

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## CONDITIONS OF CONSENT

### 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/2020/297 dated 1 April 2020 and the following drawings prepared by Tonkin Zulaikha Greer Architects:

Drawing Number	Drawing Name	Date
A-010 Rev A	Demolition – Basement 01	04/03/20
A-011 Rev A	Demolition – Ground Floor	04/03/20
A-012 Rev A	Demolition – First Floor	04/03/20
A-013 Rev A	Demolition – Second Floor	04/03/20
A-014 Rev A	Demolition – Roof	04/03/20
A-050 Rev A	North Demolition Elevation – Oxford Street	04/03/20
A-051 Rev A	West Demolition Elevation – South Dowling Street	04/03/20
A-052 Rev A	South Demolition Elevation	04/03/20
A-053 Rev A	East Demolition Elevation	04/03/20
A-100 Rev B	Basement 02 Floor Plan	28/05/20
A-101 Rev B	Basement 01 Floor Plan	28/05/20
A-102 Rev A	Ground Floor Plan	04/03/20
A-103 Rev B	Level 01 Plan	08/07/20
A-104 Rev A	Level 02 Plan	04/03/20
A-105 Rev A	Level 03 Plan	04/03/20
A-106 Rev B	Level 04 Plan	17/07/20
A-107 Rev A	Level 05 Plan	17/07/20
A-108 Rev A	Roof Plan	04/03/20
A-200 Rev C	North Elevation – Oxford Street	17/07/20
A-201 Rev B	West Elevation – South Dowling Street	08/07/20
A-202 Rev B	South Elevation	08/07/20
A-203 Rev B	East Elevation	08/07/20
A-300 Rev A	Long Section	04/03/20
A-301 Rev B	Cross Section 01	08/07/20
A-450 Rev B	Signage Strategy – North Elevation	16/09/20
A-451 Rev B	Signage Strategy – West Elevation	16/09/20
A-900 Rev A	Awning Plan – Oxford	08/07/20
A-901 Rev A	Awning Plan – South Dowling	08/07/20
A-902 Rev A	Shopfronts Elevations – Oxford	08/07/20
A-903 Rev A	Shopfronts Elevations – South Dowling	08/07/20
A-904 Rev A	Awning and Shopfront Typical Details	08/07/20
A-905 Rev A	Entry Portico	08/07/20

Drawing Number	Drawing Name	Date
-	Typical Heritage Window Detail	11/06/20
A-906 Rev A	Hotel Privacy Screen Plan	08/07/20
A-907 Rev A	Hotel Privacy Screen Section	08/07/20
A-908 Rev A	Southern Boundary Ground Plan	08/07/20
A-909 Rev A	Southern Boundary Level 1 Plan	08/07/20
A-910 Rev A	Southern Boundary Sections	08/07/20
A-911 Rev A	Southern Boundary Sections	08/07/20
A-912 Rev A	Southern Boundary Sections	08/07/20

and as amended by the conditions of this consent.

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

**(2) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – EAST PRECINCT**

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$837,487.92
Community Facilities	\$-5,040.83
Traffic and Transport	\$25,582.58
Stormwater Drainage	\$0
Total	\$858,029.67

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

$C_{\text{payment}}$  = Is the contribution at time of payment;

$C_{\text{consent}}$  = Is the contribution at the time of consent, as shown above;

$CPI_{\text{payment}}$  = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 114.7 for the June 2020 quarter.

The contribution must be paid as follows:

- (a) No later than the issue of the first occupation certificate in respect of any building to which this consent relates, except as provided by (b);
- (b) If no construction certificate in respect of the erection of any building to which the consent relates has been issued on or before 25 September 2022, the contribution must be paid before the issue of the first construction certificate after that date for any such building.

Please contact Council's Planning Administration staff at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

As required under the Environmental Planning and Assessment Amendment (Occupation Certificates) Regulation 2020, prior to the issue of an occupation certificate:

- (a) Written confirmation from the Council is required to be submitted to the Accredited Certifier certifying that a contribution under section 7.11 or 7.12 of the Environmental Planning and Assessment Act 1979 is required, and that this requirement has been met through payment of the contribution; and
- (b) The Accredited Certifier must also confirm that the document referred to in (a) was issued by the Council, and that no further contributions have been required since the document was issued.

### **(3) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) Drawings showing the extent of existing pressed metal ceilings, as well as an indication of which ceilings are to be retained and conserved.
- (b) The two large porthole windows proposed in the parapet at the corner and the eastern most bay along Oxford Street are out of proportion with the facade and are to be reduced in size to be no larger than the radius of the existing decorative circular arched detailing.
- (c) The width of the proposed dormer windows to Oxford Street are to be reduced to be more in proportion with the windows below such that they are no wider than the extent of the outer edge of the label moulds above the first-floor windows. As these windows are north facing details of any proposed sun shading devices which are to be sympathetic to the façade, are also to be shown on drawings.

- (d) The design of the interpretative entry portico is to be simplified to takes more cues from the simple elegance of the original portico, particularly in the treatment above the doors.

The modifications are to be submitted to and approved by Council's Director, City Planning, Transport and Development prior to the issue of a Construction Certificate.

#### **(4) MATERIALS AND SAMPLES BOARD**

An updated physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by the Director, City Planning, Transport and Development prior to a Construction Certificate being issued. The materials and samples board must be substantially the same as the Sample Board prepared by Tonkin Zulaikha Greer Architects dated March 2020, and not include generic material or colour descriptions, or use terminology such as 'or similar'.

#### **(5) DESIGN QUALITY EXCELLENCE**

- (a) In order to ensure the design quality excellence of the development is retained to completion:
  - (i) The design architect Tonkin Zulaikha Greer Architects is to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages.
  - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project.
  - (iii) Evidence of the design architect's commission must be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director Planning, Development and Transport.

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

#### **(6) HERITAGE INTERPRETATION**

The Heritage Interpretation Plan by URBIS dated March 2020 is to be implemented to the satisfaction of Council's Director, City Planning, Transport and Development prior to the issue of an occupation certificate.

**(7) CONSERVATION WORKS**

- (a) The Conservation Works outlined in Section 8.4 of the Conservation Management Strategy prepared by URBIS dated 28th April 2020 are to be shown on the drawings, prepared with input from the applicant's heritage consultant, and submitted to the satisfaction of Council's Area Planning Manager prior to the issue of a construction certificate.
- (b) The approved conservation works are to be implemented to the satisfaction of Council's Area Planning Manager prior to the issue of the Occupation Certificate.

**(8) APPROVED SIGNAGE STRATEGY**

- (a) All future signage must be in accordance with the signage strategy approved as part of this development consent.
- (b) A further development application is to be submitted to and approved by Council prior to the erection or display of any signs. The application must include information and scale drawings of the design, construction, materials, and the relevant method of illumination of each signage type.

**(9) VISITOR AND TOURIST ACCOMMODATION - PLANS OF MANAGEMENT**

Plans of Management must be submitted and approved by Council's Health and Building Unit prior to any Occupation Certificate being issued. The Plans of Management must include the minimum criteria as stipulated in Council's Sydney Development Control Plan 2012 – 4.4.8.

**(10) 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.

**(11) ALLOCATION OF CAR PARKING**

Car parking spaces are to be provided in accordance with the table below. Details confirming the quantity and allocations of car parking spaces is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Type	Number
Small Rigid Vehicle - loading dock	1

**(12) CAR PARKING DESIGN**

The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities is to satisfy the *Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities*. The details

must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

### **(13) BICYCLE PARKING AND END OF TRIP FACILITIES**

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

User	Number of bicycles to be accommodated	Requirements
Staff /Employee	7	Class B bicycle parking facility in accordance with AS2890.3
Customer	23	Class C bicycle parking facility in accordance with AS2890.3
End of Trip Facility	Number	
Showers with change area	1	
Personal lockers	7	

The layout, design and security of bicycle facilities must comply with *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities* and *Section 3.11.3 Bike parking and associated facilities of Sydney DCP 2012*. The details must be submitted to and approved by the Council's Area Planning Manager prior to the Construction Certificate being issued.

### **(14) CHANGES TO KERB SIDE CAR PARKING RESTRICTIONS**

A separate submission must be made for any changes to kerbside parking arrangements. There is no guarantee kerbside parking will be changed or that any change will remain in place for the duration of the development/use.

All costs associated with any parking changes would be borne by the developer.

Note: The applicant is to contact the Area Traffic Engineer to discuss the proposal before making a submission.

If new parking signage is installed, the developer is to immediately notify the City's Public Domain team.

### **(15) COST OF SIGNPOSTING**

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

### **(16) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance

with the City's "Development Specification for Civil Works Design and Construction".

**(17) ON-SITE LOADING OPERATION**

All loading and unloading associated with the site must be carried out within 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.

**(18) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must not exceed 6.4 m.

**(19) VEHICLES ACCESS**

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

**(20) LEFT IN/LEFT OUT**

The vehicle access on South Dowling Street to be restricted to left-in-left-out movements. Left in / left out movements to be enforced by signposting and driveway design.

