22/05/2026
A209	A	Elevations – Rooftop Structures	22/05/2026
A500	B	GFA Diagrams	22/05/2026
A501	A	Total Floor Area	22/05/2026
A550	A	Adaptable Apartment Plans – 1 Bed Type A + 1 Bed Type B	22/05/2026
A551	A	Adaptable Apartment Plans – 2 Bed	22/05/2026
A600	B	Materials and Finishes Schedule	22/05/2026
A601	A	Materials and Finishes Schedule	22/05/2026
Landscape Plans prepared by *Wyer and Co*			
DA_001	02	Cover Page and Contents	10.04.2026
DA_002	02	Landscape Installation and Maintenance Specification	10.04.2026
DA_003	02	Landscape Controls and Schedules	10.04.2026
DA_004	02	Landscape Controls and Schedules	10.04.2026
DA_100	02	Landscape Master Plan	10.04.2026
DA_101	02	Ground Floor - East	10.04.2026
DA_102	02	Ground Floor – West	10.04.2026
DA_103	02	Level 1 – West	10.04.2026
DA_104	02	Level 2 – West	10.04.2026
DA_105	02	Level 3 – West	10.04.2026
DA_106	02	Level 4 – East	10.04.2026
DA_107	02	Level 4 – West	10.04.2026

DA_108	02	Level 5 – East	10.04.2026
DA_109	02	Level 6 – West	10.04.2026
DA_110	02	Level 7 – East	10.04.2026
DA_116	02	Level 7 – West	10.04.2026
DA_200	02	Canopy Coverage Plan	10.04.2026
DA_300	02	Details – Typical	10.04.2026

Note: *Development which is 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or another environmental planning instrument may be carried out without development consent.*

A2. To the extent of any inconsistency:

(a) the more recent document in Condition A1(b) prevails over an earlier document in that section; and

(b) the conditions of consent prevail over a document listed in Condition A1(d).

A3. 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 that employees, contractors (and their sub-contractors) carry out in respect of the Development.

LIMITS ON CONSENT

A4. This consent will lapse two years from the date the consent is published on the NSW Planning Portal unless the works associated with the Development have physically commenced.

A5. This consent does not approve the following:

(a) the first use, detailed fit-out, and operation (including operating hours and capacity of uses) of individual retail units or the space used for Cultural or Creative Purposes as identified on the approved plans in condition A1;

(b) removal of trees not granted for removal under this consent;

(c) removal of trees outside the site boundary;

(d) works within the State Heritage Register (SHR) curtilage of Busby's Bore (SHR 00568); and

(e) business identification signage.

A6. The area identified as “CULTURAL CREATIVE” in the plans listed in Condition A1 above must:

(a) only be used for Cultural or Creative Purposes; and

(b) include a minimum 1,674 m^2 of GFA in the Development.

SURRENDER OF EXISTING CONSENTS OR APPROVALS

A7. Within 12 months of the date of commencement of the Development, or by another time agreed by the Planning Secretary in writing, the Applicant must surrender the existing development consent DA/2022/1169 dated 21 December 2023 as modified by DA/2022/1169/A dated 16 September 2025 for a mixed-use development comprising cinemas and cultural/creative space, retail and commercial office space, rooftop bar and associated car parking and landscaping works at 17 Oxford Street Oxford Street, Paddington in accordance with the EP&A Regulation.

INFRASTRUCTURE CONTRIBUTION

DEVELOPER CONTRIBUTIONS

A8. Prior to the issue of the first Construction Certificate, the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of the following has been made, unless otherwise agreed with Council:

(a) City of Sydney Development Contributions Plan 2015 – East Precinct; and

(b) Affordable Housing Contribution in accordance with the City of Sydney Affordable Housing Program.

Council must be contacted for the calculation of required contributions.

HOUSING AND PRODUCTIVITY CONTRIBUTIONS

A9. Prior to the issue of the first 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)	**$601,350.22**
Total housing and productivity contribution	**$601,350.22**

A10. The amount of HPC payable must be adjusted at the time of payment in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).

A11. The HPC must be paid using the NSW planning portal. The Online Payments for Housing and Productivity Contributions Quick Reference Guide provide guidance on how to make payment.

A12. The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the EP&A Act 1979 agrees.

A13. 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 EP&A Act 1979 to the Development, or the HPC Order exempts the Development from the contribution.

Note: *The contribution amount is subject to indexation in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 at the time of payment. A request for assessment of the adjusted amount and instructions on how to make a payment can be made by contacting hpc.enquiry@planning.nsw.gov.au.*

BONDS TO COUNCIL

A14. Prior to commencement of any works, a security deposit or bank guarantee (bond money) must be paid to Council as per Councils fees and charges or as otherwise agreed to by Council (if required), for any/all of the following:

(a) making good any damage caused to any property of the Council as a consequence of works approved under this consent;

(b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent;

(c) an unconditional bond for Trees 4 and 5 (as identified in '*Arboricultural Impact Assessment Report*', prepared by Jacksons Nature Works and dated 10 April 2026) to ensure the retention and protection of these trees; and

(d) remedying any defects in any such public work that arise within 6 months after the work is completed.

A15. Details of the security deposit and the amount must be obtained from Council prior to the commencement of works and the payment made (if relevant).

A copy of the receipt of payment of bond must be provided to the Certifier for information.

Note: *Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.*

AGENCY CONDITIONS

HERITAGE NSW

A16. The location of Busby's Bore (SHR 00568) and its State Heritage Register (SHR) curtilage must be marked on all relevant demolition and construction drawings.

A17. No works are permitted within the SHR curtilage of Busby's Bore (SHR 00568).

TRANSPORT FOR NEW SOUTH WALES (TfNSW)

A18. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site must be wholly located within the freehold property (site boundary) unlimited in height or depth along the Oxford Street boundary.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DETAILED DESIGN

DESIGN AMENDMENTS

B1. Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit to the Certifier revised plans detailing the provision of two lifts providing access from ground level to the areas used for Cultural or Creative Purposes at Basement 3 and Basement 4.

