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26 July 2019

YUHU SYDNEY ONE PTY LIMITED  
C/- Urbis Pty Ltd  
Darling Park - Tower 2  
Level 23 201 Sussex St  
SYDNEY NSW 2000

Dear Sir/Madam

**SECTION 4.55 MODIFICATION APPROVAL FOR 1 ALFRED STREET, SYDNEY**  
**APPLICATION NO: D/2016/1529/C**

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I refer to your application dated 5 February 2019 to amend current consent D/2016/1529/B.

You are advised that your application for modification has been **approved** under Section 4.55(2) of the Environmental Planning and Assessment Act 1979. A copy of the Notice of Determination of the original development application is attached with the amendments resulting from the modification shown in ***bold italics***.

This approval is limited to only those amendments requested in your Section 4.55 application dated 5 February 2019. Approval is not granted for any other items which may have been amended on the submitted drawings and for which approval has not been specifically sought.

This approved modification will require an amended Construction Certificate which must be obtained from your Certifier (Council or private accredited certifier). Building work must not commence until an amended Construction Certificate has been approved.

The Council officer dealing with this application is **Shannon Rickersey ph. 02 9265 9677, email [srickersey@cityofsydney.nsw.gov.au](mailto:srickersey@cityofsydney.nsw.gov.au)**.

Yours faithfully

**MICHAEL SOO**  
Senior Area Planning Manager

**Notes:**

Modification of development consent in accordance with Section 4.55 of the Act shall not be construed as the granting of development consent, but reference to a development consent, is a reference to the development consent so modified.

Section 8.9 of the Act confers on an applicant who is dissatisfied with this determination a right of appeal to the Land and Environment Court and the Court may determine the appeal.

For the reasons for imposing conditions, refer to the Notice of Determination for the original development consent.

Modification of a development consent does not remove the need to obtain any other statutory consent necessary under the Environmental Planning and Assessment Act 1979, or any other Act.

The conditions of consent of the development application have been modified with the consent of the applicant.

## NOTICE OF DETERMINATION - APPROVAL

Issued under Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979

<b>Development Application No.</b>	D/2016/1529/C
<b>Applicant</b>	YUHU SYDNEY ONE PTY LIMITED
<b>Land to be developed</b>	1 Alfred Street , SYDNEY NSW 2000  Lot 8 DP 1224258
<b>Approved development</b>	State Significant Development - Demolition of all existing structures on the site and construction of a hotel (Tower B), including ground floor retail, 182 hotel rooms, and common hotel facilities. Excavation and construction of a six level basement for shared use by the hotel and the adjoining residential tower (Tower A). Public domain improvements and augmentation of physical infrastructure and utilities.
<b>Cost of development</b>	\$226, 371,005
<b>Determination</b>	<p>The application was determined by the Central Sydney Planning Committee <b>subject to conditions in Schedules 1 and 2</b> and was granted a deferred commencement <b>subject to the conditions in Part A and B</b></p> <p>This Section 4.55 modification application was determined under delegation of the Central Sydney Planning Committee and was granted approval <b>subject to the attached conditions.</b></p>
<b>Section 61 Contribution</b>	A Section 61 Contribution (under the City of Sydney Act 1998) applies to this development.
<b>Date of Determination</b>	11 May 2017
<b>Consent is to operate from</b>	28 September 2017
<b>Consent will lapse on</b>	28 September 2022
<b>Date of Section 4.55(2) Modification</b>	<b>26 July 2019</b>

**Reasons for conditions**

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

**Reasons for Approval**

The proposal is substantially the same development for which consent was originally granted.

The building modifications retain key features of the approved building design.

The proposal remains compliant with the approved maximum gross floor area and building height.

**Community Consultation**

No public submissions were received.

**Right of Appeal**

If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environmental Court within 6 months of the date of this notification.

Alternatively, you may request a review under Division 8.2 of the Act within 28 days of the date of this notice (NB Division 8.2 is not applicable to integrated or designated development).



per

**GRAHAM JAHN AM**

Director - City Planning, Development & Transport

**CONDITIONS OF CONSENT**

**PART A – DEFERRED COMMENCEMENT CONDITIONS**

**SCHEDULE 1**

**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination

**(1) DEPARTMENT OF PRIMARY INDUSTRIES – WATER**

The following is to be prepared and submitted to NSW Department of Primary Industries – Water (DPI Water):

- (a) Full details of the analytical groundwater modelling. This includes details of the methodology and calculations, details of all input data, and full presentation of outcomes in terms of drawdown prediction maps. This information, in so far as it forms the basis for other evaluations and comments, needs to be linked cohesively to other issues addressed.
- (b) Details of a suitable water quality monitoring program and Groundwater Monitoring Plan (including groundwater level, quality, quantity and flow) should be developed.

Confirmation that the above documentation has been submitted to, and is to the satisfaction of, DPI Water must be submitted to Council's Director, City Planning, Development and Transport.

- (A) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement condition, as indicated above, must be submitted to Council within 24 months of the date of this determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;
- (B) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent condition, as indicated above, has been satisfied; and
- (C) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

**PART B – CONDITIONS OF CONSENT**

**(ONCE THE CONSENT IS IN OPERATION)**

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent condition:

**SCHEDULE 1A**

**APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION**

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2016/1529 dated 31 October 2016 and the following drawings prepared by Kengo Kuma and Associates and Crone:

<b>Drawing Number</b>	<b>Drawing Name</b>	<b>Date</b>
0101 Rev: B	Site Plan	10/03/2017
0201 Rev: B	Demolition Plan	10/03/2017
1000 Rev: B	Basement 6 - Residential	10/03/2017
1001 Rev: B	Basement 5 - Residential	10/03/2017
1002 Rev: B	Basement 4 - Residential	10/03/2017
1003 Rev: B	Basement 3 - Hotel BOH	10/03/2017
1004 Rev: B	Basement 2 - Hotel BOH	10/03/2017
1005 Rev: B	Basement 1 - Loading and BOH	10/03/2017
1006 Rev: B	Lower Ground - Tower A	10/03/2017
1007 Rev: C	Ground - Lobby Hotel and Retail	16/06/2017 (sic)
1008 Rev: B	Ground Mezzanine - MEP	10/03/2017
1009 Rev: B	Level 01 - Pool and Spa	10/03/2017
1010 Rev: B	Level 02 - Executive Office	10/03/2017
1011 Rev: B	Level 03 - Grand Ballroom	10/03/2017
1012 Rev: B	Level 03 - Mezz. Meeting Room	10/03/2017
1013 Rev: B	Level 04 - All Day Dining	10/03/2017
1014 Rev: B	Level 05 - Office and Plant	10/03/2017
1015 Rev: B	Level 06 - Hotel Standard	10/03/2017
1016 Rev: B	Level 07 - Hotel Standard	10/03/2017
1017 Rev: B	Level 08 - Hotel Standard	10/03/2017
1018 Rev: B	Level 09 - Hotel Standard	10/03/2017
1019 Rev: B	Level 10 - Hotel Standard	10/03/2017
1020 Rev: B	Level 11 - Hotel Standard	10/03/2017
1021 Rev: B	Level 12 - Hotel Standard	10/03/2017

**NOTICE OF DETERMINATION – APPROVAL D/2016/1529/C**

<b>Drawing Number</b>	<b>Drawing Name</b>	<b>Date</b>
1022 Rev: B	Level 13 - Hotel Standard	10/03/2017
1023 Rev: B	Level 14 - Hotel Standard	10/03/2017
1024 Rev: B	Level 15 - Hotel Suite	10/03/2017
1025 Rev: B	Level 16 - Hotel Suite	10/03/2017
1026 Rev: B	Level 17 - Hotel Suite	10/03/2017
1027 Rev: B	Level 18 - Hotel Suites	10/03/2017
1028 Rev: B	Level 19 - Hotel Suites	10/03/2017
1029 Rev: B	Level 20 - Hotel Premier Suites	10/03/2017
1030 Rev: B	Level 21 - Hotel Premier Suites	10/03/2017
1031 Rev: B	Level 22 - Hotel Presidential Suite	10/03/2017
1032 Rev: B	Level 23 – Club Restaurant	10/03/2017
1033 Rev: B	Level 24 – Club Bar	10/03/2017
1034 Rev: B	Level 25 – Club Rooftop Bar	10/03/2017
1035 Rev: B	Level Roof	10/03/2017
2000 Rev: B	East Elevation	10/03/2017
2001 Rev: B	North Elevation	10/03/2017
2002 Rev: B	West Elevation	10/03/2017
2003 Rev: B	South Elevation	10/03/2017
2004 Rev: B	East Street Elevation	10/03/2017
2005 Rev: B	North Street Elevation	10/03/2017
2006 Rev: B	West Street Elevation	10/03/2017
2007 Rev: B	South Street Elevation	10/03/2017
2008 Rev: B	Façade Details	10/03/2017
2009 Rev: B	Façade Details	10/03/2017
2010 Rev: A	Façade Details	10/03/2017
2011 Rev: A	Canopy Details	10/03/2017
2012 Rev: A	Retail Façade Details	10/03/2017
3000 Rev: B	Section A – A	10/03/2017
3001 Rev: B	Section B – B	10/03/2017
9910 Rev: B	Materials Board	10/03/2017

and as amended by the conditions of this consent.