**(21) 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.

**(22) LOADING DOCK MANAGEMENT PLAN**

A Loading Dock Management Plan for the hotel and the site loading dock must be prepared and submitted to Council's Area Planning Manager for approval, prior to the issue of any Occupation Certificate. The Plan must include, but is not limited to, how the following matters are addressed:



- (a) the plan must identify how the loading area will be managed and used by all building tenants including hotel, retail premises, medical uses, waste collection, bulky good deliveries and similar;
- (b) details of management of conflicts between tenant use (i.e. hotel, retail premises, medical uses and waste collection);
- (c) details of anticipated service vehicle movements during the day including peak hours for all tenants of the site;
- (d) management of conflicts between the service vehicle accessing the site from the street level on South Dowling Street at the event that the single loading dock/ vehicle lift is occupied and under operation;
- (e) management of conflicts between service vehicles accessing the site and pedestrian movements;
- (f) 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;
- (g) the plan must 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 must be provided to all tenants and external users of the loading area;
- (h) management of incidents at the access to the vehicle lift, servicing and loading area;
- (i) ensuring that queuing does not occur along South Dowling Street;
- (j) details of a pre-booking system;
- (k) management of Long stay deliveries (i.e. tradesperson, removalist vehicle) and management of Short stay deliveries (i.e. courier); and
- (l) procedures to be followed at the events of mechanical fault and/or breakdown of vehicle lift, turntable etc.

## **(23) LOADING DOCK USE AND OPERATION**

The proposed Small Rigid Vehicle (SRV) loading dock must not be reserved for the hotel, or any other single tenancy, and must be available to all users within the site. A management plan, loading dock manager, loading schedule or similar must be prepared so all users are aware of their entitlements and to avoid more than one delivery being at the dock at any one time.

## **(24) GUEST PICK-UP AND DROP-OFF MANAGEMENT PLAN**

A Guest Pick-Up and Drop-off Management Plan is to be submitted demonstrating management of all vehicles associated with guest arrivals, departures and tours and its potential impacts on surrounding streets. The Guest Pick-Up and Drop-off Management Plan is to include the following and shall be submitted to and

approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate for the site/use:

- (a) an outline of the quantity and frequency of visits per day, including time of day, of vehicles likely to be received for guest drop-off and pick-up and tour groups/services;
- (b) details of coach/vehicle sizes likely to be used to accommodate guest arrivals, departures and tours;
- (c) all changes proposed to be sought to street parking restrictions to accommodate guest drop-off and pick-up, including locations and proposed restrictions. Contact should be made with Council Traffic Operations Manager-South to discuss the options;
- (d) details of how guest arrivals and departures would be managed if changes to street parking restrictions are not supported; and
- (e) management of guests, luggage and/or trolleys to ensure the public footpath remains unobstructed for use of pedestrians.

## **(25) TRANSPORT ACCESS GUIDE**

A Transport Access Guide must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times. The following information shall be submitted to and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate for the site/use:

The Transport Access Guide is to include (but not limited to) the following:

- details of sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes;
- information regarding lack of off-street car parking and passenger pick-up and set-down areas at the development site;
- suitable nearby drop-off/pick-up locations;
- identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas;
- suitable nearby Taxi Zones;
- public transport options adjacent to the site;
- pedestrian access to the site;
- bicycle parking and cycleway networks to the site; and
- communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

Note: Transport Access Guide requirements are detailed in Section 7.7 of the Sydney DCP 2012. Information about preparing a Transport Access Guide is available on Council's website. For further information about a preparing a Transport Access Guide, the applicant should contact the City's Transport and Access Unit.

**(26) MECHANICAL PARKING FACILITIES**

- (a) A report addressing the following is to be submitted with respect to the proposed mechanical parking stackers:
  - i. confirmation that the provision of parking is in compliance with the relevant Australian Standards for off-street car parking;
  - ii. the potential trip hazard posed by the platforms/turntable to pedestrians walking within the loading dock areas; and
  - iii. the predicted noise and vibration levels arising from the car parking area received by occupiers of the building, including references to relevant Standards.
- (b) The report is to be submitted to and approved by the Principal Certifier prior to the issue of any Construction Certificate.

**(27) RODENT TREATMENT PROGRAMME – PRE-DEMOLITION AND/OR EXCAVATION**

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

**(28) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

A site-specific noise management plan shall be submitted to the Council for comment and approval prior to issue of any Construction Certificate.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include but not be limited to the following:

- (a) identification of noise sensitive receivers near to the site;
- (b) a prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise

intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property;

- (c) a representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997;
- (d) confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;
- (e) confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code;
- (f) what course of action will be undertaken following receipt of a complaint concerning offensive noise;
- (g) details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum; and
- (h) what plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

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

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Acoustic Logic, titled '1-11 Oxford Street, Paddington, DA Acoustic Report', referenced 20180706.3/2603A/R1/JM and dated 26/3/2020 Rev 1 - TRIM ref: 2020/148921 must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant\* (see definition below). This work will be to the satisfaction of the accredited certifier.

- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant\* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: *Suitably Qualified Acoustic Consultant* means a consultant who possesses the qualifications to 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.

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

### **(30) NOISE - ENTERTAINMENT**

- (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. Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

**(31) ADDITIONAL NOISE CONDITIONS FOR LICENSED PREMISES OR ENTERTAINMENT VENUES**

A suitably qualified acoustic consultant must be engaged by the proponent before the entertainment commences and details of that appointment must be submitted to Council's Health & Building Unit.

During the first 60 days of entertainment being provided at the premises, the consultant must complete the following work in accordance with the given conditions.

- (a) The acoustic consultant must:
  - i. measure and verify that the noise emanating from the premises complies with the noise criteria in the "Noise – Entertain" condition; and
  - ii. if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria in "Noise – Entertainment" condition.
- (b) The noise measurements and any recommendations must:
  - i. be undertaken without the knowledge of the applicant, manager or operator of the premises; and
  - ii. be taken on at least three different occasions on three different days of the week (excluding Monday, Tuesday and Wednesday) from 11.00pm until the end of the entertainment or the close of business, whichever occurs first; and
  - iii. be submitted in writing to the satisfaction of Council's Health & Building Compliance unit within 5 weeks of the testing.
- (c) If the acoustic consultant recommends that additional treatment or works be undertaken under as per (a) and (b) above, a plan of action to affect those recommendations must be:
  - i. submitted to the satisfaction of Council's Health & Building Unit in writing alongside other particulars in (b)(ii) above; and
  - ii. be implemented to the acoustic consultant's and the Council's satisfaction by the proponent within two (2) months from the date referenced in written agreement from the Area Manager, Health & Building. A follow up assessment and written report in accordance with parts (a), (b) and (c) of this condition will be required to verify that the subsequent controls are in affect and working.
- (d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the premises must not be used for entertainment in a manner that does not comply with noise control approval conditions until such time as the recommendations are implemented and verified.

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.

### **(32) NOISE – COMMERCIAL PLANT**

- (a) Noise from mechanical plant must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
  - i. Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
  - ii. Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An  $L_{Aeq,15 \text{ minute}}$  (noise level) emitted from the development must not exceed the  $L_{A90, 15 \text{ minute}}$  (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
  - i. The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
  - ii. Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

### **(33) ACOUSTIC VERIFICATION – MECHANICAL PLANT**

- (a) Prior to issue of a Construction Certificate an acoustic assessment must be submitted to the Principal Certifier and the Council's Area Planning Manager for approval outlining the extent of the mechanical services provided within the development and confirming that resultant maximum individual and combined operational noise levels from their use complies with the City of Sydney "Noise - Commercial Plant" condition which forms part of the consent. Should the report indicate that resultant noise levels are, or are likely to be in exceedance of the noise criteria then further acoustic controls must be implemented as recommended by the acoustic consultant to ensure ultimate compliance with the noise criteria will be achieved.
- (b) Prior to issue of an Occupation Certificate, an acoustic compliance report must be submitted to the Principal Certifier and Council's Area Planning manager confirming that maximum individual and combined operational noise levels from commercial plant complies with the noise criteria outlined within the City of Sydney "Noise - Commercial Plant" condition which forms part of the consent

- (c) All acoustic assessment and verification reports must be prepared by a suitably qualified Acoustic Consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australian Acoustical Consultants at the grade of member.