MATERIALS AND FINISHES

B2. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes including:

(a) final specifications of colour, material and, where relevant, manufacturer;

(b) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application; and

(c) a report from a suitably certified consultant demonstrating that the visible light reflectivity of the building materials used on the facade of the building do not exceed 20%.

PRE-CONSTRUCTION REQUIREMENTS

SITE STABILITY

B3. Prior to the issue of the first Construction Certificate for works including bulk excavation, the Applicant must submit to the Certifier a Report from a Professional Engineer, which includes the following:

(a) geotechnical details which confirm the suitability and stability of the site for the Development;

(b) design and construction requirements to be implemented to ensure the stability and adequacy of the Development and adjacent land;

(c) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;

(d) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;

(e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work; and

(f) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

ECOLOCALLY SUSTAINABLE DEVELOPMENT

B4. Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating the Development incorporates all design, construction and operation measures, or equivalent, as identified in '*ESD Report'* (Revision 6), prepared by Credwell and dated 16 April 2026.

STRUCTURAL DETAILS

B5. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that structural drawings comply with:

(a) relevant clauses of the NCC; and

(b) this development consent.

STORMWATER MANAGEMENT SYSTEM

B6. Prior to the issue of **a** Construction Certificate **for work including bulk excavation and shoring**, the Applicant must submit to the Certifier details of an operational stormwater management system for the Development designed by a suitably qualified and experienced person(s):

(a) generally in accordance with the conceptual design in the EIS and any Council stormwater requirements and specifications which are consistent with that conceptual design;

(b) in accordance with applicable Australian Standards; and

(c) with a system capacity designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

SYDNEY WATER ASSETS

B7. Prior to the issue of a Construction Certificate for below ground works, the plans approved under this consent must be submitted to the Sydney Water Tap in™ online service, to determine whether the Development will affect

Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

Note: *Sydney Water's Tap in™ in online service is available at: https://www.sydneywater.com.au/plumbing-building-developing/building/sydney-water-tap-in.html*

LANDSCAPING

B8. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the Certifier a detailed Landscape Plan which:

(a) is consistent with the landscape plans prepared by Wyer and Co, dated 10 April 2025 as amended by any requirement of these conditions;

(b) includes a suitable alternative species to replace *Rhaphiolepis indica* in the planting schedule;

(c) includes a suitable alternate species to replace the *Pennisetum* variety used for privacy screening on Level 6;

(d) includes details of all tree planting;

(e) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;

(f) demonstrates adequate drainage and watering systems;

(g) includes details of plant maintenance and watering for the first 12 months;

(h) demonstrates the provision of screening planting (or privacy screens) with a minimum height of 1.7 m along the south-west edge of the rooftop terraces at 2 Verona Street, to provide visual privacy to neighbouring occupants at 4 Verona Street; and

(i) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

PARKING

B9. Prior to the issue of a Construction Certificate for below ground works, the Applicant must submit to the Certifier a Report demonstrating that the Development will provide for the following traffic flow and parking requirements:

(a) all vehicles must enter and leave the subject site in a forward direction;

(b) all vehicles are to be wholly contained on site before being required to stop;

(c) parking associated with the Development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;

(d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;

(e) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;

(f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS;

(g) the layout, design and security of bicycle facilities must be in accordance with the applicable Australian Standards; and

(h) the Report must demonstrate compliance with the following:

(i) provision of a maximum of 50 residential car parking spaces, comprising 45 spaces for market apartments and 5 spaces for affordable housing apartments;

(ii) provision of 6 residential visitor car parking spaces (including 1 accessible);

(iii) 10 accessible car parking spaces (as part of the 56 total car parking spaces);

(iv) 6 motorcycle parking spaces;

(v) a loading space (SRV);

(vi) 65 bicycle spaces for residents;

(vii) 7 bicycle parking spaces for residential visitors;

(viii) 2 bicycle parking spaces for staff;

(ix) 7 bicycle parking spaces for non-residential visitors;

(x) compliance with the Australian Standards for the layout, design and security of bicycle facilities;

(xi) provision of end-of-trip facilities identified in the approved plans listed in Condition A1;

(xii) provision of wayfinding signage for basement level bicycle parking and end-of-trip facilities;

(xiii) provision of a loading dock(s) capable of accommodating the 10.6 m long Council's garbage truck along with a compliant turntable; and

(xiv) electric vehicle charging infrastructure in accordance with NCC 2022.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

B10. Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier from a Professional Engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in '*Noise and Vibration Impact Assessment*' (Revision 005), prepared by E-LAB Consulting and dated 22 May 2026.

B11. Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit an addendum Acoustic Report to the Certifier prepared by a suitably qualified acoustic engineer providing:

(a) a schedule of each of the habitable areas of all apartments that would require alternate ventilation systems as recommended in '*Noise and Vibration Impact Assessment*' (Revision 005), prepared by E-LAB Consulting and dated 22 May 2026; and

(b) details of the proposed alternate ventilation system.

B12. The Construction Certificate Plans for above ground works must include the details of all alternate ventilation systems approved by condition B11.

B13. Prior to the issue of the first Construction Certificate for the superstructure, the Applicant must submit details to the Certifier which demonstrate that the installation of mechanical ventilation systems will comply with:

(a) the NCC; and

(b) relevant Australian Standards.

WASTE MANAGEMENT FACILITIES

B14. Prior to the issue of Construction Certificates for the basement levels, the Applicant must demonstrate to the Certifier the following:

(a) waste and recycling stream(s) storage area(s) for residential and commercial uses have been designed in accordance with Reference D of Council's Guidelines for Waste Management in New Developments including all required waterproofing measures; and

(b) waste chute systems have been designed in accordance with Section B and Reference E of the City of Sydney Guidelines for Waste Management in New Developments.

ADAPTABLE AND LIVEABLE UNITS

B15. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating that:

(a) any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards; and

(b) at least14 apartments incorporate the Liveable Housing Guideline's silver level universal design features.

BASIX CERTIFICATION

B16. Prior to the issue of the Construction Certificate for above ground works, BASIX No. 1822672M_02 Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

PUBLIC ART STRATEGY

B17. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier, a detailed Public Art Strategy prepared in consultation with Council, consistent with the Preliminary Public Art Plan for 13-17 Oxford Street & 2 Verona Street, Paddington prepared by TZG and dated May 2026.