- (i) *And as further amended by the following drawings with approved modifications bubbled in red:*

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Date</i>
<i>1004 Rev: C</i>	<i>Basement 2 - Hotel BOH</i>	<i>15/12/2017</i>
<i>1005 Rev: C</i>	<i>Basement 1 - Loading and BOH</i>	<i>15/12/2017</i>
<i>1007 Rev: D</i>	<i>Ground - Lobby Hotel and Retail</i>	<i>15/12/2017</i>
<i>1008 Rev: C</i>	<i>Ground Mezzanine - MEP</i>	<i>15/12/17</i>
<i>1009 Rev: C</i>	<i>Level 01 - Pool and Spa</i>	<i>15/12/2017</i>
<i>1010 Rev: C</i>	<i>Level 02 - Executive Office</i>	<i>15/12/2017</i>

**NOTICE OF DETERMINATION – APPROVAL D/2016/1529/C**

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Date</i>
1011 Rev: C	Level 03 - Grand Ballroom	15/12/2017
1013 Rev: C	Level 04 - All Day Dining	15/12/2017
1014 Rev: C	Level 05 - Office and Plant	15/12/2017
1016 Rev: C	Level 07 - Hotel Standard	15/12/2017
1018 Rev: C	Level 09 - Hotel Standard	15/12/2017
1034 Rev: C	Level 25 – Club Rooftop Bar	15/12/2017
2000 Rev: C	East Elevation	15/12/2017
2001 Rev: C	North Elevation	15/12/2017
2002 Rev: C	West Elevation	15/12/2017
2003 Rev: C	South Elevation	15/12/2017
2004 Rev: C	East Street Elevation	15/12/2017
2005 Rev: C	North Street Elevation	15/12/2017
2006 Rev: C	West Street Elevation	15/12/2017
2007 Rev: C	South Street Elevation	15/12/2017
2009 Rev: C	Façade Details	15/12/2017
2011 Rev: B	Canopy Details	15/12/2017
9910 Rev: B	Materials Board	10/03/2017
9911 Rev: A	Materials Board	15/12/2017

- (ii) **And as further amended by the following drawings prepared by Kengo Kuma and Associates and Crone with approved modifications shown clouded red:**

<b><i>Drawing Number</i></b>	<b><i>Drawing Name</i></b>	<b><i>Date</i></b>
<b>0003 Rev F</b>	<b>BASIX Summary</b>	<b>18/01/2019</b>
<b>0101 Rev E</b>	<b>Site Plan</b>	<b>18/01/2019</b>
<b>1000 Rev G</b>	<b>Basement 6 - Residential</b>	<b>18/01/2019</b>
<b>1001 Rev F</b>	<b>Basement 5 - Residential</b>	<b>18/01/2019</b>
<b>1002 Rev G</b>	<b>Basement 4 - Residential</b>	<b>18/01/2019</b>
<b>1003 Rev G</b>	<b>Basement 3 - Hotel BOH</b>	<b>18/01/2019</b>
<b>1004 Rev H</b>	<b>Basement 2 - Hotel BOH</b>	<b>18/01/2019</b>
<b>1005 Rev H</b>	<b>Basement 1 - Loading and BOH</b>	<b>18/01/2019</b>
<b>1007 Rev K</b>	<b>Ground – Lobby Hotel &amp; Retail</b>	<b>05/04/2019</b>
<b>1008 Rev H</b>	<b>Ground Mezzanine - MEP</b>	<b>18/01/2019</b>
<b>1009 Rev H</b>	<b>Level 01 - Pool and Spa</b>	<b>18/01/2019</b>
<b>1010 Rev H</b>	<b>Level 01 - Mezzanine – Plant</b>	<b>18/01/2019</b>
<b>1011 Rev H</b>	<b>Level 02 - Grand Ballroom</b>	<b>18/01/2019</b>
<b>1012 Rev G</b>	<b>Level 02 – Mezzanine – Plant</b>	<b>18/01/2019</b>
<b>1013 Rev H</b>	<b>Level 03 - All Day Dining</b>	<b>18/01/2019</b>
<b>1014 Rev H</b>	<b>Level 04 – Hotel Standard</b>	<b>18/01/2019</b>
<b>1015 Rev G</b>	<b>Level 05 - Hotel Standard</b>	<b>18/01/2019</b>
<b>1016 Rev H</b>	<b>Level 06 - Hotel Standard</b>	<b>18/01/2019</b>
<b>1017 Rev G</b>	<b>Level 07 - Hotel Standard</b>	<b>18/01/2019</b>

<b>Drawing Number</b>	<b>Drawing Name</b>	<b>Date</b>
<b>1018 Rev H</b>	<b>Level 08 - Hotel Standard</b>	<b>18/01/2019</b>
<b>1019 Rev G</b>	<b>Level 09 - Hotel Standard</b>	<b>18/01/2019</b>
<b>1020 Rev G</b>	<b>Level 10 - Hotel Standard</b>	<b>18/01/2019</b>
<b>1021 Rev G</b>	<b>Level 11 - Hotel Standard</b>	<b>18/01/2019</b>
<b>1022 Rev G</b>	<b>Level 12 - Hotel Standard</b>	<b>18/01/2019</b>
<b>1023 Rev G</b>	<b>Level 13 - Hotel Standard</b>	<b>18/01/2019</b>
<b>1024 Re G</b>	<b>Level 14 - Hotel Standard</b>	<b>18/01/2019</b>
<b>1025 Rev G</b>	<b>Level 15 - Hotel Standard</b>	<b>18/01/2019</b>
<b>1026 Rev G</b>	<b>Level 16 - Hotel Standard</b>	<b>18/01/2019</b>
<b>1027 Rev G</b>	<b>Level 17 - Hotel Standard</b>	<b>18/01/2019</b>
<b>1028 Rev G</b>	<b>Level 18 - Hotel Standard</b>	<b>18/01/2019</b>
<b>1029 Rev G</b>	<b>Level 19 - Hotel Standard</b>	<b>18/01/2019</b>
<b>1030 Rev G</b>	<b>Level 20 - Hotel Suites</b>	<b>18/01/2019</b>
<b>1031 Rev G</b>	<b>Level 21 - Hotel Suites</b>	<b>18/01/2019</b>
<b>1032 Rev G</b>	<b>Level 22 – Hotel Presidential Suite</b>	<b>18/01/2019</b>
<b>1033 Rev G</b>	<b>Level 23 – Plant</b>	<b>18/01/2019</b>
<b>1034 Rev G</b>	<b>Level 24 – Restaurant</b>	<b>18/01/2019</b>
<b>1035 Rev H</b>	<b>Level 25 – Bar</b>	<b>18/01/2019</b>
<b>1036 Rev G</b>	<b>Roof Level</b>	<b>18/01/2019</b>
<b>2000 Rev G</b>	<b>East Elevation</b>	<b>18/01/2019</b>
<b>2001 Rev G</b>	<b>North Elevation</b>	<b>18/01/2019</b>
<b>2002 Rev G</b>	<b>West Elevation</b>	<b>18/01/2019</b>
<b>2003 Rev G</b>	<b>South Elevation</b>	<b>18/01/2019</b>
<b>2004 Rev F</b>	<b>East Street Elevation</b>	<b>18/01/2019</b>
<b>2005 Rev F</b>	<b>North Street Elevation</b>	<b>18/01/2019</b>
<b>2006 Rev F</b>	<b>West Street Elevation</b>	<b>18/01/2019</b>
<b>2007 Rev F</b>	<b>South Street Elevation</b>	<b>18/01/2019</b>
<b>2008 Rev E</b>	<b>Façade Details</b>	<b>18/01/2019</b>
<b>2009 Rev E</b>	<b>Façade Details</b>	<b>18/01/2019</b>
<b>2011 Rev E</b>	<b>Canopy Details</b>	<b>18/01/2019</b>
<b>3000 Rev G</b>	<b>Section A – A</b>	<b>18/01/2019</b>
<b>3001 Rev F</b>	<b>Section B – B</b>	<b>18/01/2019</b>
<b>9910 Rev E</b>	<b>Materials Board</b>	<b>05/04/2019</b>
<b>9911 Rev D</b>	<b>Materials Board</b>	<b>18/01/2019</b>

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

*(Amended, 23 March 2018 – Modification B)*

*(Amended 26 July 2019 – Modification C)*

**(2) SECTION 61 CONTRIBUTIONS PAYABLE - COST SUMMARY REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the *City of Sydney Act 1988* and the *Central Sydney Contribution (Amendment) Plan 2002/ Central Sydney Development Contributions Plan 2013* in accordance with the following:

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney - Cost Summary Report" indicating the itemised cost of the development must be completed and submitted to Council by the Certifying Authority (CA) together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney - Cost Summary Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website ([www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, *Building Code of Australia* compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

Please contact Council's Planning Administration staff at [Planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:Planningsystemsadmin@cityofsydney.nsw.gov.au) to confirm the amount payable, prior to payment.

**(3) VOLUNTARY PLANNING AGREEMENT**

The development must be carried out in accordance with all of the obligations referenced within the Planning Agreement between Wanda One Sydney Pty Limited and The City of Sydney Council executed on 30 March 2017 (Council Ref: 2017/168665).

**(4) MATTERS NOT APPROVED**

The following items are not approved and do not form part of this consent:

- (a) Option for bi-fold and tri-fold doors on ground floor retail tenancies; and
- (b) Signage for the ground floor retail tenancies.

**(5) DESIGN QUALITY EXCELLENCE**

- (a) In order to ensure the design quality excellence of the development is retained:
  - (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
  - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
  - (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of any Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director Planning, Development and Transport.

**(6) GROUND FLOOR HOTEL LOBBY**

Sandstone is to be utilised extensively in the lobby, particularly on walls visible from the public domain. Drawings demonstrating this are to be submitted to and approved by Council's Director, City Planning, Development and Transport prior to the issue of a Construction Certificate that involves the construction or fit-out of the lobby.

**(7) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD**

- (a) The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Kengo Kuma and Associates and Crone dated 10/03/2017 *and Issue A, dated 15/12/2017.*

- (b) *The use of Glass Fibre Reinforced Concrete (GFRC) is not approved by this consent.*

*(Amended, 23 March 2018 – Modification B)*

**(8) ~~SAMPLE REQUIRED – GLASS FIBRE REINFORCED CONCRETE~~**

~~*A product sample of the glass fibre reinforced concrete proposed for the upper levels of Tower B is to be provided to and approved by Council's Director, City Planning, Development and Transport prior to the issue of a Construction Certificate for any above ground construction works for Tower B. The product samples must be accompanied by a sample of the approved sandstone product to be utilised on the lower levels.*~~

~~*(Deleted, 23 March 2018 – Modification B)*~~

**(9) REFLECTIVITY**

The Certifying Authority must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of the Construction Certificate.

**(10) BUILDING HEIGHT**

- (a) The height of Tower B must not exceed RL 112.5 (AHD).
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

**(11) FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for Tower B and the basement must not exceed 4.8005:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of Floor Space Ratio the total Gross Floor Area is 19,394m<sup>2</sup>.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

**(12) FLOOD RISK MANAGEMENT**

- (a) All building structures are to be designed to ensure structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the Probable Maximum Flood.
- (b) Flood proofing is to be maintained for the life of the development. The design of the flood proofing is to be certified by a qualified structural engineer with experience in flood proofing and is to be compatible with the design of the development set out in this development consent. All flood

proofing features are to be listed on the positive covenant on the title of the property.