### **(34) NOISE LIMITERS**

Use of the all amplification equipment must comply with the following:

- (a) At a minimum, all amplification equipment used at the event must be controlled by a Root Mean Square (RMS) noise limiter, set by a suitably qualified acoustic consultant\* in accordance with the manufactures specification to ensure that resultant amplified sound complies with the Council's licensed premises noise criteria. The equipment must be tamper proof and only operable by the acoustic consultant.
- (b) The noise limiter must be factory or laboratory calibrated by an accredited instrumentation calibration service provider at the time of installation. The limiter must be checked by an acoustic consultant with a piston phone calibrator at the time of installation and on three subsequent occasions during the first 60 days of monitoring. The checks must correlate with the close of business as per the requirements of Part (b)ii), Additional Noise Conditions for Licensed Premises and not be undertaken before any external noise compliance checks. The proprietor is not to be made aware on what date the calibration checks are to be conducted and will provide the consultant access to the limiter.
- (c) A piston phone check of the noise limiter shall be completed by the consultant every twelve months, the result reported to Council and a copy kept on the premises available at all times.
- (d) Field calibration check results (times and levels), serial numbers and laboratory calibration parameters of all other instrumentation and calibrators used in the process of setting and calibrating the noise limiter shall be reported.
- (e)  $L_{Aeq\ 1\ minute}$  1/1 octave band (31.5Hz to 8kHz centre frequencies inclusive) measurement results internal and external of hand held sound level meters used to assist in setting the noise limiter shall be reported to the satisfaction of council.

Additionally, a white noise signal must be played through the noise amplification system in order to set the maximum permissible broadband level of the noise limiter. The results are to be reported.

- (f) Finally, where necessary and where complex signal processing equipment is used to limit noise, the maximum A-Weighted LAF Sound Pressure Levels which are not to be exceeded in any 1/1 octave band 31.5Hz – 16kHz inclusive, within each of the rooms with noise amplification equipment are to be specified such that the noise control approval conditions cannot be exceeded must be reported.
- (g) All noise amplification equipment must be controlled by the noise limitation device as detailed in (a) above.



- (h) Access to noise limiter settings must be restricted to the Licensee or manager of the premises. The limiter settings/calibration levels must be available to Council officers upon request.
- (i) The Acoustic consultant must submit Certificate of Compliance to the Council to certify that the limiters are installed and calibrated to satisfy of Council's noise criteria for the licensed venues.

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.

**(35) NOISE – ACOUSTIC DESIGN AND CONTINUED INTEGRITY, ONGOING CONTROL OF NOISE EMISSIONS**

- (a) The development must not compromise any existing acoustic integrity of the premises in relation to the emission/release of noise.
- (b) The approved works must not cause any increase in noise emissions from the premises over any noise criteria established in accordance with any the following relevant 'noise' and 'noise - compliance with the acoustic report' conditions.
- (c) Prior to releasing any relevant Construction Certificate, the construction drawings and methodology must be assessed and reported by a Suitably Qualified Acoustic Consultant\* (see definition below) to be in accordance with the requirements of (a) and (b) of this condition. This must be to the satisfaction of the Accredited Certifier.
- (d) Prior to releasing any occupation certificate, the development must be assessed by a Suitably Qualified Acoustic Consultant\* (see definition below) to be in accordance with the requirements of (a) to (c) of this condition. This must be to the satisfaction of the Principal Certifier.

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

**(36) NOISE – ACOUSTIC DESIGN AND CONTINUED INTEGRITY, ONGOING OCCUPANT PROTECTION FROM NOISE IMPACT**

- (a) The approved works must not compromise the existing acoustic integrity of the premise. The works must not interfere with the functionality of, or decrease the performance of, any pre-existing feature/s that were included in the development to protect its occupants from noise.
- (b) The premises must remain capable of complying with any relevant internal noise criteria evaluated as part of a previous development application, including but not limited to the particulars a 'noise' or 'noise - compliance with the acoustic report' conditions.

- (c) Prior to the issue any relevant Construction Certificate, the construction drawings and methodology must be assessed and reported on by a Suitably Qualified Acoustic Consultant\* (see definition below) to be in accordance with the requirements of (a) and (b) of this condition. This must be to the satisfaction of the Principal Certifier.
- (d) Prior to the issue any Occupation Certificate, the development must be assessed by a Suitably Qualified Acoustic Consultant\* (see definition below) to be in accordance with the requirements of (a) to (c) of this condition. This must be to the satisfaction of the Principal Certifier.

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

### **(37) 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.

### **(38) NO SPRUICKING NOISE**

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

### **(39) LOADING DOCK OPERATION**

The use of the loading dock must only occur between the hours of 7.00am – 10.00pm Monday to Sunday.

### **(40) HOURS OF OPERATION – BASEMENT ENTERTAINMENT VENUE**

The hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between 7.00am and 11.00pm Monday to Sunday.
- (b) Notwithstanding (a) above, the use may operate between 7.00am – 3.00am (the following day) for a trial period of 1 year from the date the premises becomes operational. 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](mailto:liquor@cityofsydney.nsw.gov.au)
- (c) A further application may be lodged to continue the operating hours outlined in (b) 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.

**(41) LICENSED PREMISES – PRIMARY PURPOSE**

The primary purpose of the ground floor restaurant/cafe and the rooftop restaurant is as a restaurant with the kitchen to be open and food service to be available to patrons at all times during the approved hours of operation. The sale and supply of liquor shall cease when the kitchen ceases to operate.

**(42) HOURS OF OPERATION – GROUND FLOOR RESTAURANT/CAFE**

The hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between 7.00am and 11.00pm Monday to Sunday, and the outdoor area must be restricted to between 7.00am and 8.00pm Monday to Sunday.
- (b) Notwithstanding (a) above, the use may operate between 7.00am and 2.00am (the following day) Monday to Sunday and the use of the outdoor area may operation between 7.00am and 10.00pm Monday to Sunday for a trial period of 1 year from the date the premises becomes operational. 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](mailto:liquor@cityofsydney.nsw.gov.au)
- (c) A further application may be lodged to continue the operating hours outlined in (b) 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.

**(43) HOURS OF OPERATION – ROOFTOP RESTAURANT AND BAR**

The hours of operation are regulated as follows:

- (a) The hours of operation of the indoor area must be restricted to between 7.00am and 11.00pm Monday to Sunday, and the outdoor area must be restricted to between 7.00am and 8.00pm Monday to Sunday.
- (b) Notwithstanding (a) above, the use of the indoor area may operate between 7.00am and 2.00am (the following day) Monday to Sunday and the use of the outdoor area may operation between 7.00am and 10.00pm Monday to Sunday for a trial period of 1 year from the date the premises becomes operational. 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](mailto:liquor@cityofsydney.nsw.gov.au)
- (c) A further application may be lodged to continue the operating hours outlined in (b) 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.

#### **(44) CESSATION OF SERVICE**

The premises may be open for business only between the operating hours specific in the 'hour of operation' conditions above. The operator must cease providing food/alcohol/entertainment at the premises 30 minutes before the required closing time.

#### **(45) MAXIMUM CAPACITY OF PERSONS**

- (a) The maximum number of persons (including staff, patrons and performers) permitted in each area at any one time is:
  - i. Basement Entertainment Venue: 245 patrons and 25 staff
  - ii. Ground Floor Restaurant/Cafe: 300 patrons and 30 staff
  - iii. Rooftop Restaurant: 200 patrons and 20 staff
- (b) The capacity for each area must not exceed the maximum numbers at any given time as stated in (a).
- (c) The manager/licensee is responsible for ensuring the number of persons in each area does not exceed the capacity specified above.
- (d) A sign in letters not less than 25mm in height must be fixed at the main entry point to 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 are to be provided to the satisfaction of the Principal Certifier 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.

#### **(46) OPERATIONAL & SECURITY MANAGEMENT PLAN**

The use must always be operated / managed in accordance with the Operational & Security Management Plan, revision B, prepared by Daniel Barber for CE Boston

Hotels Pty Ltd, dated 1 June 2020, which has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over that management plan.

**(47) 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 & Security Management Plan must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

**(48) NEIGHBOURHOOD AMENITY**

- (a) Signs must be placed in clearly visible positions within the premises 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.

**(49) SECURITY**

Management shall ensure an appropriate number of security staff (in accordance with the premises Security Management Plan or, if no such plan is required, approved industry standards) are employed to regulate and control patrons whenever the premise is used for specific public functions or group events.

**(50) SECURITY AND QUEUING**

- (a) Security guards are to be provided at the premises on Thursday to Sunday from 6.00pm at a minimum ratio of one security staff member to 100 patrons or part thereof.
- (c) Security personnel shall remain at the premises for at least 30 minutes after closing and shall assist in ensuring that patrons leave quietly.
- (e) All licensed security officers whilst employed at the premises are to wear clearly identifiable security attire at all times, with the word "SECURITY" clearly identifiable in bold print at least 100mm high, on the front and back.
- (f) Management staff at the venue shall ensure that a clear footway width of 2m is maintained at all times along all footpaths immediately adjoining the premises. Patrons waiting to enter the premises shall queue along the immediate frontage of the premises. The queue must not obstruct any fire exit of any building or entrance to any other premises.
- (g) When more than one security guard is on duty, security officers and management shall communicate by hand-held radios at all times.

## **(51) 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.

## **(52) 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, USB 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.