B18. The Public Art Strategy must contain the final design, materials, finishes, construction methodology, ownership, ongoing maintenance methodology, associated budgeting arrangements and evidence of consultation undertaken.

PHOTOGRAPHIC ARCHIVAL RECORDING

B19. Prior to the issue of any Construction Certificate, the Applicant must submit to the Certifier and Council, an archival photographic recording of the site, for information.

B20. The recording required in Condition B19 must be in digital form, prepared in accordance with the Guidelines for 'Photographic Recording of Heritage Sites, Buildings and Structures', published by Department of Climate Change, Energy, the Environment and Water in April 2025.

PUBLIC DOMAIN WORKS

B21. Prior to the issue of any Construction Certificate for public domain works (including driveway and vehicular crossing), the Applicant must:

(a) prepare plans for public domain works and vehicular crossing in accordance with Council's requirements and in consultation with Council;

(b) obtain separate endorsements from Council for all public domain works along the entire street frontages of the site including construction of footpaths, kerbs and gutter (where needed);

(c) obtain separate approvals for the proposed vehicular crossing; and

(d) obtain a separate approval from Council for the removal of all redundant vehicular crossings and kerb laybacks on Council's road reserve.

PUBLIC DOMAIN LIGHTING UPGRADE

B22. Prior to issue of any Construction Certificate for public domain works, the Applicant must prepare a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain, in consultation with Council's Public Domain Unit.

B23. 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*.

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

FAÇADE DECONSTRUCTION METHODOLOGY

B23A. Prior to the issue of a Construction Certificate for façade and awning removal, salvage and reuse works at 17 Oxford Street, the Applicant must provide the Certifier a Façade Deconstruction Methodology which prioritises the use of handheld demolition equipment for these works.

AGENCY CONDITIONS

TRANSPORT FOR NSW

REMOVAL OF REDUNDANT DRIVEWAYS ON CLASSIFIED ROADS

EXCAVATION ADJACENT TO OXFORD STREET

B24. Prior to the issue of the Construction Certificate for below ground works, the Applicant must submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for endorsement, in accordance with Technical Direction GTD2020/001. The developer should submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW.

Note: *Please send all documentation to development.sydney@transport.nsw.gov.au.*

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent must provide that the owner/s of the roadway, at least seven (7) day notice of the intention to excavate below the base of the footings, with complete details of the works.

B25. All redundant driveways on Oxford Street must be removed and replaced with kerb and gutter to match the existing profile. The design and construction of these works must comply with the requirements of TfNSW.

Detailed design plans or these works must be submitted to TfNSW for endorsement prior to the issue of a Construction Certificate for any road works.

Note: *All documentation should be sent to development.sydney@transport.nsw.gov.au. A plan checking fee and lodgement of a performance bond will be required prior to the release of the approved road design plans by TfNSW.*

B26. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Oxford Street must be submitted to TfNSW for endorsement prior to the issue of a Construction Certificate for stormwater works.

Note: *Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.*

B27. Prior to the issue of any construction certificate for road works, the Applicant must submit detailed civil design plans for road opening/underboring for all public utility adjustment/relocation works on Oxford Street (or other State roads) to TfNSW for review and endorsement, along with any other necessary approvals obtained from other public authorities or utility providers.

Note: *Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.*

AWNINGS

B28. The Construction Certificate plans must demonstrate that any proposed awnings fronting Oxford Street is setback a minimum distance of 0.6 m from the face of kerb on Oxford Street to protect against the overhang of large vehicles.

AUSGRID

B29. The construction certificate plans must demonstrate the following (as relevant):

(a) any ground anchors required in the vicinity of Ausgrid underground cables, must not pass over the top or be installed within 300mm of those cables;

(b) the substation ventilation openings, including substation duct openings and louvered panels, are separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and *Australian Standards including AS 1668.2: The use of ventilation and air conditioning in buildings - Mechanical ventilation in buildings*;

(c) all substation ventilation openings, including duct openings and louvered panels, are separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 m; and

(d) any proposed driveway is located to maintain a minimum clearance of 1.5 m 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.

Note: *Ausgrid must be further consulted for any deviation to the above distance.*

PART C PRIOR TO COMMENCEMENT OF WORKS

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

C1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (**CEMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development, including, at a minimum, the following information:

(a) details of:

(i) hours of construction;

(ii) 24-hour contact details of the site manager and complaint handling procedure;

(iii) construction program and construction methodology, including construction staging;

(iv) traffic management;

(v) noise and vibration management;

(vi) management of dust and odour;

(vii) stormwater control and discharge, including ensuring that vehicles leaving the site do not transfer dirt to roadways;

(viii) remediation and management of contamination;

(ix) management of stockpiles of soil or other materials;

(x) waste management;

(xi) external lighting in compliance with applicable Australian Standards;

(xii) site security, including fencing or hoarding; and

(xiii) methods of heritage inductions to all construction workers on the site prior to carrying out any development on site, with recordkeeping methods for such inductions;

(b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with Condition C2;

(c) Construction Noise and Vibration Management Sub-Plan in accordance with Condition C3;

(d) Air Quality Management Sub-Plan in accordance with Condition C4;

(e) Construction Waste Management Sub-Plan in accordance with Condition C5;

(f) Construction Soil and Water Management Sub-Plan in accordance with Condition C7;

(g) an unexpected finds protocol for remediation in accordance with Condition C19;

(h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with Condition D28;

(i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

C2. Prior to the commencement of any work, the Applicant must submit to the Certifier a final Construction Traffic and Pedestrian Management Sub-Plan (**CTPMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development arising from construction traffic, including, at a minimum, the following information:

(a) information that is consistent with the Preliminary Construction Traffic Management Plan prepared by JMT Consulting, dated 20 November 2025;

(b) location of proposed work zone(s);

(c) construction vehicle access arrangements and haulage routes;

(d) predicted number and timing of construction vehicle movements and vehicle types;

(e) identification of potential conflicts between vehicle movements required for construction and general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles;

(f) details to ensure that the public way will not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like; and