- (c) No toxic or other hazardous materials are to be stored below the Flood Planning Level or in the basement levels.
- (d) A Flood Emergency Response Plan is to be prepared by a suitably qualified flood engineer and implemented as a positive covenant on the title of the property (and annexed to the positive covenant). The Flood Emergency Response Plan is also to be implemented and operated by the building owner and/or Owners Corporation.
- (e) The Flood Emergency Response Plan is to:
  - (i) Describe the flood conditions in the vicinity of the site;
  - (ii) Direct persons on the site to shelter in place during a flood event and seek refuge above the Probable Maximum Flood level;
  - (iii) Include a map directing residents and visitors to a refuge via a flood free pathway within the building;
  - (iv) Describe the audible and visual alarm system for the basement area, including the linkage of this system to the building management system, details of failsafe operations and alternate power arrangements;
  - (v) Provide details (as an appendix) of all proposed flood sensors, their purpose, operation and maintenance (including the frequency of maintenance);
  - (vi) Provide details of lift design and operation in the event of a flood and specify how the lift will be deactivated in the event of a flood;
  - (vii) Provide details of access to flood free areas for disabled persons;
  - (viii) Provide details of all flood design features of the building (flood doors and the like) and describe their operation, maintenance, repair and replacement arrangements. Repairs are to be completed to ensure that the flood doors remain operational and effective;
  - (ix) Require the Owners Corporation to enter into a service arrangement by which repairs to all flood designed features of the building must be effected within 24 hours;
  - (x) Any pumping equipment used to disperse flood waters should have the same maintenance schedule as the flood doors; and
  - (xi) Make provision for three monthly testing by the building owner and/or Owners Corporation.

**(13) PUBLIC ART**

- (a) High quality public art work(s) shall be installed in accordance with a Public Art Strategy endorsed by Council in relation to the site.

- (b) Prior to the issue of a Construction Certificate for above ground building works, a Detailed Public Art Plan, prepared in accordance with the Public Art Strategy, must be submitted to and approved by Council's Director, City Planning, Development and Transport.
- (c) Public art is to be installed, to the satisfaction of Council, prior to the issue of any Occupation Certificate.
- (d) This public art required by this condition is in addition to the public art contribution required by the terms of any Voluntary Planning Agreement.

**(14) BUILDING IDENTIFICATION SIGNS FOR MAJOR DEVELOPMENTS - TIME LIMITED CONSENT**

The approved top of building business identification sign and any associated structures must be removed, and the building reinstated, within a period of 5 years from the date of the Occupation Certificate or on the termination of the subject lease of the property, whichever occurs first. If the sign is to be retained after this period, a new development application, or a Section 96 application to renew the signage approval, must be lodged with Council at least 6 months before the expiration of the 5 year period.

**(15) ERECTION OF SIGN**

The sign is to be erected in a secure manner to ensure safety and its installation is not to involve measures that would cause irreversible damage to the building.

**(16) SIGN ILLUMINATION**

- (a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with AS4282-1997 control of obtrusive effects of outdoor lighting.
- (b) The sign must not flash.

**(17) APPROVED DESIGN ROOF - TOP PLANT**

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

**(18) USE OF GROUND FLOOR RETAIL TENANCIES - SEPARATE DA REQUIRED**

- (a) A separate development application for the fit-out, use, and hours of operation for the ground floor retail tenancies must be submitted to and approved by Council prior to that fit-out or use commencing, except where the fit-out and use is exempt or complying development under an environmental planning instrument or development control plan.
- (b) Any signage proposed for the ground floor retail tenancies in Tower A or Tower B must be in accordance with the approved Retail Signage Strategy '17.280 Wanda One Sydney – Tower B Retail Signage Strategy'

prepared by brandculture and dated 10.03.2017 (Council ref:2017/129324).

- (c) Any proposal for outdoor dining is to be supported by a Wind Report demonstrating that the proposed outdoor dining area is suitable for that purpose.

**(19) FIT-OUT OF HOTEL FOOD AND DRINK PREMISES - SEPARATE DA REQUIRED**

A separate development application for the fit-out of the food and drink premises within the hotel must be submitted to and approved by Council prior to that fit-out commencing, except where the fit-out is exempt or complying development under an environmental planning instrument or development control plan. This condition applies to the following areas:

- (a) Ground level hotel lobby lounge/bar;
- (b) Level 1 fitness café;
- (c) Level 3 Grand Ballroom, ballroom kitchen; and function;
- (d) Level 4 dining areas and kitchens;
- (e) Level 23 dining areas and kitchens;
- (f) ~~Level 24 bar and karaoke; and~~
- (g) Level 25 club rooftop bar.

*(Deleted 26 July 2019 – Modification C)*

**(20) HOURS OF OPERATION – GROUND LEVEL LOBBY LOUNGE BAR, LEVEL 3 GRAND BALLROOM, PRE-FUNCTION AND VIP ROOM**

The hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between 7.00am and 1.00am the following day, Monday to Sunday inclusive.

**(21) HOURS OF OPERATION – LEVEL 1 FITNESS CAFE**

The hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between 6.00am and 10.00pm, Monday to Sunday inclusive.

**(22) HOURS OF OPERATION – LEVEL 4 3 RESTAURANTS**

The hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between 6.00am and 12.00 midnight, Monday to Sunday inclusive.

*(Amended 26 July 2019 – Modification C)*

**(23) HOURS OF OPERATION – LEVEL 23 24 RESTAURANT AND PRIVATE DINING ROOMS**

The hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between 6.00am and 2.00am the following day, Monday to Sunday inclusive.

*(Amended 26 July 2019 – Modification C)*

**(24) HOURS OF OPERATION – ~~LEVEL 24 CLUB BAR, KARAOKE, AND LEVEL 25 CLUB ROOFTOP BAR~~**

The hours of operation are regulated as follows:

- (a) The indoor hours of operation must be restricted to between 7.00am and 12.00 midnight, Monday to Sunday inclusive.
- (b) The outdoor hours of operation must be restricted to between 7.00am and 10.00pm midnight, Monday to Sunday inclusive.
- (c) Notwithstanding (a) and (b) above, the indoor use may operate between 12.00 midnight and 2.00am Monday to Sunday inclusive, and the outdoor use may operate between 10.00pm and 12.00 midnight for a trial period of one (1) year from the date of issue of the Occupation Certificate or the first use of the area, whichever comes first. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to liquor@cityofsydney.nsw.gov.au.
- (d) A further application may be lodged to continue the operating hours outlined in (c) above not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

*(Amended 26 July 2019 – Modification C)*

**(25) CESSATION OF SERVICE**

The food and drink premises may be open for business only between the operating hours specified in this consent. The operator must cease providing food/alcohol/entertainment within those areas of the premises 15 minutes before the required closing time.

**(26) MAXIMUM CAPACITY OF PATRONS**

- (a) The maximum number of patrons (including patrons and performers) permitted in the following areas of the premises at any one time is:
- (i) ~~Ground level hotel lobby lounge/bar: 68~~
- (ii) ~~Level 3 grand~~ ballroom and pre-function: **241 564**
- (iii) Level ~~4-3~~ dining areas: **84 600**

- (iv) ~~Level 23 VIP banquet: 34~~
  - (v) ~~Level 23 restaurant: 81~~
  - (vi) Level 24 ~~hotel bar, karaoke, and terrace specialty restaurant: 157 364~~
  - (vii) Level 25 club ~~bar and terrace: 35 420~~
- (b) The capacity for each area shall not exceed the maximum numbers at any given time.
  - (c) The manager/licensee is responsible for ensuring the number of persons in the above areas of the premises does not exceed that specified above.
  - (d) A sign in letters not less than 25mm in height must be fixed at the main entry point to the above areas of the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details of the sign are to be submitted to Council's Health and Building Unit for approval prior to issue of a Construction Certificate.

Note: Clause 98D of the *Environmental Planning and Assessment Regulation 2000* requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- (i) entertainment venue,
- (ii) function centre,
- (iii) pub,
- (iv) registered club,
- (v) restaurant.

*(Amended 26 July 2019 – Modification C)*

## **(27) OPERATIONAL AND SECURITY MANAGEMENT PLAN**

The use must always be operated/managed in accordance with the Operational and Security Management Plan entitled '~~Wanda Project Sydney One~~ Circular Quay', dated ~~28 October 2016~~ **24 January 2019** (Council ref: ~~2016/574214~~ **2019/055005**).

*(Amended 26 July 2019 – Modification C)*

## **(28) COPIES OF CONSENTS AND MANAGEMENT PLANS**

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

**(29) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION**

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

**(30) ~~VISION PANELS TO KARAOKE ROOMS~~**

~~Clear and unobstructed glass panels must be provided and maintained in or immediately next to the door of each karaoke room to permit supervision by the licensee/management and staff. The glass panels shall be no less than 250mm in width and 250mm in height. They are to be located no less than 1.4 metres and no more than 1.6 metres from the floor and so located as to enable vision of the entire room.~~

*(Deleted 26 July 2019 – Modification C)*

**(31) ~~KARAOKE – NO B.Y.O.~~**

~~The licensee/management shall not permit Bring Your Own (B.Y.O.) alcohol into the karaoke rooms or associated areas. Signage shall be displayed at each entry/exit point and reception area of the premises indicating “NO ALCOHOL IS TO BE BROUGHT ONTO THE PREMISES BY PATRONS” or words to that effect. The wording of this sign shall be not less than 50mm high in clear bold print.~~

*(Deleted 26 July 2019 – Modification C)*

**(32) ~~KARAOKE ROOMS – WAITER SERVICE~~**

- ~~(a) The licensee/management must not sell or supply liquor to patrons inside karaoke rooms other than by waiter service.~~
- ~~(b) The licensee/management shall ensure that signage is located at the point of sale for the information of patrons to indicate that “LIQUOR MAY ONLY BE SOLD OR SUPPLIED BY WAITER SERVICE TO PATRONS INSIDE KARAOKE ROOMS”. The wording of this sign shall not be less than 50mm high in clear bold print.~~

*(Deleted 26 July 2019 – Modification C)*

**(33) ~~KARAOKE - IDENTIFICATION OF DUTY MANAGER~~**

~~The karaoke premises shall publicly display in the reception area a notice board indicating clearly the Owner or Manager on duty with a photograph of the manager not less than 100mm square with their name in clear bold print underneath, not less than 10mm high in clear bold print. Above the photograph should be displayed the words “Manager on Duty” in clear bold print, not less than 20mm high. As the Duty Managers change, the notice board must be changed and kept up to date at all times.~~

*(Deleted 26 July 2019 – Modification C)*

**(34) ACCOMMODATION - REGISTRATION AND CARETAKER**

Prior to the issuing of an Occupation Certificate or occupation with an Interim Occupation Certificate (whichever is earlier), Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

**(35) INCIDENTS – RECORDING AND NOTIFICATION**

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

**(36) SURVEILLANCE CAMERAS**

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
  - (i) principal entrance/s and exits;
  - (ii) all areas within the premise occupied by the public (excluding toilets);
  - (iii) staircases in multilevel premises; and
  - (iv) the area within a 10m radius external to the public entrance(s) to the premise.
- (b) Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- (c) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered

at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.