**(53) SURRENDER OF EXISTING LIQUOR LICENCE**

The liquor licence associated with the existing night club, 'The Good Bar', must be surrendered, with evidence provided to the Principal Certifier and Council prior the issue of any Occupation Certificate.

**(54) 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.

**(55) 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.

## **SCHEDULE 1B**

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

#### **(56) CONSTRUCTION MANAGEMENT PLAN**

- (a) The Construction Management Plan prepared by The Transport Planning Partnership dated 27 March 2020 accompanying this Development Application is NOT approved by this consent.
- (b) A Construction Management Plan must be submitted to and approved by Council's Director City Planning Development and Transport prior to the issue of any Construction Certificate. The Construction Management Plan must have regard to, and be not limited to:
  - i. The protection measures required by Conditions 58 and 62 below;
  - ii. The protection measures required by the General Terms of Approval as advised by Heritage NSW in Schedule 3 below;
  - iii. Maximum PPVi vibration for various frequencies ranges as advised by the Structural Impact Assessment (Rev 3, prepared by BG&E, dated 10 July 2020):
    - a. *3mm/s of up to 10Hz*
    - b. *3mm/s to 8mm/s between 10Hz and 50Hz; and*
    - c. *8mm/s to 10mm/s between 50Hz and 100Hz*
- iv. Detail of protection / management measures along the interface with Rose Terrace;

Note: The maximum frequencies shall be determined approved by Council's Director City Planning Development and Transport in the Construction Management Plan.

#### **(57) NEIGHBOUR LIAISON PLAN**

Prior to the commencement of any works (including demolition), or the issue construction certificate to commence works, a Neighbour Liaison Plan is to be submitted to and approved by the Director City Planning and Development and Transport setting out the provisions, circumstances and frequency of liaison with owners and occupants of neighbouring properties during demolition, excavation and construction.

#### **(58) SITES IN THE VICINITY OF A HERITAGE ITEM**

The proposed works are to ensure that the adjoining heritage listed Rose Terrace (2-20 Rose Terrace, 260-262 South Dowling Street) is to be suitably protected during the construction process. The contractor or developer must conduct consultations with the stakeholders of the neighbouring heritage sites, record and monitor the conditions of the heritage buildings and take suitable measures to



control and minimize any risks to the heritage fabric during construction. The protection measures should be incorporated into the construction management plan. Details of the protection plan must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

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

- (a) Subject to the receipt of permission of the affected landowner, dilapidation reports, including a photographic survey of 2-20 Rose Terrace, 260-262 and 264 South Dowling Street, are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation reports together with the accompanying photographs must be given to the above respective property owner(s), and a copy lodged with the Principal Certifier and the Council with Council acknowledging receipt prior to the issue of any Construction Certificate.

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) Second Dilapidation Reports, 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 reports, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council with Council acknowledging receipt prior to the issue of any Occupation Certificate (including Interim OC).

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.

**(60) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

Prior to a Construction Certificate being issued, an archival photographic recording of the existing building and the site is to be submitted to Council and prepared to the satisfaction of Council's Area Planning Manager.

The form of the recording is to be as follows:

- (a) it is to be in a digital format;
- (b) include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record, and the development application number;
- (c) each digital image is to be cross referenced to an index table and a location plan;
- (d) include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-

exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included; and

- (e) include a USB storage device containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to an index table and a location plan.

#### **(61) BRIEFING OF CONTRACTORS AND SUBCONTRACTORS**

All contractors and subcontractors involved in the construction works are to be briefed on the heritage significance of the site (including the retained façade, any significant internal elements and the Busby's Bore) and the adjoining Rose terrace (as a collective) on-site prior to the work commencing. This is to form part of the on-site induction programme for all workers on the site.

#### **(62) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the façade of the building.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaption works are to be in accordance with the Articles of the Australia ICOMOS Burra Charter 1999.
- (d) Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works to the building window mullions, columns or other such building elements and not glazing.

#### **(63) MAKING GOOD TO EXISTING BUILDING**

All new internal and external finishes and works of making good to the façade of the existing building are to shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.

#### **(64) BUILDING WORKS TO COMPLY WITH BCA – HERITAGE BUILDINGS**

Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plans must not damage existing fabric and building features of the retained part of the existing building. If such upgrading works are likely to have an adverse impact on existing fabric and features, details of the works must be submitted and approved by Council's Area Planning Manager prior to issue of a Construction Certificate.

**(65) 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.

**(66) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**

All proposed work must comply with the Building Code of Australia (BCA). The existing parts of the building being retained must demonstrate compliance as per the BCA Assessment Report prepared by Concise Certification dated 30/03/20.

**(67) CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN**

A Construction Traffic and Pedestrian Management Plan must be submitted to and approved by Council's Area Planning Manager prior to any Construction Certificate being issued.

Construction Traffic and Pedestrian Management Plans are to be prepared in accordance with Standard Requirements for Construction Traffic Management Plan on the City's website

<http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>

**(68) ASBESTOS REMOVAL WORKS**

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

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

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

removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 Safety Signs for the Occupational Environment for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

#### **(69) HAZARDOUS MATERIALS SURVEY REQUIRED**

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

#### **(70) 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.

#### **(71) ENVIRONMENTAL MANAGEMENT PLAN**

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

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

#### **(72) IMPORTED FILL MATERIALS**

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

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

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

#### **(73) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

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

#### **(74) 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 Team.
- (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

#### **(75) CONSTRUCTION AND FITOUT OF FOOD PREMISES**

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

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

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

#### **(76) COOLROOMS**

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

#### **(77) FOOD PREMISES – DETAILED PLANS**

- (a) Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the Australia New Zealand Food Standards Code – 3.2.3 – Food Premises and Equipment under the

Food Act 2003 and AS 4674 - Design, Construction and Fit-out of Food Premises.

- (b) Prior to the issue of a Construction Certificate the plans required by (a) of this condition must be submitted to and approved in writing by the Accredited Certifier.

#### **(78) 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 and licensed plumber in accordance with the *Plumbing Code of Australia*.

#### **(79) HOT WATER SERVICE**

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

#### **(80) NOTIFICATION OF CONDUCT OF FOOD BUSINESS**

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

Note: Registration forms are available on Council's website [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

#### **(81) PERSONAL LOCKERS**

Clothing lockers or change rooms for male and female staff must be provided in the premises or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas, in accordance with *AS4674 - Design, Construction and Fit out of Food Premises*.

#### **(82) SANITARY FACILITIES – 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.

#### **(83) TOILETS FOR FOOD HANDLERS**

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

#### **(84) WASTE STORAGE AREA**

- (a) To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with *AS 4674 – Design, Construction and Fit-out of Food Premises*, *Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment* and comply with the *Council Policy for Waste Minimisation in New Developments*, and must be:
  - 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; and
  - 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 Accredited Certifier prior to the issue of the Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issuance of any Occupation Certificate.

#### **(85) AIR HANDLING**

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

#### **(86) LOADING DOCK VENTILATION**

The basement loading dock 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.

#### **(87) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**

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

#### **(88) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the Building Code of Australia and relevant Australian Standards must be prepared and

certified in accordance with Clause A5.2(1)(e) of the Building Code of Australia, to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.

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

#### **(89) SHARPS WASTE DISPOSAL EQUIPMENT**

Premises must provide adequate sharps waste disposal equipment which includes at least:

- (a) one sharps disposal bin that:
  - i. complies with Australian Standard 4031:1992;
  - ii. is of at least 1 litre capacity;
  - iii. is clearly labelled for use as a sharps bin;
  - iv. has a lid that can be sealed;
  - v. is not more than three quarters full before sealing and being replaced;
  - vi. is located on the premises at all times; and
  - vii. is located in an area accessible to all staff;
- (b) tongs; and
- (c) gloves.

#### **(90) SHARPS WASTE MANAGEMENT CONTRACT**

The operator must have a contract for the disposal of the sharps waste from the premises which:

- (a) identifies that the waste contractor is licensed to dispose of sharps waste; and
- (b) provides evidence that sharps waste has been disposed.

A copy of this contract must be retained on the premises at all times and produced to Council upon request.

#### **(91) SHARPS WASTE MANAGEMENT PLAN**

- (a) Procedures for sharps waste disposal and responding to needlestick injury must be included in the plan of management, displayed in a staff area, and displayed in a designated sharps waste storage space.

- (b) The operator must maintain, and provide to Council upon request, evidence that key staff (receptionist or manager) are trained in sharps disposal and needlestick injury procedures.

#### **(92) SHARPS WASTE STORAGE**

Premises must provide a designated storage space for sharps waste disposal equipment which contains at least:

- (a) 1 sharps disposal bin;
- (b) 1 set of tongs;
- (c) gloves;
- (d) safe disposal procedural information, and;
- (e) needle stick injury procedural information.

#### **(93) CLINICAL WASTE**

Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, or related waste prior to final disposal of the material at a facility approved by the NSW EPA.

A licensed clinical waste contractor must be engaged to collect and dispose of all clinical waste generated on site and their contact details produced to Council upon request. Receipts of service must be kept on site specifying the volume collected and the dates of service.