(g) details of consultation with and endorsement of the CTPMP by TfNSW.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

C3. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (**CNVMP**) for the Development prepared by a Professional Engineer with measures to minimise environmental impacts and harm during construction of the Development arising from construction noise and vibration, including, at a minimum, the following information:

(a) identification of noise sources and Sensitive Receivers;

(b) quantification of the rating background noise level (**RBL**) for Sensitive Receivers;

(c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (**ICNG**) (as may be updated or replaced from time to time);

(d) mitigation measures consistent with '*Noise and Vibration Impact Assessment*' (Revision 005), prepared by E-LAB Consulting and dated 22 May 2026;

(e) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG, EPA's Assessing Vibration: Technical Guideline and relevant standards;

(f) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:

  (i) installation of acoustic barriers/enclosures;

  (ii) alternative excavation methods;

(g) describe the measures to be implemented to manage high noise generating works (such as piling and rock breaking) or activities that may be particularly annoying (as defined in the ICNG), in close proximity to sensitive receivers;

(h) suitable construction methods, vibration limits, and monitoring methodology to avoid vibration impacts to Busby's Bore (SHR 00568);

(i) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;

(j) procedures for notifying sensitive receivers of construction activities that are likely to affect their noise and vibration amenity;

(k) include strategies that have been developed in consultation with the directly adjoining properties for managing vibration such as any alternative construction methods with lower source vibration levels and provision for respite periods; and

(l) include a complaints management system that would be implemented for the duration of the Development.

AIR QUALITY MANAGEMENT SUB-PLAN

C4. Prior to the commencement of any work, the Applicant must submit to the Certifier an Air Quality Management Sub-Plan (**AQMP**) for the Development. The AQMP must be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW and include, as a minimum, the following information:

(a) relevant environmental criteria to be used to guide management of dust and odours;

(b) dust and odour management practices to be implemented, including:

  (i) watering of exposed surfaces and stockpiles;

  (ii) covering of truck loads;

  (iii) prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt;

  (iv) progressive land stabilisation works to minimise exposed surfaces.

  (v) monitoring requirements;

  (vi) communication strategy; and

  (vii) system and performance review for continuous improvements; and

(c) measures to identify non-conformances with the requirements of the **CNVMP**, and procedures to implement corrective and preventative action and to respond to complaints.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

C5. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Waste Management Sub-Plan (**CWMP**) for the Development. The CWMP must include, as a minimum, the following information:

(a) requirement that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";

(b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;

(c) procedures for minimising the movement of waste material around the site and double handling;

(d) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;

(e) requirements that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;

(f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;

(g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):

(i) a traffic plan showing transport routes within the site;

(ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and

(iii) the name and address of each licensed facility that will receive waste from the site.

DISPOSAL OF SURPLUS SALVAGED MATERIALS

C6. Prior to the commencement of demolition, the Applicant must provide to the Certifier, details of salvage methodology confirming that salvaged traditional building materials surplus to the requirements of this project such as stone, bricks, structural timber, staircases, and joinery would be sold to an established dealer in second-hand heritage building materials.

Note: *information regarding dealers can be obtained from Council.*

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

C7. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Soil and Water Management Sub-Plan (**CSWMP**) for the Development. The CSWMP must be prepared by a suitably qualified expert, in Consultation with Council and include, at a minimum, the following information:

(a) describe all erosion and sediment controls to be implemented during construction

(b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);

(c) detail all off-site flows from the site during construction; and

(d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

HERITAGE INTERPRETATION PLAN

C8. Prior to the commencement of any above ground works, a Heritage Interpretation Plan presenting the history and significance of the Paddington Urban Heritage Conservation Area must be submitted to the Certifier for information and be:

(a) prepared in consultation with Council; and

(b) in accordance with best practice heritage interpretation planning guidelines, including Interpreting Heritage Places and Items Guidelines (NSW Heritage Office 2005).

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

SURVEY CERTIFICATE

C9. Prior to the commencement of works, the Applicant must cause the building to be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels, and cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works are in accordance with this consent.

C10. The Applicant must cause a Registered Surveyor to measure and mark:

(a) prior to commencement of works – the positions of all footings/ foundations;

(b) at other stages of construction – any marks that are required by the principal Certifier, and provide information on the positions to the principal Certifier.

PRE-CONSTRUCTION DILAPIDATION REPORTS

C11. Prior to the commencement of any work, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by a Professional Engineer, which details the structural condition of all adjoining land, buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence', prior to construction.

C12. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Construction Dilapidation Report for that building must include details of the whole building.

C13. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

C14. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.

C15. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

C16. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the Development, whichever is the sooner.

TREE PROTECTION

C17. Prior to the commencement of any works, the Applicant must provide to the Certifier an amended Arboricultural Impact Assessment which must:

(a) be prepared in consultation with Council;

(b) be generally consistent with the '*Arboricultural Impact Assessment*', prepared by Jacksons Nature Works and dated 10 April 2026;

(c) be in accordance with AS 4970:2025;

(d) include detailed plans demonstrating:

(i) the retention of trees not approved for removal under this consent;

(ii) the position of all tree trunks;

(iii) Structural Root Zones (SRZs) and Tree Protection Zones (TPZs);

(iv) any tree protection measures to be implemented during construction;

(e) incorporate a site-specific Tree Protection Zone (TPZ) for all trees being retained that:

(i) is tailored to the site and the work being undertaken;

(ii) incorporates into the TPZ an area equivalent to the encroachment, to avoid a net loss of soil area and volume, unless the project arborist demonstrates that the tree will remain viable;

(f) incorporate Tree Protection Specifications which must:

(i) specify, using a logical and sequential process, the measures by which the trees will be protected and managed throughout the works;

(ii) state any prohibitions that may be required due to the lack of detail or documentation (e.g. no trenching is allowed within the TPZ where a services plan does not exist);

(iii) document critical stages;

(iv) include impact and discussion from the demolition of the crossover between Trees 4 and 5 and the subsequent regrading and installation of kerbs within the public domain;

(v) assess the demolition of the shoring wall within the Notional Root Zone of Tree 5 and provide any mitigation and protection measures; and

(vi) detail and required hold points for any demolition and excavation within the existing driveway that is within the site boundary between Trees 4 and 5;

(g) include a Tree Protection Plan, including a scale or dimensions, which must show:

(i) TPZs for trees being retained, considering the matters referred to in Section 3 of AS 4970:2025; and

(ii) the location of specified tree protection devices;

(h) demonstrate that there are no incursions into the SRZ or Notional Root Zone (NRZ) of any tree that exceeds 10%; and

(i) provide details of construction access and demonstrate that the location of the works zone has been planned to avoid adversely impacting any tree to be retained.