- (f) All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- (g) The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

**(37) DELIVERY VEHICLES**

Deliveries associated with the site that involve the movement of vehicles, must only occur between the hours of 7.00am and 8.00pm weekdays, and 9.00am and 5.00pm weekends and public holidays to avoid noise disruption to the surrounding area.

**(38) NOISE - ENTERTAINMENT VENUES**

- (a) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an  $L_{A10, 15 \text{ minute}}$  enters any residential use through an internal to internal transmission path is not to exceed the existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the  $L_{A10, 15 \text{ minute}}$  noise level is below the threshold of hearing,  $T_f$  at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of  $T_f$  corresponding to that Octave Band Centre Frequency shall be used instead.

- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

**Note:** The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level  $L_{A90, 15 \text{ minute}}$  is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment  $L_{A90}$  / rating  $L_{A90}$  methodology in complete accordance with the process listed in the NSW EPA Industrial Noise Policy and relevant requirements of AS1055.1997.

**(39) NOISE - GENERAL**

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
  - (i) The  $L_{Aeq, 15 \text{ minute}}$  noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW EPA Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
  - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment  $L_{A90, 15 \text{ minute}}$  / rating  $L_{A90, 15 \text{ minute}}$  process to be in accordance with the requirements for noise monitoring listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
  - (iii) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.
- (b) An  $L_{Aeq, 15 \text{ minute}}$  noise level emitted from the use must not exceed the  $L_{A90, 15 \text{ minute}}$  noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that;
  - (i) Where the  $L_{A90, 15 \text{ minute}}$  noise level is below the threshold of hearing,  $T_f$  at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of  $T_f$  corresponding to that Octave Band Centre Frequency shall be used instead.

- (ii) The  $L_{Aeq,15\text{ minute}}$  noise level and the  $L_{A90,15\text{ minute}}$  noise level shall both be measured with all external doors and windows of the affected residence closed;
- (iii) The relevant background noise level ( $L_{A90, 15\text{ minute}}$ ) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the *NSW EPA Industrial Noise Policy* and Australian Standard AS1055.1997 *Acoustics – Description and measurement of environmental noise*.
- (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
- (v) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

**(40) RETRACTABLE ROOF**

The rooftop bar retractable roof is to be fully extended to ensure that the area is completely enclosed upon cessation of the approved outdoor hours of operation.

**(41) NO SPEAKERS OR MUSIC OUTSIDE**

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

**(42) NO SPRUIKING NOISE**

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

**(43) NOISE FROM GLASS REMOVAL**

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

**(44) GLASS CRUSHER**

All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located within the premises) prior to the removal of such waste from the premises.

**(45) REMOVAL OF GLASS**

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

**(46) NEIGHBOURHOOD AMENITY**

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

**(47) DETAILED ENVIRONMENTAL SITE INVESTIGATION REQUIRED**

A Detailed Environmental Site Investigation (DESI) is to be carried out after the demolition phase, and prior to the issue of a Construction Certificate for excavation, by a suitably qualified and competent environmental consultant and submitted to the City Area Planning Manager for further review in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated Land Management Act 1997 and SEPP 55 Remediation of Land” confirming that the site is suitable (or will be suitable, after remediation) for the proposed use.

Where the DESI states that the site requires remediation, a Remediation Action Plan (RAP) is to be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and the Contaminated Land Management Act 1997 and submitted to the City Area Planning Manager for approval.

Where the DESI concludes that the site is suitable for the proposed use it is to be peer reviewed by a NSW EPA Accredited Site Auditor and a Section A Site Audit Statement submitted to the City Area Planning Manager certifying that the site is suitable for the proposed use

The DESI and any RAP must be peer reviewed by a NSW EPA Accredited Site Auditor and include a section B Site Audit Statement or a letter of Interim advice from the Site Auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use. The site is to be remediated in accordance with any approved RAP.

**(48) EROSION AND SEDIMENT CONTROL**

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period.

During the construction period;

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

**(49) LANDSCAPING OF THE SITE**

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director, City Planning, Development and Transport prior to the issue of a Construction Certificate for above ground building works. The plan must be generally in accordance with the 'Landscape Design Report' prepared by Oculus in March 2016, and must include:
  - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
  - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
  - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC. The species *Tradescantia* 'Green Leaf' and *Pennisetum alopecurioides* must be replaced with alternative, non-invasive species.
  - (iv) Details of planting procedure and maintenance;
  - (v) Details of drainage, waterproofing and watering systems;
  - (vi) Details of the proposed water feature
- (b) Prior to the issue of a Construction Certificate for above ground building works, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued or commencement of the use, whichever occurs first.

**(50) LANDSCAPED (GREEN) ROOFS**

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by

Council's Director, City Planning, Development and Transport prior to the issue of a Construction Certificate for above ground building works. The plan must include:

- (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
  - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
  - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
  - (v) Details of the soil media/substrate type and depth.
  - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
  - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
  - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate for above ground building works, the following details are to be submitted to and approved by the Principal Certifying Authority:
- (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
  - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the details required by condition (a) above is to be completed prior to the issue of an Occupation Certificate or commencement of the use, whichever occurs first.
- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during the operational phase and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
- (i) Frequency and methodology of different maintenance requirements including the removal of green waste.

- (ii) Details of safety procedures.
  - (iii) Laminated copies of 'As Built' drawings.
  - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
  - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
  - (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

**(51) LANDSCAPED (GREEN) WALLS**

The design of the green wall must demonstrate the response to site conditions, including in particular light availability, sun and wind impacts.

- (a) Prior to the issue of a Construction Certificate for above ground building works, the following design details of the proposed green wall must be submitted to, and approved by Council's Director City Planning, Development and Transport:
- (i) Detailed drawings demonstrating how the green wall is constructed, including proposed materials, planter dimensions, and integration into the wall structure;
  - (ii) Details of the proposed growing medium, including soil depth and type;
  - (iii) Location, numbers, type and size of plant species selected (with plants being selected on the basis of the site conditions);
  - (iv) Drainage, irrigation and waterproofing details (as applicable); and
  - (v) Details of any additional lighting (where applicable).
  - (vi) ***Construction details of the interface between the vertical ventilation shafts and façade green walls. Evidence must be provided that this interface has been assessed and deemed acceptable by a suitably qualified and experienced green walls specialist.***
- (b) Prior to the issuing of a Construction Certificate for above ground building works a maintenance plan is to be submitted to, and approved by Council's Director City Planning, Development and Transport. The maintenance plan is to include information on:
- (i) How access will be provided to the plants, soil and structural elements for installation and maintenance; and
  - (ii) Details outlining the intended strategy for decommissioning the planting works should plants fail. This strategy is to ensure that the finish to the wall is well maintained throughout its life.

- (c) All landscaping in the details required by condition (a) above is to be completed prior to the issue of an Occupation Certificate or commencement of the use, whichever occurs first.

**(Amended 26 July 2019 – Modification C)**

**(52) TRANSPORT FOR NSW CONDITIONS**

- (a) The development must be designed and constructed in accordance with the 'Development Near Rail Corridors and Busy Roads — Interim Guideline' (2008). This guideline includes requirements for excavation within proximity to rail lines and safety requirements to be incorporated into design.
- (b) The Porte Cochere detailed design shall be undertaken in consultation with the CBD Co-ordination Office and the Sydney Light Rail Office within TfNSW. The final Porte Cochere Design shall be endorsed by the CBD Co-ordination Office within TfNSW prior to the issue of a construction certificate for above ground building works. Information confirming the endorsement of the final design of the Porte Cochere by the CBD Co-ordination Office is to be submitted to Council's Director, City Planning, Development and Transport prior to the issue of a construction certificate for above ground building works.

**(53) ALLOCATION OF PARKING**

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

Car Parking Type	Attributed to Tower 'A' Residential	Attributed to Tower 'B' Hotel	Number
Residential spaces	<del>118</del> 127	0	<del>118</del> 127
Accessible residential spaces [C]	<del>29</del> 25	0	<del>29</del> 25
Retail parking	0	1	1
Serviced apartment/hotel parking	0	<del>39</del> 22	<del>39</del> 22
Accessible serviced apartment/hotel parking [C]	0	<del>2</del> 3	<del>2</del> 3
<b>Subtotal</b>	<del>147</del> 152	<del>42</del> 26	<del>189</del> 177
Motorcycle parking [A]	<del>12</del> 16	4	<del>16</del> 20
Service vehicle spaces / hotel pick-up/put-down on Level B2	0	2	2
Hotel/serviced apartment Medium Rigid Vehicle loading dock(s)	0	<del>2</del> 1	<del>2</del> 1
Residential Medium Rigid Vehicle loading dock(s)	2	0	2
Waste vehicle space [B] – min 9.25m length	1	0	1
Car Share	3	1	4
<b>Total</b>			

**Notes:**

- (i) Number of motorcycle spaces refers to dimensions of 1.2m x 2.5m per Australian Standards. Alternatively the proponent may provide standard car spaces marked as motorcycle spaces (dimensions of 2.4m x 5.4m per Australian Standards). In this case 4 spaces would be required.
- (ii) The waste collection must meet the conditions of DCP12 Section 3.11.13, namely that vehicle access for collection and loading will provide for:
  - a. a 9.25m Council garbage truck and a small rigid delivery vehicle;
  - b. Minimum vertical clearance of 4.0 metres for residential development or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle.
- (iii) Accessible Parking spaces to meet the Australian Standards AS/NZS 2890.6 including having the shared area located adjacent to the space.

***(Amended 26 July 2019 – Modification C)***

**(54) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

**(55) RESTRICTION ON USE OF CAR SPACES AND STORAGE SPACES - RESIDENTIAL**

The following conditions apply to car parking and storage:

- (a) The on-site car parking spaces and storage spaces allocated to the residential component of the building are not to be used other than by a resident of the subject building for parking of vehicles, or storage of items, related to the residential unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.
- (b) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a), above. The covenant is to be created appurtenant to Council, at no cost to Council.
- (c) Any strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to

Section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

**(56) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL**

The following conditions apply to car parking allocated to the commercial/retail component of the development:

- (a) The on-site car parking spaces allocated to the commercial/retail component of the development, exclusive of service car spaces, are not to be used other than by an occupant or tenant of the subject building.
- (b) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the *Strata Titles (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the *Conveyancing Act 1919* burdening all car parking part - lots in the Strata Scheme.