#### **(94) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan is to be approved by the Accredited Certifier prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Building Waste and Recycling Management Plan must be implemented during construction of the development.

##### **UPON COMPLETION OF THE DEVELOPMENT**

- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

**(95) WASTE/RECYCLING COLLECTION**

- (a) The collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

**(96) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to any 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.

**(97) LANDSCAPING OF THE SITE**

- (a) A more detailed version of the submitted Landscape Plan (Revision E, dated 26.03.20) prepared by Sue Barnsley Design must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The plan 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 (if applicable);
  - (iv) details of planting procedure and maintenance; and
  - (v) details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Accredited Certifier. 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 any Occupation Certificate being issued.

**(98) LANDSCAPED (GREEN) ROOFS**

- (a) A detailed plan of the green roof, drawn to scale, by Sue Barnsley Design must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. 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; and
  - (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, the following details are to be submitted to and approved by the Accredited Certifier:
- (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 approved plan is to be completed prior to the issue of any Occupation Certificate.
- (d) Prior to the issue of any Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifier. A copy of the maintenance plan is to be kept on site at all times during construction 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.

#### **(99) LANDSCAPE DESIGN MODIFICATIONS**

The design must be modified as follows:

- (a) Landscape plans must be updated to provide details of earthworks and soil depths at 1000mm for trees excluding mulch and drainage layers in the southern roof garden. The soil volume for trees on slab must comply with the Sydney Landscape Code. The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issuing of the Construction Certificate.
- (b) A detailed public domain plan is provided that includes five Southern Hackberry trees on the Oxford Street frontage, planted in accordance with the City's Street Tree Master Plan. The public domain plan is to be submitted to and approved by Council's Public Domain Unit.

#### **(100) TREES APPROVED FOR REMOVAL**

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

Table 1 – Tree Removal:

<b>Tree No</b>	<b>Botanical/Common Name</b>	<b>Location</b>
1	<i>Harpephyllum caffrum</i> (Wild Plum)	Rear Courtyard
2	<i>Celtis sinensis</i> (Chinese Hackberry)	Rear Courtyard
6	<i>Platanus acerifolia</i> (London Plane)	Western Verge (Street Tree)

- (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.

#### **(101) COMPLIANCE WITH ARBORICULTURAL IMPACT ASSESSMENT**

All recommendations, Tree Protection, and Methodology Statements contained in the approved Arboricultural Impact Assessment Report prepared by "Earthscape Horticultural Services" dated March 2020 must be implemented during the demolition, construction and operation of the development.

## **(102) STREET TREE PROTECTION**

- (a) All street trees directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:
- (b) Tree trunk and major limb protection must be undertaken prior to the commencement of any works. The protection must be installed and certified by a qualified Arborist (AQF level 3) and must include:
  - i. an adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunks at all times;
  - ii. tree trunk/s and/or major branches, must be protected by wrapped hessian or similar material to limit damage;
  - 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; and
  - 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.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees shall be protection by installing three (3) wooden takes around the edge of the tree pit. Hessian shall be wrapped around the stakes. If existing stakes are already in place, these shall suffice as tree protection.
- (e) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (f) 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.
- (g) Any excavation within in any area known to, or suspected of having street tree roots greater than 40mm diameter must be undertaken by hand.
- (h) Any trenching works for services / hydraulics / drainage etc must not be undertaken within three 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.

- (i) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (j) Any damage sustained to street tree/s as a result of construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of construction activities may result in a prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

### **(103) STREET TREE PRUNING AND REMOVAL**

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that 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'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

### **(104) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

- (a) Any trenching works for services / hydraulics / drainage etc must not be undertaken within a Tree Protection Zone (TPZ), and be referred to the Site Arborist with regard to tree protection, prior to commencement of any works.
- (b) 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 adjacent to the specified TPZ.

### **(105) TREE ROOT INVESTIGATION**

- (a) Prior to the installation of the new driveway and crossover, exploratory root investigation must be undertaken by a qualified Arborist (minimum AQF Level 5) along the North and South alignment. This shall consist of carefully removing the asphalt and hand digging a trench to expose tree roots to a minimum depth of 400mm below the existing grade. An assessment of tree root size, number and condition must be provided (including photos) in a report and submitted to Council's Area Planning Manager for approval prior to installation of the driveway and crossover;
- (b) In the event any large structural roots (greater than 40mm diameter) are identified as a result of the exploratory root investigation, the design of the driveway and crossover must be amended to ensure the street tree is not compromised as a result of the works;



- (c) Any root pruning which has been approved by Council must be undertaken by a qualified Arborist with a minimum AQF level 3.

#### **(106) ADVANCED TREE PLANTING**

Tree planting within the property must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing of the Occupation Certificate;

- (a) Details of earthworks and soil depths including mounding and retaining walls and planter boxes must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
- (b) Three trees are to be planted in the rear green roof garden bed at the completion of all construction works.
- (c) The tree species, when mature, must attain a minimum height of no less than five and minimum canopy spread of six metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement.
- (d) The tree must be grown to Australian Standard 2303:2015 'Tree stock for landscape use'
- (e) At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 1 metres.
- (f) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (g) The replacement planting/s must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (h) Written confirmation is to be obtained from Council's Area Planning Manager that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.
- (i) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.

#### **(107) STREET TREE PLANTING AND MAINTENANCE**

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

- ii. Street trees must be located and planted in accordance with the City's Street Tree Master Plan (Technical Guidelines).
- (b) The trees must be a minimum container size of 200 litres, at the time of planting.
- (c) All new trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' at the time of planting.
- (d) Certification from the tree supplier must be submitted to Council's Tree Management Officer, prior to the trees being planted which confirms the new trees have been grown and comply with the requirements of AS2302. Any new trees that do not conform will be rejected by Council.
- (e) The street tree(s) must be planted:
  - i. by a qualified Arborist or Horticulturist (AQF Level 3); and
  - ii. before the issuing of the final Occupation Certificate.
- (f) All street trees planted in accordance with the approved Public Domain Plan must be maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of twelve (12) months commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (g) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (h) 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.

#### **(108) TRANSPLANTING TREES**

- (a) The existing four Bangalow Palms located in the western public plaza (Marshall Street park) must be transplanted.
- (b) A Transplanting Methodology Report must be submitted to Council's Tree Management Officer for approval prior to commencement of the transplanting works. The report must be prepared by an experience transplanter within a minimum AQF level 5 and a minimum of 10 years demonstrated experience in successful transplanting. The report must include details of:
  - i. pre-transplant considerations;
  - ii. site preparation;
  - iii. excavation;
  - iv. preparation of new planting position;

- v. lifting and Relocation methods;
  - vi. planting specifications;
  - vii. backfilling and completion; and
  - viii. maintenance program.
- (c) In the event that the tree transplanting cannot occur which is clearly demonstrated in the Transplanting Methodology Report and approved by Council's Tree Management Officer, the following will be required:
- i. A replacement tree of the same species must be planted prior to the issuing of the Occupation Certificate.
  - ii. The replacement palm tree must have a minimum clear stem height of five metres.
  - iii. The replacement tree must be free of disease, pests, damage (above and below ground) and must be a healthy vigorous specimen.
  - iv. Certification from the tree supplier must be submitted and approved by Council's Tree Management Officer confirming a suitable tree is available for purchase and planting which meets the above requirements.
- (d) The transplanted tree or the replacement tree must be maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of twelve (12) months commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (e) If the transplanted palm tree or the replacement palm tree fails to establish within 12 months of the initial planting date, it must be replaced with a tree of comparable qualities.

#### **(109) 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; and
- (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.

#### **(110) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY**

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

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

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

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

### **(111) PUBLIC DOMAIN CONCEPT PLAN**

A concept public domain plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the middle of the road, must be prepared in accordance with the *Public Domain Manual* and the City's *Sydney Street Code*. It must be submitted to and approved by Council's Public Domain Unit prior to the issue of any Construction Certificate for the development other than for demolition or excavation. The plan must include (where relevant) all existing and proposed paving materials, locations of street trees, site furniture, light poles, signage and other public domain elements.

The likely requirements include kerb and gutter and concrete footpath reconstruction and a turf verge although full extent of work will be determined at assessment stage prior to issue of a construction certificate.

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

### **(112) PUBLIC DOMAIN LEVELS AND GRADIENTS**

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

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

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

### **(113) STORMWATER DRAINAGE DESIGN**

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professionals demonstrating compliance with the requirements of Section 3.7.2 - *Drainage and Stormwater Management*, Section 3.7.3 – *Stormwater Quality*, 3.7.4 – *Additional provisions for Commercial and Industrial Properties* of the Sydney Development Control Plan 2012 must be submitted to and approved by the City's Public Domain Unit.