C18. Prior to the commencement of any works, the Applicant must submit evidence to the Certifier that all tree protection measures and tree sensitive construction methodologies are in place to protect trees to be retained as identified within the Arboricultural Impact Assessment required by Condition C17.

REMEDIATION

UNEXPECTED FINDS PROTOCOL

C19. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the Certifier an unexpected finds protocol which has been reviewed and endorsed by a suitably qualified and experienced

consultant. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

REMEDIAL ACTION PLAN

C20. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997.* Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

SITE AUDITOR

C21. Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the *Contaminated Land Management Act 1997,* has been appointed to independently review the implementation and validation of the remediation works.

C22. The Applicant must ensure the remediation works for the Development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997.*

SITE AUDIT REPORT AND SITE AUDIT STATEMENT

C23. Upon completion of the remediation works and prior to the commencement of construction of the Development, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

VALIDATION REPORT

C24. Within one month following the completion of the remediation works for the Development, a Remediation Validation Report (**RVR**) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997.*

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

C25. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

C26. If the construction or operation of the Development is to be staged, the Applicant must notify the Department 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.

UTILITIES AND SERVICES

C27. Prior to the commencement of 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 provision of adequate services.

BEFORE YOU DIG AUSTRALIA

C28. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from Before You Dig Australia that the proposed excavation will not conflict with any underground utility services.

DEMOLITION

C29. Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person work plans complies with the safety requirements of the Australian Standard.

AGENCY CONDITIONS

TRANSPORT FOR NSW

C30. Prior to the commencement of any works that may impact on traffic flows on Oxford Street, the Applicant must obtain a Road Occupancy Licence (ROL) from the Transport Management Centre. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf

HERITAGE NSW

C31. Heritage induction must be provided to all works on the site in accordance with the approved CEMP.

C32. Before commencement of ground-disturbing works, the Applicant must nominate a suitably qualified Excavation Director, in accordance with Criteria for Assessing Excavation Directors (Heritage Council of NSW 2019) to oversee and advise on matters associated with historical archaeology, in consultation with Heritage NSW and to the satisfaction of the Planning Secretary.

NSW DCCEEW WATER GROUP

C33. Prior to commencement of any dewatering activities, the Applicant must submit to the Certifier a Dewatering Management Plan (DMP). The plan must:

(a) be prepared in consultation with the Water Group of the NSW Department of Climate Change, Energy, the Environment and Water; and

(b) be prepared with consideration to the Department's 'Guidelines for Groundwater Documentation for SSD Projects (2022)' and the 'Minimum Requirements for Building Site Groundwater Investigations and Reporting (2022)'.

AUSGRID

C34. Prior to the commencement of any works which would result in changes to Ausgrid's underground cables in areas such as footpaths and driveways, the Applicant must provide evidence to the Certifier demonstrating that Ausgrid has endorsed the ground level changes.

PART D DURING CONSTRUCTION

SITE NOTICE

D1. The Applicant must erect site notices in prominent positions on the site informing the public of project details including, but not limited to:

(a) the name, address and telephone number of the builder, Certifier and Professional Engineer;

(b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;

(c) stating the approved hours of work;

(d) stating that unauthorised entry to the work site is prohibited.

D2. The site notices must:

(a) be positioned prominently at the site informing the public of key project details;

(b) have dimensions of at least A1 size with large writing

(c) be durable and weatherproof.

HOURS OF CONSTRUCTION

D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:

(a) 7 am to 6 pm, Monday to Friday; and

(b) 8 am to 1 pm, Saturday.

D4. No work may be carried out on Sundays or public holidays.

D5. Activities may be undertaken outside of these hours if required:

(a) by the Police or a public authority for the delivery of vehicles, plant or materials to and from the site; or

(b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

D6. Notification of activities undertaken in the circumstances in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

(a) 9 am to 12 pm, Monday to Friday;

(b) 2 pm to 5 pm Monday to Friday; and

(c) 9 am to 12 pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

D8. The Applicant must implement and comply with the requirements of any management plan or sub-plan required under this consent. To the extent of any inconsistency between a condition of consent and a management plan or sub-plan, the condition of consent prevails.

CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA

D9. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.

D10. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding Sensitive Receivers.

D11. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any Sensitive Receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1-hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.

D12. Vibration at any residence or structure outside the site caused by construction must be limited to:

(a) for structural damage, the latest version of DIN 4150-3 (2016) Vibration in Buildings - Effects on Structures, English Translation (German Institute for Standardisation, 2016); and

(b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).

D13. Vibratory compactors must not be used within 30 m of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

D14. Construction vibration must have no adverse impacts on Busby's Bore (SHR 00568).

AIR QUALITY

D15. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

D16. If the Development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the Applicant must:

(a) protect and support the building, structure or work from possible damage from the excavation; and

(b) where necessary, underpin the building, structure or work to prevent any such damage,

unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

D17. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

TREE PROTECTION

D18. While site or building work is being carried out, the Applicant must maintain all tree protection measures required under this consent, in accordance with relevant requirements of applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

D19. A qualified arborist must oversee works within the TPZ of any tree listed for retention. The arborist must provide to the Certifier, details of compliance of the following:

(a) installation of tree protection measures;

(b) demolition of ground surface materials (e.g. pavers) or inground structures within the TPZ of any retained tree;

(c) excavation and trenching within TPZs;

(d) construction of building and installation of new kerb and footpath;

(e) landscape works within the TPZs; and

(f) compliance with the Arboricultural Impact Assessment required by Condition C17.