**(57) RESTRICTION ON USE OF CAR SPACES - HOTEL**

The following conditions apply to car parking allocated to the hotel component of the development:

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

**(58) ALLOCATION FOR VISITOR PARKING**

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

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

**(59) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

**(60) CAR SHARE SPACES**

- (a) A minimum of 4 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised basement plan showing these spaces must be submitted to and approved by Council’s Director City Planning, Development and Transport prior to the Construction Certificate for the construction of the basement being issued.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must accessible to members of the car share scheme at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

**Note:** It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators prior to the issue of a construction certificate to ensure the commercial requirements of the operator can be accommodated.

**(61) BICYCLE PARKING AND END OF TRIP FACILITIES**

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

Bicycle Parking Type	Attributed to Tower ‘A’	Attributed to Tower ‘B’	Number	Requirements
Residential	<del>190</del> 165	0	<del>190-165</del>	Spaces must be class 2 bicycle facilities
Residential visitor	<del>19</del> 17	0	19 17	Spaces must be Class 3 bicycle rails
Non-residential (staff)	<del>2</del> 3	<del>52</del> 50	<del>54</del> 53	Spaces must be Class 2 bicycle facilities

Non-residential visitor	6	5	11	Spaces must be Class 3 bicycle rails
Non-residential visitor ( <i>hotel</i> )	0	<del>10</del> 7	<del>10</del> 7	Spaces must be Class 2 or 3 bicycle rails
End of Trip Facility Type	Number			
Showers with change area	1	<del>7</del> 5	<del>8</del> 6	
Personal lockers	2	<del>52</del> 50	<del>54</del> 52	

**Notes:**

- (i) Australian Standard AS 2890.3:2015 refers to class 1 as class ‘A’, class 2 as class “B”, and class 3 as class ‘C’.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to any Construction Certificate being issued.
- (c) The layout, design and security of bicycle facilities must comply with the minimum requirements of Council’s DCP2012. This includes:
  - (i) Section 3.11.3 (6a), access to bike parking areas are to be a minimum of 1.8m wide to allow a pedestrian and a person on a bike to pass each.
  - (ii) Section 3.11.3 (7) Bike parking for visitors (*except non-residential visitors (hotel)*) is to be provided in an accessible on-grade location near a major public entrance to the development and is to be signposted.
  - (iii) Section 3.11.3 (4a), where bike parking for tenants is provided in a basement, it is to be located on the uppermost level of the basement.
- (d) The details must be submitted to and approved by the Principle Certifying Authority confirming prior to any Construction Certificate being issued.

*(Amended, 23 March 2018 – Modification B)*

***(Amended 26 July 2019 – Modification C)***

**(62) CHANGES TO KERB SIDE PARKING RESTRICTIONS**

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City’s approval for any changes to kerb side parking arrangements.

There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

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

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

Note: it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

**(63) COST OF SIGNPOSTING**

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

**(64) ASSOCIATED ROADWAY COSTS**

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

**(65) INTERCOM FOR VISITORS**

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

**(66) ON SITE LOADING AREAS AND OPERATION**

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

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

**(67) PARKING DESIGN**

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

**(68) PARKING ON COMMON PROPERTY AREAS**

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

**(69) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME - APPLICATION OF CITY OF SYDNEY PARKING POLICY**

All owners, tenants and occupiers of this building are advised that it is the Policy of Council that they are not eligible to participate in any existing or proposed Council on-street resident parking schemes. The owner of the dwelling must advise all intending owners, tenants and occupiers of the dwelling of this prohibition in writing at the time of entering into a purchase / lease / occupancy agreement.

**(70) SECURITY GATES**

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

**(71) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME**

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be ***permanently displayed and located*** in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times ***by the Owners of the building***.

**(72) SIGNS AT EGRESS**

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

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

**(73) TRAFFIC WORKS**

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to the issue of a Construction Certificate for the construction of the basement.

**(74) VEHICLE FOOTWAY CROSSING**

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

**Note:** To reinforce the priority of pedestrian movement on the footpath, the footpath paving surface is to be continued over the vehicle crossing (ie. continuous footpath pavement) per Councils DCP2012 Section 3.11.11 (6).

**(75) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

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

**(76) ALCOVE LIGHTING**

Any alcoves within Rugby Place and the through site link shall be fitted with a sensor-activated vandal proof security light. The light shall be maintained in good working order to Council's satisfaction. The intensity, colour, and illumination must be varied if, at any time in the opinion of the consent authority, adverse impacts or Obtrusive Light, in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting, is being caused to the amenity of the area.

**(77) UNDER AWNING LIGHTING**

Illumination from the under awning lighting, when measured from any place in the public domain, must comply with the following:

- (a) the horizontal luminance level must not exceed 200 lux (including reflectivity from exterior finishes). The lux level may be increased to 220 lux in some areas in Central Sydney CBD;
- (b) the horizontal illuminance uniformity ratio ( $E_{avg}/E_{min}$ ) must not exceed 4:1 to ensure safe movement of pedestrians;
- (c) the intensity, colour, period of intermittency and hours of illumination must be varied if, at any time in the opinion of the Council, adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting* is being caused to the amenity of the area;
- (d) where nearby residents are located above the level of the under awning lighting, details are to be provided to show that light is not directed upwards toward such residences; and

- (e) batten type fluorescent lighting is not permitted to be used for under awning lighting.

**(78) WASTE/RECYCLING COLLECTION**

- (a) Waste and recycling must be presented and collected in accordance with the approved waste management plan (Council ref: 2017/207184) and must not be placed on the public way.
- (b) Waste and recycling must be presented and collected in accordance with the criteria set out in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places.

**(79) WASTE MANAGEMENT**

- (a) Residential or commercial waste and recycling receptacles must be stored on the property at all times and must not be presented on street for collection.
- (b) The developer is to liaise with Council's Waste Services for the installation of a compatible (GAR) key system to allow for the City's staff to collect waste and recycling receptacles directly from the nominated refuse storage room.
- (c) A minimum area of 8m<sup>3</sup> for discarded bulky items must be provided.
- (d) The nominated waste and recycling storage rooms must be constructed to meet the relevant conditions within the City's Policy for Waste Minimisation in New Developments (2005).
- (e) Commercial waste agreements must be in place prior to any commercial businesses trading
- (f) Clearance height for access by collection vehicle must be no less than 4.0m at any point if vehicle is required to enter site to service bins, or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle.
- (g) Unimpeded access shall be provided for collection vehicles between 6am and 6pm on collection days.
- (h) Waste and recycling containers will not be supplied until construction in developments is completed unless otherwise organised with Waste Services.
- (i) The development must have a residential rating or applied for a residential rating prior to a City of Sydney Waste service commencing.

**SCHEDULE 1B**

**PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING**

**Note:** Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

**(80) DPI WATER CONDITIONS**

Prior to the issue of a Construction Certificate for excavation:

- (a) Details of a comprehensive bore census should be presented.
- (b) A review of licensing requirements under the Water Act 1912 and the Water Management Act 2000 is required. Suitable applications are to be submitted to DPI Water and need to be accompanied by updated and more extensive groundwater information.
- (c) The Proponent needs to make arrangements with DPI Water for discussion or review of the detail of the groundwater assessment and findings.

**(81) SYDNEY TRAINS CONDITIONS**

- (a) The site owner must enter into a Deed of Agreement with TfNSW and RailCorp, prior to issue of any Construction Certificate, to address the adverse effects of the approved development on the CBDRL identified in *State Environmental Planning Policy (Infrastructure) 2007*. The Agreement must provide for the following:
  - (i) the design, construction and maintenance of the approved development so as to satisfy the requirements in conditions 2 to 10 below;
  - (ii) allowances for the future construction of railway tunnels in the vicinity of the approved development;
  - (iii) allowances in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
  - (iv) consultation with TfNSW and RailCorp ;
  - (v) access by representatives of TfNSW and RailCorp to the site of the approved development and all structures on that site;
  - (vi) provision to TfNSW and RailCorp of drawings, reports and other information related to the design, construction and maintenance of the approved development;

- (vii) creation of a restrictive covenant on each of the titles which comprise the approved project so as to satisfy Condition 77 (j) below;
  - (viii) such other matters which TfNSW and RailCorp considers are appropriate; and
  - (ix) such other matters as the owners and TfNSW and RailCorp may agree.
- (b) All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the CBDRL must be designed, constructed and maintained in accordance with design criteria specified by TfNSW.
  - (c) The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW.
  - (d) Prior to issue of any construction certificate the developer must undertake detailed geotechnical analysis to the satisfaction of TfNSW to demonstrate likely movements of the ground due to the future CBDRL.
  - (e) No modifications may be made to that the approved design without the consent of TfNSW.
  - (f) A detailed regime is to be prepared for consultation with, and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.
  - (g) TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
  - (h) All requirements contained in the *Agreement between TfNSW and RailCorp* and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
  - (i) Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records.
  - (j) Prior to the commencement of any excavation below existing ground level, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the design,

construction and operation of the proposed CBDRL the prior written consent of TfNSW.

(Amended, 5 March 2018 – Modification A)

**(82) SYDNEY WATER CONDITIONS**

- (a) Prior to the issue of a Construction Certificate, suitable arrangements are to be made with Sydney Water for the accessibility and protection of the existing Sydney Water stormwater drain in Rugby Place I Crane Place.
- (b) No building structure is to encroach laterally (*further than existing*) within 1 m of the existing Sydney Water stormwater drain (unlimited depth and height) and this is to be clearly shown on future survey drawings. This is to comply with Sydney Water's Building Over/Adjacent to Sydney Water stormwater assets.
- (c) The proposed development can connect to the 250mm water main in Pitt Street and 450mm wastewater main in Alfred Street.
- (d) Amplification of assets may be required to service the proposed development. This will be assessed at the Section 73 application phase after development consent is obtained.

(Amended, 23 March 2018 – Modification B)

**(83) PORTE COCHERE DESIGN AND PITT STREET INTERFACE**

The detailed design of the porte cochere and Pitt Street interface shall be undertaken in consultation with the CBD Coordination Office within TfNSW, the Sydney Light Rail Office within TfNSW, TfNSW, Roads and Maritime Services, and the City of Sydney.

