

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(A) PART A - DEFERRED COMMENCEMENT CONDITIONS

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

(1) VOLUNTARY PLANNING AGREEMENT – PUBLIC BENEFIT

A Voluntary Planning Agreement in accordance with the public benefit offer dated 15 April 2021 between the COUNCIL OF THE CITY OF SYDNEY and ELEGANT DIXON PROPERTY PTY LTD shall be exhibited, executed and submitted to Council; and

The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

(2) PUBLIC ART PLAN

The developer is required to ensure that the artwork 'Heaven', suspended above the intersection of Dixon and Little Hay Streets, is carefully removed, restored and reinstated. This must be undertaken in consultation with the City's Public Art team and the artist. The developer is required to engage the contractor responsible restoring the lights (Ryan Wilkes) to oversee the removal, package, transport and storage of the 'Heaven' component, and again to reinstate it. The building shall include anchor points certified by a structural engineer. The City will allow for storage of the artwork 'Heaven' at their Public Art storage facility during the construction period.

The developer is required to ensure that the artwork 'Earth', embedded in the pavement at the intersection of Dixon and Little Hay Streets, is carefully removed, redesigned and reinstated. This must be undertaken in consultation with the City's Public Art team. The developer is required to engage the artist (Peter McGregor) on the redesign of the Earth component before it is also reinstated.

The developer is required to ensure that the affected elements of the artwork Hay Street Lanterns, attached to the existing building along Little Hay Street, are carefully removed, restored and reinstated. This must be undertaken in consultation with the City's Public Art team and the artist. The developer is required to engage the contractor responsible for restoring the lights (Ryan Wilkes) to oversee the removal, package, transport and storage of the lanterns affected by the development and again to reinstate them. The building design needs to accommodate the reinstatement of the lanterns in alignment with the other lanterns on the street including the refabrication of the support arms/brackets for the lanterns.

Prior to the consent becoming operative, a Public Art Plan outlining the above process and providing further details as required, including process and timing shall be submitted to an approved in writing by the Councils Area Planning Coordinator/Area Planning Manager. The works shall be detailed in the Public Domain Plan. All works shall be at the developer's expense and the developer will be responsible for all permits and street closures.

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

The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.

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 any Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2020/1386 dated and the following drawings prepared by PTW Architects Ltd:

Drawing Number	Drawing Name	Date
DA-01-0002 J	Site Analysis Plan	19/11/2020
DA-01-0003 J	Survey Plan	19/11/2020
DA-02-0001 J	Demolition Plan	19/11/2020
DA-10-0800 T	Basement 02 Plan	11/06/2021
DA-10-0900 R	Basement 01 Plan	21/05/2021
DA-10-1000 R	Level 00 Plan	21/05/2021
DA-10-1100 R	Level 01 Plan	21/05/2021
DA-10-1200 R	Level 02 Plan	21/05/2021
DA-10-1300 T	Level 03 Plan	11/06/2021
DA-10-1400 T	Level 04 Plan	11/06/2021
DA-10-1500 T	Level 05 Plan	11/06/2021
DA-10-1600 T	Level 06-16 Plan	11/06/2021
DA-10-2500 R	Level 17 Plan	21/05/2021
DA-10-2600 R	Roof Plan	21/05/2021
DA-20-0100 S	General Elevations	01/06/2021
DA-20-0200 S	General Elevations	01/06/2021
DA-30-0100 T	General Sections	11/06/2021
DA-30-0200 S	Typical Room Plans & Section	01/06/2021
DA-46-0100 S	DA Colour Sample Board	01/06/2021
DA-46-0101 S	DA Colour Sample Board	01/06/2021
DA-46-0102 S	Brick Facade Details	01/06/2021
DA-46-0103 S	Brick Facade Details	01/06/2021
DA-46-0104 S	Brick Facade Details	01/06/2021
DA-46-0105 S	Ground Floor Details	01/06/2021
DA-46-0106 S	Ground Floor Details	01/06/2021
DA-50-0100 R	Room Module A1, A2 & A3	21/05/2021
DA-50-0101 R	Room Module A4, A5 & A6	21/05/2021
DA-50-0102 R	Room Module A7 & A8	21/05/2021
DA-50-0200 R	Room Module Accessible	21/05/2021
DA-50-0300 R	Room Module B1 & B2	21/05/2021
DA-50-0301 R	Room Module B3	21/05/2021
DA-91-0200 R	Communal Space Diagrams	21/05/2021
DA-100-3000 J	100-Heritage Drawings Heritage Plans	19/11/2020