EROSION AND SEDIMENT CONTROL

D20. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques are, as a minimum, to be in accordance with the publication Managing Urban Stormwater: *Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

CUT AND FILL

D21. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

(a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility; and

(b) the classification and the volume of material removed must be reported to the Certifier.

D22. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

DISPOSAL OF SEEPAGE AND STORMWATER

D23. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant authority in accordance with the *Protection of the Environment Operations Act 1997*.

D24. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the Development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

D25. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

ASBESTOS

D26. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any relevant guidelines, including:

(a) *Work Health and Safety Regulation 2017*;

(b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;

(c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and

(d) *Protection of the Environment Operations (Waste) Regulation 2014*, including Part 7 – 'Transportation and management of asbestos waste'.

CONTACT TELEPHONE NUMBER

D27. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the construction.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

D28. If a Relic (as defined in the Heritage Act 1977) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*).is unexpectedly discovered:

(a) all works must cease immediately;

(b) the Applicant must notify the Heritage Council of NSW in respect of a Relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object; and

(c) the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.

D29. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

D30. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:

(a) date, time and location;

(b) a brief description of what occurred and why it has been classified as an Incident;

(c) a description of what immediate steps were taken in relation to the Incident; and

(d) identifying a contact person for further communication regarding the Incident.

D31. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

D32. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the Development (including the development application number and name), set out the condition of this consent that the Development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: A non-compliance which has been notified as an Incident does not need to also be notified as a non-compliance.

GROUNDWATER INTERCEPTION

D33. Should groundwater be intercepted during construction a Water Access Licence and a Water Supply Works Approval under the *Water Management Act 2000* must be obtained unless an exemption applies.

***Note:** information on water exemption can be obtained at https://water.dpie.nsw.gov.au/our-work/licensing-and-approvals/exemptions-for-water-licences-and-works-andor-use-approvals/groundwater-wal-exemptions.*

FAÇADE DECONSTRUCTION METHODOLOGY

D33A. All works to remove, salvage and reuse the façade brickwork and awning at 17 Oxford Street must be undertaken in accordance with the Façade Deconstruction Methodology required by Condition B23A.

AGENCY CONDITIONS

HERITAGE NSW

D34. The Excavation Director must be present to oversee excavation, advise on archaeological issues and advise on the duration and extent of oversight required during archaeological excavations consistent with the Historical Archaeological Research Design and Excavation Methodology 13-17 Oxford Street & 2 Verona Street, Paddington (ARDEM), prepared by Urbis, dated 19 November 2025.

D35. Archaeological investigations are to be undertaken in accordance with the ARDEM. The applicant must ensure that:

(a) any modifications to the ARDEM are approved by the Planning Secretary in consultation with Heritage NSW

(b) management of any unexpected finds is approved by the Planning Secretary in consultation with Heritage NSW.

PART E COMMENCEMENT OF OCCUPATION AND USE

GENERAL REQUIREMENTS

OCCUPATION CERTIFICATES

E1. In accordance with the EP&A Act, the Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.

NOTIFICATION OF OCCUPATION

E2. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the Development.

E3. If the occupation or use of the Development is to be staged, the Applicant must notify the Department in writing of the date of commencement of the occupation or use of the relevant stage at least one month before that date.

ENVIRONMENTAL PERFORMANCE

E4. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the Development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

E5. Before the issue of any Occupation Certificate, the Applicant is to provide a Report (**Post-Construction Dilapidation Report**) to the Certifier:

(a) stating whether, based on a comparison of the Pre-Construction Dilapidation Report and Post-Construction Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;

(b) if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage that is the result of the carrying out of Development;

(c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.

E6. The Applicant is to provide a copy of the Post-Construction Dilapidation Report to the Planning Secretary and to the relevant adjoining property owner(s).

ROAD DAMAGE

E7. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved Development is to be paid in full by the Applicant.

PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS

E8. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:

(a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development; and

(b) repair/reconstruct or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but not limited to ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) in the vicinity of the Development that is damaged by carrying out the Development.

E9. Prior to the occupation or commencement of the use of the Development, any damage identified in Condition E5 as being caused by the carrying out of the Development not subject to Condition E8 must be fully repaired and rectified by the Applicant.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

E10. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier:

(a) works-as-executed plans for the Development; and

(b) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied.

E11. Prior to the issue of an Occupation Certificate, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating that:

(a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or

(b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

COMPLIANCE WITH BASIX CERTIFICATE

E12. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

GFA AND BUILDING HEIGHT CERTIFICATION

E13. Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating compliance that the Development does not exceed the approved GFA and building height.

ACOUSTIC COMPLIANCE

E14. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under Condition B10.

E15. Prior to the issue of an Occupation Certificate, a sound limiter must be installed to control amplified sound at the premises in accordance with Council's document '*amplified sound and the installation, setup, testing and calibration of limiters, prior to occupation certificate'*, within City of Sydney – Environmental Noise Technical Requirements, dated October 2025 and any relevant requirements in the approved acoustic report.

E16. A suitably qualified acoustic consultant must provide a sound limiter verification report to the satisfaction of the Certifier demonstrating compliance with Condition E15.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

E17. Prior to the issue of an Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating the Development has incorporated all ecologically sustainable design, construction and operation measures, as required under Condition B4.

STRUCTURAL INSPECTION CERTIFICATE

E18. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings as part of the Development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.

E19. The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:

(a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and

(b) the drawings listed on the Structural Inspection Certificate or have been checked with those listed on the final Design Certificate/s.

LANDSCAPE PRACTICAL COMPLETION REPORT

E20. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which:

(a) verifies that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application;

(b) verifies that a maintenance program under the Landscape Plan required under Condition B8 has been commenced;

(c) includes details of plant maintenance and watering for the first 12 months; and

(d) includes details of plant maintenance and watering for the life of the Development.

FIRE SAFETY CERTIFICATION

E21. Prior to the issue of any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the Development.