Subject to endorsement from the CBD Coordination Office within TfNSW, Council will review the plan.

The final design for the porte cochere and Pitt Street interface must be submitted to and approved by Council's Director, City Planning, Development and Transport prior to the issue of a Construction Certificate for any above ground building works.

**Note:** The exact location and design of the Pitt Street Cycleway is not yet finalised. When developing the detailed design for the porte cochere and Pitt Street interface, the proponent is to take into consideration that the provision for cyclists is under investigation and is subject to change.

**(84) FLOOD PLANNING LEVELS**

Prior to a Construction Certificate being issued for any civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, an updated Flood Study, taking into account flood impacts by the Sydney Light Rail, must be submitted to and approved by Council to demonstrate that appropriate Flood Planning Levels will be achieved through a combination of finished floor levels and flood barriers. The Flood Study must only recommend flood barriers where achieving Flood Planning Levels through finished floor level is unachievable due to site constraints.

**(85) FLOOD EMERGENCY RESPONSE PLAN**

Prior to the issue of ~~any~~ a Construction Certificate *for construction of the basement*, the Flood Emergency Response Plan is to be provided to Council.

*(Amended, 23 March 2018 – Modification B)*

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

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) A bank guarantee to be provided in the sum of \$1,010,250 dollars as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed \$1,010,250 dollars; and
    - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
  - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
    - a. demolition of the existing building has commenced but not been completed;
    - b. the existing building has been demolished; or
    - c. the site has been excavated; or
    - d. the erection of the structure has commenced;
  - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
    - a. make the building safe and of an appearance acceptable to Council at ground level;
    - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or

- c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
- d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;

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

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
  - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
  - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
  - (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
  - (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.
  - (iii) Stage 3 – Issue of the Final Occupation Certificate.
- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
  - (i) Certification (from an accredited certifier) that the relevant stage is complete;
  - (ii) Detailed schedule of completed works carried out in the relevant stage;
  - (iii) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

**(87) SANDSTONE RECYCLING**

- (a) A Geotechnical Report prepared by a suitably qualified geotechnical engineer is to be submitted to Councils' Director, City Planning and

Transport prior to the issue of a Construction Certificate for excavation. The report is to include an investigation of the nature of the existing subsurface profile using appropriate investigation methodology and borehole testing techniques.

- (b) The Geotechnical Report is to analyse the quality of the material, including contamination, and to assess the suitability of the rock for removal by cutting into quarry blocks for use as high quality building construction material, including for building conservation. The analysis of the nature of sandstone is to include uniaxial compressive strength tests and petrographic analyses carried out on selected rock core samples where these indicate the presence of sandstone of medium to high strength.
- (c) Subject to confirmation that the rock is of a suitable quality for reuse in other construction, the Geotechnical Report is to include an Excavation Work Method Statement with recommendations as to the depth of the most suitable profile, details excavation methodologies, cutting methods and procedures for the removal of all sandstone material in a useable form and size, noise and dust attenuation measures in addition to recommendations for monitoring, notifications and review.
- (d) In addition, details of any required storage of material off site must be submitted to and approved by Council's Director, City Planning and Transport prior to any removal of blocks from the site. If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is determined by Council to be have similar properties to Pyrmont 'Yellow Block' sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse. Storage and further advice may be able to be facilitated by the Council or the Minister's Stonework Program. Please contact the Heritage Asset Advisory Group that manages the Minister's Stonework Program on 02 9372 8552 or [mshp@finance.nsw.gov.au](mailto:mshp@finance.nsw.gov.au). Alternatively contact the Director of Heritage Asset Advisory at Public Works Advisory on 02 9372 8349. Further details are at <http://www.publicworks.nsw.gov.au/architecture-heritage/heritage>
- (e) The programming of the works is to take into account the above process.

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by ***Arup, dated 28th October 2016 (Council ref: 2016/574207) ARUP, dated 27 Oct 2016, ref 247747, Council Ref 2016/574200 and the Noise & Vibration Impact Assessment for S4.55, Tower B, One Alfred Street, Circular Quay, prepared by JHA Consulting Engineers, dated 01 Feb 2019, ref 180271, Council Ref 2019/055000*** must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) below and to the satisfaction of the certifying authority.

- (b) Prior to the issue of a Construction Certificate for above ground works, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant (see note below) to be in accordance with the requirements of the DA acoustic report.

**Note:** Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

*(Amended 26 July 2019 – Modification C)*

**(88A) MECHANICAL VENTILATION**

- (a) *The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and 2 - 2012. The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings.*
- (b) *Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and 2 – 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.*
- (c) *Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, must be submitted to the Principal Certifier.*

*(Inserted 26 July 2019 – Modification C)*

**(89) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate for above ground works being issued.

**(90) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)**

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

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

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

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

**(92) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 174-176 George Street (Jacksons on George), 178-186 George Street, and 33-35 Pitt Street are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

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

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

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

**(93) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

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

- (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
  - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
  - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
  - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Policy for Waste Minimisation in New Developments 2005*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
  - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
  - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
  - (iv) The name and address of the transport contractor.
  - (v) The type and quantity of material to be removed from site.
  - (vi) Location and method of waste disposal and recycling.
  - (vii) Proposed truck routes, in accordance with this development consent.
  - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
  - (ix) Measures to control noise emissions from the site.
  - (x) Measures to suppress odours.
  - (xi) Enclosing and making the site safe.

- (xii) Induction training for on-site personnel.
  - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
  - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
  - (xv) Disconnection of utilities.
  - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
  - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
  - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
  - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
  - (xx) Working hours, in accordance with this development consent.
  - (xxi) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

**(94) CAR PARK VENTILATION**

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

**(95) AIR HANDLING**

In the event of any process in any room being of such a nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given-off, an air handling system must be installed providing positive capture and removal of the effluents. The effluent must be discharged to atmosphere at a point that will not create a nuisance and located in a position complying with AS 1668.2.

**(96) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION**

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

**(97) FIRST AID KIT**

During the operational phase the premises must provide a designated storage space for a first aid kit which:

- (a) contains, at least anti-septic and band aids;
- (b) is located in a staff area; and
- (c) is accessible to staff.

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

- (a) A separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
  - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
  - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
  - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
  - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
  - (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

**Note:** 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2011*).

**(99) INSTALLATION OF GRAPHICS AND ARTWORK ON SCAFFOLDING (BUILDING / CONSTRUCTION WRAPS)**

- (a) Where scaffolding is to be installed to undertake the proposed development an approved graphic / artwork installation must be provided on the scaffolding system to shield the development from the public place and to minimise adverse visual impacts on the locality.
- (b) The graphic installation must be printed, installed and maintained in accordance with Council's Guidelines for Hoardings and Scaffolding. Details of the proposed graphic must be submitted to and approved by Council prior to the installation of any scaffolding.

**(100) INSTALLATION OF DUAL-FLUSH TOILETS**

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

**(101) INSTALLATION OF WATER EFFICIENT TAPS**

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

**(102) INSTALLATION OF WATER EFFICIENT URINALS**

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

**(103) INTERNAL LIGHTING SYSTEM**

The proposed internal lighting system for the office spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off

during non-working hours. Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to a Construction Certificate for the construction of the basement being issued.

**(104) SWIMMING POOL/SPA**

Swimming and/or spa pool/s and pool surrounds must be maintained in accordance with the *Public Health (General) Regulation 2012*. Note: Guidance may also be obtained from the NSW Health Department's *Public Swimming Pool and Spa Pool Guidelines*.

**(105) SWIMMING POOL - WASTE AND OVERFLOW WATERS**

Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for a Construction Certificate to the satisfaction of Council or the accredited certifier and approved by the Certifying Authority.

**(106) SYDNEY WATER CERTIFICATE (TAP-IN)**

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

**(107) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of any Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

**(108) ROAD OPENING PERMIT**

A separate Road Opening Permit under Section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

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

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the *Roads Act 1993* must be lodged with Council.

**(110) LAND SUBDIVISION**

Any proposal to subdivide the site, including any stratum subdivision of the buildings, will require a separate application to Council to obtain development consent for the proposal and subsequent issue of the Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979*.

**(111) STRATA SUBDIVISION**

Any proposal for strata subdivision of the site will require development consent and therefore the lodgment of a separate development application or complying development application, and subsequent approval from Council, or an accredited certifier, of the Strata Plan and issue of a Strata Certificate under the *Strata Schemes (Freehold Development) Act 1973*.

**(112) ANNUAL FIRE SAFETY STATEMENT FORM**

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

**(113) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)**

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

**(114) EMISSIONS**

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

**(115) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW,

holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.

- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the *Work Health and Safety Regulation 2011* and the NSW Government and WorkCover document entitled *How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover)* and the *City of Sydney Managing Asbestos Policy*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;

- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

**(116) CLASSIFICATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

**(117) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN**

All recommendations contained in the Acid Sulphate Soils Management Plan prepared by Greencap, dated October 2016 (Council ref: 2016/574236) must be complied with.

**(118) DECOMMISSIONING OF UNDERGROUND PETROLEUM STORAGE TANKS**

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

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

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

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

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

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

Subsequent remediation of the site must be undertaken in accordance with the *Managing Land Contamination – Planning Guidelines, State Environmental Planning Policy 55 – Remediation of land (Department of Urban Affairs and Planning 1998)* including notification to the City of Sydney Area Planning Manager at the start and completion of land remediation.

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

**(119) UNDERGROUND PETROLEUM STORAGE SYSTEM – DECOMMISSIONING REPORT**

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

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

The decommissioning report must contain:

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

**(120) STOCKPILES**

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.

- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

**(121) HAZARDOUS AND INDUSTRIAL WASTE**

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

- (a) *Protection of the Environment Operations Act 1997*
- (b) *Protection of the Environment Operations (Waste) Regulation 2005*
- (c) *Waste Avoidance and Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2011.*

**(122) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**

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

**(123) GREASE AND LIQUID WASTE TRAPS**

- (a) A grease trap if required by Sydney Water must be installed in accordance with Sydney Water requirements and:
  - (i) Must be installed by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*;
  - (ii) The grease trap must not be located in any kitchen, food preparation or food storage area;
  - (iii) Be suitably constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
  - (iv) Be suitably constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.
- (b) In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas and must be carried out by a suitably qualified.