The submission must include the following;

- (a) a stormwater infrastructure design certification, stating that the proposed design complies with:
  - i. Council's *Sydney Streets Technical Specifications*, Part A4 *Stormwater Drainage Design*;
  - ii. Council's *Sydney Streets Technical Specifications*, Standard Drawings;

- iii. Council's *Sydney Streets Technical Specifications*, Part B10: *Stormwater Drainage Construction*; and
  - iv. all relevant Australian Standards.
- (b) structural certification of the hydraulic and structural design of all elements, excluding standard details from Council's *Sydney Streets Technical Specifications*.

The above certification shall accompany information that address the requirements of *Section 4.5 Data Requirements, Part A4 Stormwater Drainage Design* of Council's *Sydney Streets Technical Specifications*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

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

- (a) Note: A Deed of Agreement for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.
- (b) Note: The total discharge per site from kerb outlets must not exceed 25Litres/sec. If site discharge is greater, a connection must be made to a Council kerb inlet pit. If no kerb inlet pit exists, an extension of the Council storm water pipe system is required with a minimum 375mm diameter RCP.

#### **(114) STORMWATER QUALITY**

Prior to issue of any Construction Certificate a MUSIC model using the City of Sydney design link must be prepared by a suitably qualified practitioner engineer (NPER) and submitted to and approved by the Principal Certifying Authority. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC e-link reports. The recommended treatment devices must be included in the site storm water drainage design.

#### **(115) FLOOD PLANNING LEVELS**

The development must be constructed to comply with the recommended flood planning levels indicated in Section 4.1 and Table 1 of the report titled "*Flood Risk Management Plan*" prepared by ACOR Consultants dated 11 June 2020.

Details must be submitted to the Principal Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels.

#### **(116) PUBLIC DOMAIN LIGHTING UPGRADE**

Prior to issue of any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), A concept Public Domain Lighting

Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications A5* and *B8*, *Sydney Lights Design Code* and *Public Domain Manual*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Public domain lighting requirements for this development are as follows:

- (a) Oxford Street
  - i. Lighting compliance of AS1158:2020 Category V1 and PR1 is required.
  - ii. Provide City of Sydney standard Smartpoles Type S1B 9.6m with 3.0m outreach arms and GE R250 Eco 200w LED luminaries. Provide standard banner arm and upper level GPO.
- (b) South Dowling Street
  - i. Lighting compliance of AS1158:2020 Category V3 and PR1 is required.
  - ii. Upgrade Ausgrid street lighting using network standard LED luminaries.
- (c) Under Awning Lighting
  - i. Provide under awning lighting complying with the requirements of the City's Awnings Policy.
- (d) Lighting Designs
  - i. Lighting designs certified by a practicing lighting engineer is to be submitted for council approval prior to a Construction Certificate being issued for public domain works.
  - ii. Lighting design submission requirements are specified in Sydney Streets Technical Specifications A5: Street Lighting Design.

#### **(117) DISCHARGE OF GROUNDWATER**

Prior approval must be sought from the City's Public Domain Unit to discharge any groundwater into the City's stormwater drainage system.

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

#### **(118) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION**

A detailed public domain plan and all relevant documentation must be submitted to and approved by the City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that

the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights Design Code*, *Sydney Streets Technical Specification* and *Sydney's Parks Code*. The plan must consider 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. The documentation must be *checked, accurate, and comply with specified requirements*. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be to construction standard and will be approved under Section 138 of the Roads Act.

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

The Public Domain Plan documentation must be submitted with an *Application for Public Domain Plan Assessment* and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, an *Application for Public Domain Levels and Gradients* must be submitted to and approved by the Public Domain Unit to reflect these changes prior to an approval being issued for the construction of public domain work.

Note: Stamped plans will be issued for construction and approved under Section 138 of the Roads Act.

#### **(119) SECTION 138 ROADS ACT APPROVAL**

Approval under Section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of any excavation in or disturbance of a public way for the construction of approved public domain works.

#### **(120) HOLD POINTS**

Prior to an approval being issued for the construction of 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 provided by the City's Public Domain Unit in accordance with the City's *Public Domain Manual* and *Sydney Streets Technical Specification* (an approved list of hold points will be included in the Public Domain works Approval letter). These hold points must be adhered to during construction works.

#### **(121) DRAINAGE CONNECTION**

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



## **(122) LIGHTING RETICULATION**

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

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

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

## **(123) PUBLIC DOMAIN WORKS BOND**

A Public Domain Works Bond will be required as security for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Bond must be submitted as cash, an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of the City as security for completion of the obligations under this consent (Guarantee).

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

The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to City of Sydney standards and approval and the required certifications, warranties and works-as-executed documentation are submitted and approved by the City in writing. On satisfying the above requirements, 90% of the security will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

## **(124) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a 6-month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Practical Completion for public domain works.

## **(125) NO OBSTRUCTIONS**

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel, then this must be undertaken

at the developer's expense. All obstructions are to be removed prior to the issue of any Occupation Certificate.

#### **(126) PUBLIC DOMAIN WORKS COMPLETION**

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

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

#### **(127) PUBLIC DOMAIN COMPLETION - WORK AS EXECUTED DOCUMENTATION**

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

#### **(128) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate:

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

#### **(129) SURVEY INFRASTRUCTURE – RESTORATION**

- (a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:

- i. certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
- ii. certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre-Subdivision Certificate works" have been complied with; and
- iii. time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and enough context to aid in identifying the mark on site.

### **(130) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Bond calculated based on 285 square metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Bond must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).
- (b) The Guarantee must be lodged with Council prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The Guarantee in this condition will be retained in full until the Public Domain Works Deposit Guarantee is lodged with Council. Upon lodgement of the Public Domain Works Deposit Guarantee, the Guarantee in this condition will be released.

### **(131) DRAINAGE AND SERVICE PIT LIDS**

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

### **(132) 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.

### **(133) ENERGY EFFICIENCY OF BUILDINGS**

The design of the building and its services must achieve a rating of 4.5 stars under the NSW Office and Environment and Heritage (OEH) National Australian Built Environment Rating System (NABERS Energy). This can be demonstrated by:

- (a) Entering into a Commitment Agreement with OEH, to deliver this star rating:
  - (i) for the base building, being services traditionally supplied as 'common' to tenants such as air conditioning, lifts and common area lighting; or
  - (ii) for the whole building where there is to be one tenant to occupy the whole building.

The applicant must provide a copy of the completed Commitment Agreement with their Construction Certificate application; and

- (b) Providing a copy of the independent energy assessment report to OEH and submitted with the Construction Certificate application, that follows the current OEH guidelines. This report must be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to in clause (a) above:

- (i) Commitment Agreement means an agreement that is set out in accordance with OEH NABERS Commitment Agreement, which is made/signed between OEH and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
- (ii) Star rating refers to the benchmarking system applied by OEH for measuring the energy efficiency of a building, and known as NABERS the National Australian Built Environment Rating System.
- (iii) Base building means central services and common areas of a building.
- (iv) Tenancies means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services.
- (v) Whole building means all of the building, being the fabric of the building itself and all services and fit-outs.

### **(134) GREEN STAR DESIGN AND AS BUILT CERTIFICATION**

- (a) Prior to the issue of the construction certificate the certifying authority must be satisfied that:
  - i. the construction drawings include all the matters referred to in the Memo prepared by Daniela Mendez of Atelier Ten dated 5 March 2020 and any additional measures necessary for the achievement of the required 5 (or greater) Green Star - Design & As Built Certification;

- ii. the construction drawings have been registered with 'Green Building Council of Australia' (GBCA) for a Green Star- Design & As Built Certification (including the provision of the invoice for registration payment); and
  - iii. the construction drawings have achieved a 5 (or greater) Green Star Rating by 'Green Building Council of Australia' (GBCA) for the "Design" component of the Green Star - Design & As Built Certification as evidenced by a notice or letter from GBCA.
- (b) Prior to the issue of an Occupation Certification, an up to date Green Star credit schedule demonstrating sufficient credits to achieve a GBCA certified outcome of 5 (or greater) Stars for the "As Built" component of the constructed development is to be provided to the Certifying Authority. A supporting statement from a GBCA accredited project ESD consultant is to accompany the schedule stating that the contractor (and associated sub-contractors) has carried out the works in accordance with the Green Star standards required to achieve the Green Star - Design & As Built Certification.
  - (c) Prior to the issue of an Occupation Certification, the owner is to provide to the Principal Certifying Authority a notice from GBCA confirming documentation has been submitted for the final "As Built" component of the Certification.
  - (d) Within 3 months of the Occupation Certification being issued, the applicant must submit a copy of the GBCA Green Star - Design & As Built Certificate to Council confirming the achievement of a 5 (or greater) Green Star Rating.

#### **(135) WATER EFFICIENCY OF BUILDINGS**

The applicant is to include water efficiency design measures that will enable to development to achieve a post occupancy NABERS Hotels Water rating of 4 Stars. A report prepared by an appropriately qualified hydraulic engineer clearly stating the water efficiency design measures must be provided to the Principal Certifier prior to the issue of the relevant Construction Certificate.