E22. The Applicant must submit a copy of the Fire Safety Certificate to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

OUTDOOR LIGHTING

E23. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the Development:

(a) achieves the objective of minimising light spillage:

(i) beyond the property boundary; and

(ii) to any adjoining or adjacent Sensitive Receivers;

(b) complies with the latest version of AS 4282-2023 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 2023); and

(c) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

SYDNEY WATER COMPLIANCE

E24. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

UTILITY PROVIDERS

E25. Prior to the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the Development, is completed to the satisfaction of the relevant authority.

E26. Prior to the issue of any Occupation Certificate, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

BICYCLE PARKING AND END-OF-TRIP FACILITIES

E27. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier evidence the secure bicycle parking and end-of-trip facilities have been provided in accordance with Condition B9.

E28. Prior to the operation or commencement of use of the Development, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

STREET NUMBERING

E29. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLAN OF MANAGEMENT

E30. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the Development and submit it to the Certifier, which includes (but not be limited to):

(a) information, consistent with the Indicative Plan of Management prepared by Aspire Property Consulting accompanying the EIS including indicative capacity and the hours of operation (unless otherwise approved by separate development consents) of the non-residential uses (retail and cultural);

(b) details of the managing agent;

(c) management of communal areas and open spaces;

(d) details to confirm that the communal open space areas would only be used by the residents;

(e) noise management measures for communal open space areas, consistent with '*Noise and Vibration Impact Assessment'* (Revision 005), prepared by E-Lab Consulting and dated 22 May 2026;

(f) management of the areas used for Cultural or Creative Purposes approved within the site;

(g) details regarding the maximum capacity (including staff, patrons and performers) within the areas used for Cultural or Creative Purposes approved by this consent;

(h) confirmation that amplified sound at the premise would comply with Requirement 1 – *amplified sound and the upkeep and operation of limiters,* as specified in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025;

(i) loading and unloading in accordance with condition E36;

(j) security and staff management;

(k) emergency management/ evacuation and incident response protocols;

(l) waste management;

(m) tenant induction and behaviour/ house rules;

(n) details of use of the licenced premises; and

(o) community consultation and complaint procedures.

E31. The Operational Plan of Management approved under this consent shall be implemented following occupation of the Development. The Operational Plan of Management is to be reviewed and updated annually.

OPERATIONAL WASTE MANAGEMENT

E32. Prior to the occupation or commencement of use of the Development, the Applicant must prepare an **Operational Waste Management Plan** for the Development and submit it to the Certifier. The Operational Waste Management Plan must:

(a) be prepared in consultation with Council;

(b) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;

(c) confirm the location of waste collection and establish appropriate routes to the collection point;

(d) provide confirmation that appropriate arrangements have been made for the collection of waste;

(e) detail the type and quantity of waste to be generated during operation of the Development; and

(f) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA).

Note: *Conditions in Part F require the Applicant to implement the Operational Waste Management Plan for the life of the Development.*

STORMWATER

E33. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by a Professional Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.

E34. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a **Stormwater Operational and Maintenance Plan** (**SOMP**) that:

(a) is designed to ensure the proposed stormwater quality measures remain effective; and

(b) specifies, but is not limited to:

(i) a maintenance schedule of all stormwater quality treatment devices;

(ii) record and reporting details;

(iii) relevant contact information; and

(iv) Work Health and Safety requirements.

E35. Prior to the issue of any Occupation Certificate, 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 of Sydney and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

E36. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a **Car Parking, Loading and Servicing Management Plan** that:

(a) is designed to ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated;

(b) specifies, but is not limited to, details of:

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

(ii) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and

(iii) how vehicles larger than a 6.4m SRV delivering to the site must be managed.

TRANSPORT ACCESS GUIDE

E37. 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.

E38. The following information shall be submitted to and approved by Council's Area Planning Manager/ Area Coordinator 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; and

(b) Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

REGISTRATION OF EASEMENTS

E39. Prior to the issue of any Occupation Certificate, all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.

E40. An easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* naming Council as the prescribed authority, which can only be revoked, varied or modified with the consent of Council, and which provides for public access within and through, must be registered on title prior to occupation or issue of subdivision certificate, whichever is earlier.

E41. Prior to the issue of any Occupation Certificate, a positive covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) in accordance with Council's specifications.

LOT CONSOLIDATION AND EASEMENTS

E42. Prior to the issue of any Occupation Certificate, the lots/separate titles within the Development site must be consolidated. A plan of consolidation must be registered at the NSW Land Registry Services.

E43. Prior to the issue of any Occupation Certificate, any existing registered easements and rights or carriageways which burden the Development site must be appropriately extinguished and/or modified as appropriate to ensure services and drainage is maintained for easement beneficiaries.

SURVEILLANCE CAMERAS

E44. Prior to the issue of any Occupation Certificate, the Applicant must demonstrate to the certifier that CCTV surveillance cameras have been strategically installed, operated and maintained throughout the premises with coverage to:

(a) entrance/s and exits used by the public including a 10m radius of these entrance/s and exits; and

(b) all areas within the premise occupied by the public (excluding toilets).

ALTERNATIVE VENTILATION

E45. Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier evidence to demonstrate the implementation of alternative mechanical ventilation measures for all apartments that cannot meet the internal acoustic criteria, per the recommendations contained within '*Noise and Vibration Impact Assessment'* (Revision 005), prepared by E-Lab Consulting and dated 22 May 2026.

RESTRICTION ON FLOOR SPACE FOR CULTURAL OR CREATIVE PURPOSES

E46. Prior to the issue of an Occupation Certificate, the Applicant must provide to the Certifier evidence that:

(a) a restriction has been registered against the title of the site on which the Development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, requiring a minimum GFA of 1,674 m^2 as identified in Condition A6 to be used for Cultural or Creative Purposes in perpetuity; and

(b) information confirming (a) above has been provided to the Planning Secretary and Council.

HOUSING

IN-FILL AFFORDABLE HOUSING

E47. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that it has complied with the condition prescribed by section 82(2) of the EP&A Regulations.

AFFORDABLE HOUSING

E48. An Occupation Certificate for the 14 affordable housing apartments to be managed by the registered community housing provider must be issued concurrently or before any Occupation Certificate for the market residential component of the Development.

PART F OCCUPATION AND ONGOING USE

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

F1. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must:

(a) implement the SOMP; and

(b) otherwise ensure that all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and (if applicable) in accordance with any positive covenant.