**(124) HOT WATER SERVICE**

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

**(125) SANITARY FACILITIES – FUTURE FOOD PREMISES**

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

**(126) WASTE STORAGE AREA**

- (a) To ensure the adequate storage and collection of waste from the future food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with *AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment* and comply with the Council Policy for Waste Minimisation in New Developments, and must be:
- (i) Provided with a hose tap connected to the water supply.
  - (ii) Paved with impervious floor materials.
  - (iii) Coved at the intersection of the floor and walls.
  - (iv) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
  - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the *Protection of the Environment Operations Act 1997* or a nuisance.
  - (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*.
  - (vii) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
  - (viii) Appropriately managed so that it does not attract pests or create litter.
- (b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issuance of a WASTE AND RECYCLING COLLECTION CONTRACT

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

**(127) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be approved by the Certifying Authority prior to a Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's *Policy for Waste Minimisation in New Developments 2005*.

**(128) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Policy for Waste Minimisation in New Developments 2005*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

**(129) MICROBIAL CONTROL IN WATER SYSTEMS**

- (a) Prior to the issue of a Construction Certificate for the construction of the basement detailed plans of any water cooling system (including cooling towers) as defined under the *Public Health Act 2010* must be prepared by

a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.

- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the following:
  - (i) *Public Health Act 2010*, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.
  - (ii) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council’s Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council’s Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

**(130) TREES APPROVED FOR REMOVAL**

- (a) All trees detailed in the table below are approved for removal. Tree removal must not occur until the Construction Certificate for construction of the basement has been issued. No other trees have been approved for removal.

<b>Tree No</b>	<b>Tree Name</b>	<b>Location</b>
2x	London Plane (Platanus acerifolia)	Pitt Street - located within 2x new driveways and crossovers

- (b) All tree removal works must be carried out by a qualified Arborist, with a minimum Level 3 AQF in arboriculture and in accordance with WorkCover’s Code of Practice – Amenity Tree Industry.

**(131) STREET TREE PROTECTION**

All Street trees (except for those that have been approved for removal) must be protected in accordance with the Australian Standard 4970 Protection of Trees

on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be installed prior to the issuing of the Construction Certificate. The protection must be installed and certified by a qualified Arborist (minimum AQF Level 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
  - (ii) Tree trunk/s and/or major branches must be protected by wrapped hessian or similar material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (e) Any excavation within in any area known to, or suspected of having street tree roots greater than 40mm diameter must be undertaken by hand.
- (f) Any trenching works for services / hydraulics / drainage etc must not be undertaken within 3 metres of any street tree. Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services.
- (g) Existing sections of kerbs adjacent to any street tree shall not be removed without approval from the Street Tree Coordinator. Removal of kerbs adjacent to mature trees can cause trees to become unstable and fail.
- (h) Any damage sustained to street tree/s as a result of any construction activities must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333. Any damage to street trees as a result of construction and development works may result in a prosecution

under the Local Government Act 1993 and/or the Environmental Planning and Assessment Act 1979.

**(132) STREET TREE PRUNING**

- (a) The consent from Council's Street Tree Coordinator must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

**(133) STREET TREE PLANTING AND MAINTENANCE**

- (a) A detailed Landscape Plan indicating the location of the two (2) street trees to be planted in Pitt Street in association with the development must be submitted to and approved by Council's Area Planning Manager prior to the issue of the Construction Certificate. This detail must also be included into the Public Domain Plans
- (b) The street trees must be located and planted in accordance with the City's Street Tree Master Plan, and:
  - (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
  - (ii) before the issue of an Occupation Certificate.
- (c) The new trees and tree pits must be inspected by Council's Tree Contract Coordinator, before and after planting.
- (d) The new street trees must be planted prior to the issuing of the Occupation Certificate or the commencement of the use, whichever occurs first.
- (e) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (f) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council's Tree Contract Coordinator before hand-over of any street tree to Council.
- (g) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

**(134) ALIGNMENT LEVELS – MAJOR DEVELOPMENT**

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's Public Domain Manual and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

**(135) PAVING MATERIALS**

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

**(136) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;

- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

### **(137) PRESERVATION OF SURVEY MARKS**

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

### **(138) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the *Surveying Act 2002*.

**(139) PUBLIC DOMAIN PLAN**

The Public Domain Plan accompanying this Development Application has not been approved by this consent.

- (a) An amended detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**(140) PUBLIC DOMAIN STAGE PLAN**

- (a) The applicant is to submit a Public Domain Works Plan which clearly defines the stages for the Public Domain works around Towers A and B. The staging of works is to consider the provision of the following:
  - (i) Safe pedestrian access to areas which will become accessible before the completion of both towers on the site.
  - (ii) Opportunities to co-ordinate public domain works with adjoining property owners to reduce the scope of temporary works required.

**(141) TEMPORARY PUBLIC DOMAIN WORKS**

- (a) Any proposed temporary Public Domain works at the property boundary are to be designed to ensure that the works do not adversely affect adjoining property owners in the interim.
- (b) The temporary works are to be constructed to reduce the scope of rectification works required to achieve the final coordinated design levels. Any required infrastructure or services adjacent to property boundaries are to be installed in accordance with Australian standards to meet approved final finished levels.

**(142) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

- (a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification.
- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period.

**(143) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

- (a) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

- (b) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.
- (c) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.

**Note: Contact Council's Legal Unit prior to the drafting of the positive covenant.**

- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (f) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

**(144) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

**(145) DRAINAGE AND SERVICE PIT LIDS**

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the *City of Sydney's Sydney Streets Design Code* and *Sydney Streets Technical Specification*. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

**(146) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the George, Pitt and Alfred Street frontages of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

**(147) PUBLIC DOMAIN DAMAGE DEPOSIT**

A Public Domain Damage Deposit calculated on the basis of 167lin.m has been lodged with Council to comply with D/2010/2029 and D/2016/1527. The Public Domain Damage Deposit has been submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

**(148) PUBLIC DOMAIN LIGHTING**

- (a) Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for building facades where public domain lighting is to be attached to or public domain areas where lighting infrastructure is to be installed must be prepared by a suitably qualified, certified practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Public Domain Design Codes – Sydney Lights (available on City website), Sydney Streets Design Code, Sydney Streets Technical Specification Section A5 – Street Lighting Design and Section B8 – Street Lighting Construction as well as the Public Domain Manual and must include the following:
- (i) Use of 4.5 COS approved lighting design software AGI32 and PerfectLite to provide Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
  - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
  - (iii) Structural engineer certified site specific footing designs and locations must be submitted for council approval.
  - (iv) Location and details of underground electrical reticulation, connections and conduits;
  - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
  - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.

- (vii) Installation of COS standard 4.5m pedestrian lighting poles where access is not available for maintenance vehicles.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

**(149) BICYCLE FACILITIES WAY FINDING PLAN**

A way finding parking plan must be submitted showing all the signage to the bicycle facilities. This might include illuminated signage where appropriate. These plans must be submitted to and approved by Council prior to any Construction Certificate for the construction of the basement being issued.

**(150) LOADING DOCK MANAGEMENT PLAN**

A Loading Dock Management Plan, must be submitted to and approved by Council prior to the Construction Certificate for the construction of the basement being issued.

The proponent is to prepare the Loading Dock Management Plan in consultation with TfNSW, the CBD Coordination Office within TfNSW and City of Sydney.

The plan should identify how the loading area will be managed and used by all building tenants including retail and residential and how the loading area will accommodate uses such as waste vehicles, hotel deliveries, removal vehicles, bulky good deliveries and similar.

The plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site.

The plan shall be managed either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants to reserve a time period for their deliveries. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

**(151) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN (INCORPORATING RMS AND TFNSW CPTMP REQUIREMENTS)**

- (a) The proponent is to prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW, the CBD Coordination Office within TfNSW, the Sydney Light Rail Team within TfNSW, Roads and Maritime Services and City of Sydney. The CPTMP needs to specify, but not limited to, the following:
  - (i) Description of proposed works;
  - (ii) Location of the proposed work zone;
  - (iii) Proposed crane location;
  - (iv) Haulage routes;
  - (v) Construction vehicle access arrangements;

- (vi) Proposed construction hours;
  - (vii) Estimated number of construction vehicle movements;
  - (viii) Construction Program;
  - (ix) The likely construction vehicle numbers and frequency;
  - (x) Approach and departure routes;
  - (xi) Parking access arrangements during construction;
  - (xii) Provision of acceptable pedestrian management measures;
  - (xiii) Impact of proposed measures;
  - (xiv) Effects on existing and future developments;
  - (xv) Detailed of provisions made for emergency vehicles, heavy vehicles and cyclists;
  - (xvi) Measures to ameliorate impacts
  - (xvii) Public transport services affected;
  - (xviii) Consultation strategy for liaison with surrounding stakeholders;
  - (xix) Public consultation;
  - (xx) Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
  - (xxi) Cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMP's for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and
  - (xxii) Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.
- (b) The proponent is to submit a copy of the final CPTMP plan to Council, who will liaise with the Coordinator General CBD Coordination Office regarding the plan. Subject to endorsement from the Coordinator General CBD Coordination Office, Council will review the plan. The final plan must be approved by Council prior to the Construction Certificate being granted.

**(152) COACH PARKING MANAGEMENT PLAN**

A Coach Parking Management Plan, must be submitted to and approved by Council's Director, City Planning and Transport, prior to the Construction Certificate for the site being granted. The plan must include, but is not limited to providing the following:

- (a) The anticipated numbers of coach arrivals per week,
- (b) Time of day the arrivals,
- (c) Length of stay,
- (d) Bus types and vehicle size; and
- (e) Procedures to address the arrivals.

Any arrangement that would identify and utilise on-street parking must be undertaken with consultation with the CBD Coordination Office within TfNSW, TfNSW, Roads and Maritime Services and City of Sydney.

The operator of the hotel must not utilise Pitt Street for coach parking, pick-up, or drop off at any time during the operational phase of the development.

**SCHEDULE 1C**

**DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION**

**(153) SURVEY**

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

**(154) SURVEY CERTIFICATE AT COMPLETION**

A survey and report, prepared by a Registered Surveyor, must be submitted at the completion of the building work detailing the location of the building in relation to the boundaries of the allotment by offset measurements and confirming whether the new construction work lies completely within the boundaries of the land.

**(155) EASEMENT FOR PUBLIC ACCESS**

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Easement for Public Access, limited in stratum if so desired, is to be created and registered on the Title of the development site. The Easement is to be defined over:
  - (i) A strip of land running approximately north-south, of variable width, extending from the southern alignment of Alfred Street (Herald Square) to the northern boundary of “Rugby Place”, of nominal width of between 6metres and 12 metres generally over the paved areas located between Towers A and B as shown on the approved plans for the development.
  - (ii) A strip of land, known as “Rugby Place” and running approximately east-west, of variable width, adjoining the southern boundary of the site, located between that boundary and Tower B, extending from the western alignment of Pitt Street to the western boundaries of the development site where it abuts (in part) Lot 182 in DP 606865 as shown on the approved plans for the development.