#### **(136) LAND SUBDIVISION – SEPARATE DA REQUIRED**

Any proposal for land subdivision will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

## **SCHEDULE 1C**

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

#### **(137) HOURS OF WORK AND NOISE – OUTSIDE CBD**

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by Council's 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 4.55 of the *Environmental Planning and Assessment Act 1979*.

#### **(138) USE OF MARSHALL STREET PARK**

The Marshall Street park located to the south of the subject site, off South Dowling Street, must not be used to facilitate the redevelopment of the site, except for the installation of the relocated substation.

#### **(139) 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.

#### **(140) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT**

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of :
- Monday to Friday – 9:00am to 12:30pm and 2:00pm to 4:30pm
  - Saturday – 9:00am to 1:00pm
  - Sunday and Public Holidays – No works
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

#### **(141) HAZARDOUS AND INDUSTRIAL WASTE**

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

- (a) Protection of the Environment Operations Act 1997
- (b) Protection of the Environment Operations (Waste) Regulation 2005
- (c) Waste Avoidance and Resource Recovery Act 2001
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2017.

#### **(142) 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.

#### **(143) 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 Certifier 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.

#### **(144) 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.

#### **(145) CONSTRUCTION ACCESS DRIVEWAYS TO BE CONSTRUCTED**

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

#### **(146) 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.

#### **(147) 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.

#### **(148) 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 operations warranting the on-street use of mobile cranes (such as delivery of materials, hoisting of plant/equipment, erection and dismantling of onsite tower cranes, etc), 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.

#### **(149) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

#### **(150) ENCROACHMENTS – PUBLIC WAY**

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

#### **(151) SURVEY**

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

#### **(152) SURVEY CERTIFICATE AT COMPLETION**

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

**(153) CREATION OF EASEMENT**

The owner must create an appropriate documentary easement over the area between the southernmost wall of the development and the southern boundary of the site for the exclusive use of the respective owner(s) of 2-12 Rose Terrace Paddington and 260 South Dowling Street Paddington for their private recreation. The Easements are to be created, free of cost to Council, in appropriate terms acceptable to Council, with the Council being the authority to release, vary or modify the easements. The easements are to be registered at the NSW Land Registry Services prior to any Occupation Certificate being issued.

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

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

## **SCHEDULE 2**

### **PRESCRIBED CONDITIONS**

**The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:**

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

### SCHEDULE 3

#### TERMS OF APPROVAL – NSW HERITAGE COUNCIL

The Terms of Approval for Integrated Development as advised by NSW Heritage Council are as follows:

#### (155) APPROVED DEVELOPMENT

- (a) Development must be in accordance with
- a) Architectural drawings for 1-11 Oxford Street, Paddington, Development Application March 2020, prepared by Tonkin Zulaikha Greer Architects in 45 sheets.

Dwg No	Dwg Title	Date	Rev
<b>Project Name:</b>			
A-000	Cover	04/03/2020	A
A-001	Existing site and analysis	04/03/2020	A
A-002	Site Plan	04/03/2020	A
<b>A-010</b>	<b>Demolition – Basement 01</b>	<b>04/03/2020</b>	<b>A</b>
<b>A-011</b>	<b>Demolition – Ground Floor</b>	<b>04/03/2020</b>	<b>A</b>
A-012	Demolition – First Floor	04/03/2020	A
A-013	Demolition – Second Floor	04/03/2020	A
A-014	Demolition – Roof	04/03/2020	A
A-050	North Demolition Elevation – Oxford Street	04/03/2020	A
A-051	West Demolition Elevation – South Dowling Street	04/03/2020	A
A-052	South Demolition Elevation	04/03/2020	A
A-053	East Demolition Elevation	04/03/2020	A
<b>A-100</b>	<b>Basement 02 Floor Plan</b> <b>“26/08/2020 Preliminary only”</b>	<b>26/08/2020</b> <b>Prelim</b>	<b>B</b>
<b>A-101</b>	<b>Basement 01 Floor Plan</b> <b>“26/08/2020 Preliminary only”</b>	<b>26/08/2020</b> <b>Prelim</b>	<b>B</b>
A-102	Ground Floor Plan	04/03/2020	A
A-103	Level 01 Plan	04/03/2020	A
A-104	Level 02 Plan	04/03/2020	A
A-105	Level 03 Plan	04/03/2020	A
A-106	Level 04 Plan	04/03/2020	A
A-107	Level 05 Plan	04/03/2020	A
A-108	Roof Plan	04/03/2020	A
A-200	North Elevation – Oxford Street	04/03/2020	A
A-201	West Elevation – South Dowling Street	04/03/2020	A
A-202	South Elevation	04/03/2020	A
A-203	East Elevation	04/03/2020	A
<b>A-300</b>	<b>Long Section</b>	<b>04/03/2020</b>	<b>A</b>
<b>A-301</b>	<b>Cross Section 01</b>	<b>04/03/2020</b>	<b>A</b>
A-400	Basement 01 Furniture Arrangement 01	04/03/2020	A
A-401	Basement 01 Furniture Arrangement 02	04/03/2020	A

A-402	Ground Floor Furniture Arrangement Plan	04/03/2020	A
A-403	Level 05 Furniture Arrangement Plan	04/03/2020	A
A-450	Signage Strategy – North Elevation	04/03/2020	A
A-451	Signage Strategy – West Elevation	04/03/2020	A
A-500	Shadow Diagrams – Aerial	04/03/2020	A
A-501	Shadow Diagrams – Aerial	04/03/2020	A
A-502	Shadow Diagrams – Aerial	04/03/2020	A
A-503	Shadow Diagrams – Aerial	04/03/2020	A
A-504	Shadow Diagrams – 13-15 Oxford St	04/03/2020	A
A-505	Shadow Diagrams – 13-15 Oxford St	04/03/2020	A
A-506	Shadow Diagrams – Southern Neighbours	04/03/2020	A
A-507	Shadow Diagrams – Southern Neighbours	04/03/2020	A
A-600	GFA Diagrams 01	04/03/2020	A
A-601	GFA Diagrams 02	04/03/2020	A
	<b>Revised Basement Levels – Cross Section Preliminary Only</b>	<b>27/08/2020</b>	<b>n/a</b>
	<b>Revised Basement Levels – Long Section Preliminary Only</b>	<b>27/08/2020</b>	<b>n/a</b>

- b) Statement of Heritage Impact 'Busby's Bore (SHR 00568), 1-11 Oxford Street, Paddington, NSW, prepared by Urbis dated 4 September 2020
- c) RFI Covering Letter re: 1-11 Oxford Street, Paddington D/2020/297 Busby's Bore, prepared by Danial Barber for CE Boston Hotels Pty Ltd, dated 7 September 2020.
- d) Douglas and Partners Report on Numerical Modelling Proposed Hotel Development 1-11 Oxford St, Paddington, prepared for CE Boston Hotels Pty Ltd project 86362.02, Rev0, dated August 2020
- e) Douglas and Partners report on Geotechnical Investigation Proposed Hotel Development 1-11 Oxford St, Paddington, prepared for CE Boston Hotels Pty Ltd, project 86362.02, Rev 0 dated August 2020
- f) Oxford St Hotel 1-11 Oxford St, Paddington Busby's Bore Structural Impact Assessment, prepared by BG&E dated 7/9/2020 Rev B
- g) Baseline Archaeological Assessment 1-11 Oxford Street, Paddington, NSW prepared by AMAC Group dated August 2020 (Rev F)'.
- h) Monitoring Report Busby's Bore Investigation under s139(4) and s57(2) 1-11 Oxford Street, Paddington NSW prepared by AMAC Group dated August 2020 Rev B
- i) Report on Busby's Bore Geophysical Investigation, report by GBG Australia date 22 April 2020

- j) Submissions to Public Notification of Development Application
- k) 1-11 Oxford Street, Paddington - Construction Management Plan prepared by TTPP for CE Boston Hotels Pty Ltd version 02 dated 27 March 2020.
- l) Heritage Interpretation Plan 1-11 Oxford Street, Paddington, prepared by Urbis for CE Boston Hotels Pty Ltd dated 26 March 2020
- m) Landscape Plan – Oxford Street Hotel 1-11 Oxford Street, Paddington Architects, Tonkin Zulaikha Greer

Dwg No	Dwg Title	Date	Rev
<b>Project Name:</b>			
DA100	Cover page	26.03.20	E
<b>DA101</b>	<b>Landscape statement + Principle</b>	26.03.20	E
<b>DA102</b>	<b>Landscape Plan – basement 01</b>	26.03.20	E
<b>DA103</b>	<b>Landscape Plan – ground</b>	<b>26.03.20</b>	<b>E</b>
DA104	Landscape Plan – level 01	26.03.20	E
DA105	Landscape Plan – level 02	26.03.20	E
DA106	Landscape Plan – level 03	26.03.20	E
DA107	Landscape Plan – level 04	26.03.20	E
DA108	Landscape Plan – level 05	26.03.20	E
DA200	Section 01	03.03.20	C
DA201	Section 02	03.03.20	C