STORAGE AND HANDLING OF WASTE

F2. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must implement the Operational Waste Management Plan.

F3. The Applicant must ensure that at all times during the life of the Development:

(a) waste is not placed or left on the site; and

(b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves.

TRAFFIC AND PARKING

F4. All loading and unloading operations associated with the site must be carried out:

(a) in accordance with the **Car Parking, Loading and Servicing Management Plan** prepared under this consent;

(b) within the confines of the site, at all times and must not obstruct other properties or the public way; and

(c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality

F5. The service vehicle docks, car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.

F6. The car spaces within the Development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

LANDSCAPING

F7. Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under Condition B8.

FIRE SAFETY CERTIFICATION

F8. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

OUTDOOR LIGHTING

F9. If any outdoor lighting results in any residual impacts on the amenity of surrounding Sensitive Receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

BASIX CERTIFICATION

F10. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 1822672M_02 and any updated certificate issued if amendments are made.

AMPLIFIED SOUND

F11. Following commencement of the use, the upkeep and operation of the sound limiter, and provision of amplified sound at the premise must comply with Requirement 1 – *amplified sound and the upkeep and operation of limiters,* as specified in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

NOISE FROM ENTERTAINMENT ACTIVITIES

F12. During ongoing use of the premises, the cumulative emission of noise from any entertainment activities must comply with Requirement 3, *noise from entertainment activities,* as specified in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

MECHANICAL VENTILATION – ONGOING MAINTENANCE AND CLEARING

F13. A written Maintenance and Cleaning Plan of Management must be kept on the premises and be available to an officer of Council upon request. This plan must be produced detailing the methods and procedures required to maintain the filtration and odour control system(s) in accordance with manufacturer's specifications, in a clean

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condition, and in satisfactory working order. The maintenance and cleaning management plan must include the following:

(a) what type of maintenance and cleaning procedures are to be followed, and at what frequency;

(b) emergency maintenance and risk management associated with a failure in the system; and

(c) the contact person/s details for emergency maintenance.

F14. A service log that shows compliance with the written Maintenance and Cleaning Plan of Management in (a) above regarding the cleaning and maintenance of the filtration and odour control system(s) must be produced and completed accordingly when maintenance and servicing occurs. This service log must be kept updated and kept on the premises at all times and be available to an officer of Council upon request.

HOUSING

IN-FILL AFFORDABLE HOUSING

F15. The Applicant (or others responsible for the management of the affordable housing apartments, such as the Community Housing Provider) must use best endeavours to ensure the affordable housing component is at full occupancy and, by 30 June of each year, must submit to the Planning Secretary a report relating to the previous 12-month period as to:

(a) the occupancy rate of the affordable housing component for that year; and

(b) compliance with the requirement in this condition to use best endeavours to achieve full occupancy.

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ADVISORY NOTES

AN1. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the Development, including external walls of all buildings and ventilation of premises, must be constructed in accordance with the relevant requirements of the NCC and applicable Australian Standards.

AN2. The Development consent is subject to, and the Applicant must comply with, any conditions prescribed by the regulations under the Act, including, in the case of in-fill affordable housing, s 82 of the Environmental Planning and Assessment Regulation 2021. As at the date of this consent, s 82 of the Regulation provides as follows:

82 In-fill affordable housing

(1) This section applies to development permitted under *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1, other than development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.

(2) It is a condition of the development consent that before the issue of an occupation certificate for the development—
(a) a restriction must be registered, in accordance with the *Conveyancing Act 1919*, section 88E, against the title of the property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and
(b) evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
(c) evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.

(3) It is a condition of the development consent that during the relevant period—
(a) the affordable housing component must be used for affordable housing, and
(b) the affordable housing component must be managed by a registered community housing provider, and
(c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
(d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

(4) In this section—
affordable housing component has the same meaning as in *State Environmental Planning Policy (Housing) 2021*, section 21.
relevant period means a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.

AN3. No condition of this consent overcomes any obligation on the Applicant to obtain, renew or comply with licences, permits, approvals, certifications and consents which may be required under law required to carry out the Development. The Applicant is responsible for obtaining any such licences, permits, approvals, certifications and consents, licences, permits, approvals, certifications and consents may include but are not limited to:

(c) modifications to this consent or other development consents required under the EP&A Act;

(d) certificates under Part 6 of the EP&A Act;

(e) approval under section 138 of the *Roads Act 1993* for activities and works including road occupancy, hoarding, scaffolding, barricades and other construction/building works requiring the use of a public place including a road or footpath;

(f) approvals for the installation of any hoardings over Council footways or road reserves;

(g) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);

(h) approvals required under the *Sydney Water Act 1994*.

AN4. The Applicant is responsible for ensuring that all agreements required to carry out the Development are obtained from other authorities or other parties, as relevant.

AN5. No condition of this consent removes any obligation on the Applicant to comply with laws, including but not limited to:

(a) work health and safety laws;

(b) environmental laws including *Protection of the Environment Operations Act 1997* and its regulations;

(c) *Disability Discrimination Act 1992* (Cth);

(d) *Building and Construction Industry Long Service Payments Act 1986*;

(e) *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021;*

(f) *Airports (Protection of Airspace) Regulations 1996*.

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AN6. The Housing and Productivity Contribution:

(g) 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; and

(h) 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 EP&A Act to the Development, or the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* exempts the Development from the contribution.

AN7. 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* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.

AN8. Sydney Water may issue an order to remove a tree or directly remove it and seek recovery for loss and associated compensation for the removal under the provisions of *Sydney Water Act 1994*, if any trees proposed or planted that may cause destruction of, damage to or interference with Sydney Water's work.

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APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Condition D30 or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with Condition D30), the Applicant is required to submit a subsequent Incident report that (in accordance with Condition D31):
   (a) identifies how the Incident was detected;
   (b) identifies when the Applicant became aware of the Incident;
   (c) identifies any actual or potential non-compliance with conditions of consent;
   (d) identifies further action(s) that will be taken in relation to the Incident;
   (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, including the period for implementing any corrective and/or preventative actions; and
   (d) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.

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