The Easements are to be created appurtenant to Council in terms granting rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council’s satisfaction.

- (b) Prior to the issue of an Occupation Certificate for the development or the commencement of the use, whichever occurs earlier, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Easement for Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy to which Council is a named party and is to require the maintenance,

upkeep, repair and lighting of the Easement for Public Access in accordance with Council's requirements and to the satisfaction of Council.

**(156) EASEMENT FOR ACCESS & MAINTENANCE – PUBLIC ART**

Prior to the issue of an Occupation Certificate for the development, a documentary Easement for Access and Maintenance, limited in stratum if so desired, is to be created and registered on the Title of the development site. The easement is to be created in terms giving rights of access to, and allowing periodic maintenance of, any item of public art that is to be dedicated to the City. Any such easements are to be created appurtenant to Council in terms granting rights of access for the purposes of maintenance to Council's satisfaction.

**(157) POSITIVE COVENANT – FLOOD BARRIER/GATE**

Prior to the issue of any Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Flood Barrier/Gate, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy to which Council is a named party and is to require the maintenance, upkeep and repair of the Flood Barrier/Gate to ensure it is fully operational at all times.

**(158) DEDICATION OF ROAD WIDENINGS AND SPLAY**

The owner must dedicate for road purposes, free of cost to Council, those areas denoted as being set dedicated for widening along the various site frontages as shown on the registered Voluntary Planning Agreement for the site. The widenings and splays are to be detailed in a plan of subdivision/consolidation of the land. This plan is to be registered at the Land and Property Information office prior to an Occupation Certificate being issued.

**(159) PHYSICAL MODELS**

- (a) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House. Note:
  - (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
  - (ii) The models are to comply with all of the conditions of the Development Consent.
  - (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

**(160) ELECTRONIC CAD MODELS**

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

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

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

**(161) ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

Prior to the issue of an Occupation Certificate, evidence must be provided to Council's Director, City Planning, Development and Transport, to demonstrate the completed hotel building will be Earthcheck Certified during the Operational Phase.

**(162) GREEN TRAVEL PLAN**

A Green Travel Plan must be submitted to and approved by Council prior to the Occupation Certificate for the site being issued.

In preparing the final Green Travel Plan, the applicant should review information on Council's website about preparing Travel Plans. The final Green Travel Plan would include steps which address customer and staff transport patterns by providing mode share targets which promote sustainable travel behaviour, means of minimising travel demand by private car and maximise the share of travel by other modes including public transport, cycling, walking, carpooling or car share.

A Travel Plan is a 'live' document that needs to be closely monitored and reviewed throughout the first few years of implementation. The Travel Plan Coordinator responsibilities include:

- (a) Coordinating implementation efforts;
- (b) Conducting surveys or other data collection processes to measure progress;
- (c) Communicating the travel plan to stakeholders;
- (d) Coordinating events to promote awareness of the plan and associated invites; and
- (e) Coordinating marking and promotional programs.

The steps outlined above should not be considered as a linear process, but rather an on-going cycle. Travel planning requires regular review and adjustment – a review may reveal the need to reconsider objectives or targets, or to add new actions to create greater incentives for the uptake of sustainable transport choices.

Note: It is recommended the applicant review information on Council’s website about preparing Travel Plans. The applicant may also contact a member of the Transport and Access Unit, to discuss the Green Travel Plan prior to its submission.

#### **(163) PORTE COCHERE MANAGEMENT PLAN**

The Porte Cochere Traffic Management Plan submitted as part of this application has not been approved, but is supported in principle. A Porte Cochere Traffic Management Plan based on the draft Porte Cochere Traffic Management Plan submitted by ARUP dated 13 March 2017, must be submitted to and approved by Council prior to any Occupation Certificate for the site being granted or the use commencing, whichever is earlier.

The Porte Cochere Traffic Management Plan will include a strategy for the management of all vehicles entering the Porte Cochere including limousines, mini-bus, taxis, hotel transfers and other private passenger vehicles including any valet services provided.

The Porte Cochere Traffic Management Plan must include, but is not limited to, management of arrivals to prevent disruption and queuing to the public streets and across footways and cycleways. The Porte Cochere Traffic Management Plan must identify mechanisms to ensure those deliveries intended for drop off/pick up within the basement do not occur within the Porte Cochere,

Once approved, the Porte Cochere Traffic Management Plan will need to be provided to all tenants and external users and be complied with at all times.

#### **(164) STREET NUMBERING – MAJOR DEVELOPMENT**

Prior to an Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the *Policy on Numbering of Premises within the City of Sydney*. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

**(165) NON-ROAD FRONTAGE SHOP NUMBERING - EASE OF IDENTIFICATION**

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

**(166) SYDNEY WATER CERTIFICATE**

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

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

**(167) HOURS OF WORK AND NOISE – CBD**

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

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

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

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the *Environmental Planning and Assessment Act 1979*.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan prepared by PTW Architects dated 26th October 2016 (Council ref: 2016/574209).
- (b) Where all such control measures have been implemented and the resultant noise and/or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. Such periods must be set and agreed to by Council's Health and Building Unit.

**(169) COMPLAINTS – INTRUSIVE APPLIANCES**

- (a) If noise complaints for intrusive appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of the City of Sydney Construction Hours / Noise Code of Practice 1992* are substantiated by an authorised officer under the *Protection of the Environment Operations Act 1997* the Council may review and/or restrict the operation hours of such appliances.
- (b) Following such a review the operating hours of Category A intrusive appliances may be varied in accordance with the recommendations of the review including the introduction of respite periods.

**(170) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS**

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting*. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

**(171) COVERING OF LOADS**

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

**(172) VEHICLE CLEANSING**

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by

vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

**(173) HAZARDOUS AND INDUSTRIAL WASTE**

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

- (a) *Protection of the Environment Operations Act 1997*
- (b) *Protection of the Environment Operations (Waste) Regulation 2005*
- (c) *Waste Avoidance and Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2011.*

**(174) EROSION AND SEDIMENT CONTROL**

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period.

During the construction period;

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

**(175) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically

for any adjustment necessitated by the progress of the construction activities.

- (d) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

**(176) NO OBSTRUCTION OF PUBLIC WAY**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

**(177) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

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

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

**(179) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

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

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

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

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: Building maintenance unit means a power operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2011*).

**(181) AUSGRID CONDITIONS**

- (a) The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements'.
- (b) The nominated electrical consultant/contractor is to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure.
- (c) The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.
- (d) All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.
- (e) There are existing underground electricity network assets in George Street, Alfred Street, Pitt Street & Within the site boundary. Special care should be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to

possible changes in ground levels from previous activities after the cables were installed. The developer is to locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

- (f) There are existing underground electricity network assets within the site boundary. The substation ventilation openings, including substation duct openings and louvered panels, must be 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.
- (g) In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment.
- (h) The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 kHz (ARPANSA, 2006).
- (i) For further details on fire segregation requirements refer to Ausgrid's Network Standard 113 Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access.
- (j) No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

**(182) NSW HERITAGE COUNCIL CONDITIONS**

- (a) All excavation within the SHR curtilage of the Tank Stream must be undertaken in accordance with the methodology proposed in 'Wanda Sydney: Tank Stream Report' prepared by Arup, 30 September 2016. Works must be suitably monitored by a structural engineer to ensure that no structural impacts to the Tank Stream occur throughout the duration of works.
- (b) The Interpretation Strategy should be updated to incorporate information from the archaeological excavation, and the archaeological resource and appropriate uses of any material from the archaeological excavation must be included in any subsequent Interpretation Plan.
- (c) The Interpretation Plan must be prepared by an interpretive specialist in consultation with relevant designers, architects, landscape architects, engineers, archaeologists, historians, public art and other consultants and

stakeholders, and include content development and detailed briefs and locations for specific interpretation media.

- (d) The public domain and landscape plans should be further developed to incorporate the recommendations of the final Interpretation Plan and ensure effective integration into the overall design response to the site and public domain.
- (e) The proposed Stage 2 DA works involving excavation within the Study Area must be undertaken in accordance with the excavation methodology outlined in 'Historical Archaeological Assessment and Research Design and Methodology', prepared by Urbis, dated 27 October 2016.
- (f) The name of a suitably qualified and experienced excavation director who meets the Heritage Council Excavation Director criteria for salvage excavation for a site of this significance must be forwarded to the Heritage Division, Office of Environment & Heritage for endorsement before the archaeological program begins.
- (g) Any future changes to the demolition or the building design which impact any heritage or archaeology on site should be referred to the Heritage Division for comment.

**(183) OCCUPATION CERTIFICATE TO BE SUBMITTED**

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

**SCHEDULE 2**

**The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.**

### IMPORTANT ADDITIONAL INFORMATION

**Advisory note:** The State Government has commenced planning for the construction of the CBD South East Light Rail (CSELR). You may need to consider the potential impacts of this project in programming your development. The CSELR route includes Alfred St, George St, Rawson Place, Eddy Ave, Chalmers St, and Devonshire St. For construction and programming information contact the Transport for NSW Infoline on 1800 684 490 or [www.transport.nsw.gov.au/projects](http://www.transport.nsw.gov.au/projects).

#### The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. **Note: it is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to the link below for any further information about digital requirements and electronic files.**  
**<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/digital-requirements>.**
3. Nominate a **Principal Certifying Authority** (PCA) which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
4. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
5. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

#### You may also need to:

6. Lodge an **Application for Approval** under Section 68 of the *Local Government Act 1993* for an activity under that Act, including the **erection of a hoarding**
7. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act, if strata title of the development is proposed.
8. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
9. Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
10. Carry out critical stage inspections in accordance with Section 109E of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000.

#### Applications and submissions referred to in this consent may be lodged at:

**CBD** Level 2, Town Hall House, 456 Kent St, Sydney.

**KINGS CROSS** 50-52 Darlinghurst Rd, Kings Cross.

**GLEBE** Customer Service Centre, 186 Glebe Point Rd, Glebe.

**If you have any enquiries on any aspect of this consent, contact Christopher Ashworth ph. 02 9246 7757, email [cashworth@cityofsydney.nsw.gov.au](mailto:cashworth@cityofsydney.nsw.gov.au).**