**EXCEPT AS AMENDED** by the following general terms of approval:

**(156) DETAILS TO BE SUBMITTED FOR APPROVAL**

The following information is to be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate):

**A. BUSBY'S BORE PROTECTION**

*Significant elements are to be adequately protected during the works from potential damage. To ensure protection systems are adequate, the following information must be submitted as part of the Section 60 application and during the works throughout the project concerning the vibration monitoring system and mitigation measures proposed:*

- i. **A vibration monitoring plan will be prepared and employed at the site during the project consistent with the Douglas Partners Report on Geotechnical Investigation dated August 2020R.004.Rev0 which sets out maximum vibration limits in conjunction with the advice of a structural engineer (BG&E).**
  - a. **Maximum PPVi limits for vibrations are not to exceed:**
    - a. 3mm/s for vibration frequencies of up to 10Hz
    - b. A linear sliding scale of 3mm/s to 8mm/s for vibration frequencies of between 10Hz and 50Hz; and

- c. *A Linear sliding scale of 8mm/s to 10mm/s for vibration frequencies of between 50Hz and 100Hz*
  - b. **The plan shall also include a vibration trial as recommended by Douglas Partners Report on Geotechnical Investigation dated August 2020R.004.Rev0 to clarify if the above measures are adequate (or should be refined) at this site specific location.**
  - c. **The vibration monitoring plan shall outline actions if an exceedance occurs (i.e. the vibration alarm system is triggered). This includes measures to review and alter the excavation methods at the site.**
  - d. **Details of how the sandstone will be mapped for its bedding plans and joints as the basement is excavated to confirm conditions are as anticipated. If these vary during works, what actions would be required to ensure the Bore continues to be protected.**
- B. The site's Construction Management Plan shall be updated with a section discussing excavation techniques at the site so that the document is consistent with revised information on the demolition, excavation and vibration management in one document.**
- ii. **The document shall be consistent with recommendations in the Vibration Monitoring Plan, the supporting Douglas Partners Reports (including Geotechnical Investigation dated August 2020R.004.Rev0, Numerical Modelling Report August 2020) and the BG&E Structural Plan, 7/9/2020 2020.**
  - iii. **Where archaeological excavation is required at the site this should also be updated in the plan for consistent management.**
- C. Final Foundation plans showing the footings for the new basement relative to the bore are to be finalized and submitted for approval with the s60 application. The Final Foundation plans must respond to advice by Douglas Partners (Report on Geotechnical Investigation dated August 2020R.004.Rev0) and the advice in the BG&E Report 'Oxford St Hotel 1-11 Oxford St, Paddington Busby's Bore Structural Impact Assessment, prepared by BG&E dated 7/9/2020 Rev B' regarding foundations for the new structure to reduce impact to the bore.**

*Reason: Footing plans have been discussed in supporting geotechnical and structural documents revised to address impacts to the Bore. The latest version appears to be that modelled by the BG&E Structural Assessment, but these have not been finalized and submitted with the final suite of DA documents. This is raised in the SOHI. Resolution of a final plan which addresses the final geotechnical and structural advice is required for approval at s60 stage.*

*Reason: The need for these additional details requested has been flagged in several assessments for Busby's Bore including the statement of heritage impact. However, these details have not been made available at IDA stage. These*

*requirements will support the management and protection of the item during the works and are considered essential in order to obtain a good heritage outcome.*

#### **(157) NOMINATED HERITAGE CONSULTANT**

The Proponent shall nominate a suitably qualified heritage consultant to oversee all work conducted for the approval, ensuring it has been carried out in accordance with the conditions of this consent. This person shall liaise with the project's structural engineer to ensure appropriate protection of the Busby's Bore is maintained throughout the project.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

#### **(158) HERITAGE INTERPRETATION STRATEGY**

If the physical investigations within the curtilage of Busby's Bore (i.e. archaeological investigation) reveal new information about the bore and its functioning (e.g. the bore was accessed by the Brewery in an illegal capacity), this information shall be updated in the Interpretation Strategy for the site.

*Reason: The Heritage Interpretation Strategy prepared by Urbis and supported by the Landscape plans provide interpretation of the Bore, however if there is new information to supplement the planned strategy, this would be appropriate for updating in the strategy and approach to the site. It would also enable new information linked to the item's statement of significance to be addressed.*

#### **(159) UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

*Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.*

#### **(160) ABORIGINAL OBJECTS**

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

*Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*



### **(161) COMPLIANCE**

If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

### **(162) SECTION 60 APPLICATION**

An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

*Reason: To meet legislative requirements.*

### **(163) HISTORICAL ARCHAEOLOGICAL ADVICE OUTSIDE THE SHR CURTILAGE**

An The subject allotment contains potential for historical archaeological relics as documented in 'Baseline Archaeological Assessment 1-11 Oxford Street, Paddington, NSW prepared by AMAC Group dated August 2020 (Rev F)'.

The Heritage Council of NSW recommends the inclusion of conditions on the IDA to manage the disturbance to relics as follows:

- (a) Prior to any ground disturbance works occurring on the site, the Applicant will need to obtain an approved s140 application under the *Heritage Act 1977*. This application will need to clearly outline what mitigation measures are proposed to avoid harm to any significant relics within the site.
- (b) Prior to the issue of the occupation certificate by Council and/or the Principal Certifying Authority, the Applicant shall supply a copy of written correspondence from the Heritage Council of NSW or its delegate confirming that their requirements under any *Heritage Act 1977* approval have been satisfied.

*Reasons: The subject site has potential to contain historical archaeological relics, which are protected under s.139 of the Heritage Act 1977. The Applicant must obtain an approval under s.141 of the Heritage Act 1977 prior to any harm occurring to relics.*

### **Advice**

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

### **Right of Appeal**

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

## **TERMS OF APPROVAL – TRANSPORT FOR NSW**

The Terms of Approval for Integrated Development as advised by Transport for NSW (TfNSW) are as follows:

- (164) All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Oxford Street and South Dowling Street boundary.**

- (165) The proposed vehicular crossing and stormwater connection works on the Oxford Street and South Dowling Street frontages shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [DeveloperWorks.Sydney@rms.nsw.gov.au](mailto:DeveloperWorks.Sydney@rms.nsw.gov.au).**

**Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any works. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).**

**A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.**

- (166) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.**

**The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).**

**If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.**

- (167) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval,**

**prior to the commencement of any works. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).**

**A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.**

**(168) All vehicles shall enter and exit the site in a forward direction.**

**(169) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.**

**(170) Bicycle Parking should be provided in accordance with AS2890.3.**

**(171) 'No Stopping signage' shall be installed along all frontages of the development, at no cost to TfNSW.**

**(172) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.**

**(173) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a Construction Certificate.**

**(174) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.**

**(175) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Oxford Street and South Dowling Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.**

## **CONDITIONS OF CONSENT – AUSGRID**

The conditions of consent as advised by Ausgrid are as follows:

### **(176) UNDERGROUND CABLES**

There are existing underground electricity network assets in Oxford Street and South Dowling Street. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should Ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS 156 outlines the minimum requirements for working around Ausgrid's underground cables.

### **(177) SUBSTATION**

There are existing electricity substation assets within the proposed development. The existing electricity chamber substation may be impacted by the proposed construction. This type of building is susceptible to damage from subsidence or vibration due to nearby excavation of piling, and also due to building materials and machinery coming into contact with the façade of the building. The use of ground anchors under a substation building is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

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.

In addition to above, Ausgrid requires the substation ventilation openings, including ducting 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, or 120/120/120 where there is no oil-filled equipment and be constructed of non-combustible material.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ- 100 kHz) (ICNIRP 2010).

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 hours access. 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.

## CONDITIONS OF CONSENT – SYDNEY WATER

The conditions of consent as advised by Sydney Water are as follows:

### **(178) Sydney Water Servicing**

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.
- (b) The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.
- (c) Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

### **(179) Building Plan Approval**

- (a) The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.
- (b) The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.
- (c) The Tap in™ service provides 24/7 access to a range of services, including:
  - i. building plan approvals
  - ii. connection and disconnection approvals
  - iii. diagrams
  - iv. trade waste approvals
  - v. pressure information
  - vi. water meter installations
  - vii. pressure boosting and pump approvals
  - viii. changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

**(180) Trade Wastewater Requirements**

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

**(181) Backflow Prevention Requirements**

- (a) Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.
- (b) All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.
- (c) Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.
- (d) Before you install a backflow prevention device:
  - i. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
  - ii. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website: <http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

## **(182) Water Efficiency Recommendations**

- (a) Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.
- (b) Some water efficiency measures that can be easily implemented in your business are:
  - i. Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
  - ii. Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
  - iii. Install water-monitoring devices on your meter to identify water usage patterns and leaks.
  - iv. Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

## **(183) Contingency Plan Recommendations**

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

For further information please visit the Sydney Water website at: <http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on 1300 985 227 or [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au).