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 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Principal Certifier, together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Principal Certifier accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, *Building Code of Australia* compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below. Any item for which an exemption has been granted is still to be included in the total cost of development, together with an itemised value to enable the City to calculate the value of the exemption.

- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

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

(3) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT – PUBLIC BENEFIT

The terms of the Planning Agreement between the Council of the City of Sydney and Elegant Dixon Property Pty Ltd are to be complied with. In accordance with the Planning Agreement:

- 1. The Plan of Management for the heritage assets must be prepared and approved prior to the first Occupation Certificate and then implemented.
- 2. The Positive Covenant for the heritage assets, including a right for public access must be registered on title prior to the first Occupation Certificate.

(4) POSITIVE COVENANT ON 82 AND 84 DIXON STREET

A Positive Covenant shall be registered on the title of 82 and 84 Dixon Street to restrict the future development and ensure ongoing maintenance of the buildings. The use of levels 1 and 2 of 84 Dixon Street shall be retained and managed in perpetuity for the public display of heritage assets only in accordance with a revised Conservation Management Plan prior to the first Occupation Certificate for the development.

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 64.10 to the top of the building and RL 61.70 to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

(6) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 9.27:1 calculated in accordance with the Sydney Local Environment Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 11466.09sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney

Local Environment Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifier.

- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that 785sqm of heritage floor space was allocated (purchased and transferred) to the development, being that gross floor area in excess of 8:1 as specified in the Sydney Local Environment Plan 2012.

(7) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area Coordinator/Area Planning Manager prior to a Construction Certificate being issued. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

(8) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The proposed awnings must be amended to be a maximum of two metres from the building facade to ensure the viability of the City's street trees.
- (b) full plans at a scale of 1:20 detailing the internal and external design and colour scheme of the service door access from Sussex Street.
- (c) full plans at a scale of 1:20 detailing the incorporation of a low horizontal solid element at the ground/footpath interface.

The modifications are to be submitted to and approved by Council's Director City Planning Development and Transport prior to a Construction Certificate being issued.

(9) PLAN OF MANAGEMENT

The student accommodation use must always be operated / managed in accordance with the Plan of Management, prepared by Elegant Dixon Property Pty Ltd that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

(10) COMMUNAL OUTDOOR AREAS

Consistent with the Plan of Management, the use of the communal outdoor areas is restricted to between 7.00am and 10.00pm daily.

(11) ACCOMMODATION - REGISTRATION AND CARETAKER

Prior to the issuing of any Occupation Certificate, Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the student accommodation premises. A caretaker/manager must be contactable 24 hours a day.

(12) STUDENT ACCOMMODATION - USE AND OPERATION

The use and operation of the student accommodation 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, the Boarding Houses Act 2012 and regulations thereunder and the *Sydney Development Control Plan 2012 – 4.4.1*.

(13) RESTRICTION ON STRATA SUBDIVISION

In accordance with the provisions of Clause 52 of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* and the *Sydney Development Control Plan 2012*, the student accommodation/boarding house component of the building cannot be strata subdivided.

(14) RESTRICTION ON STUDENT ACCOMMODATION

The following restriction applies to buildings approved for student accommodation use:

- (a) The accommodation portion of the building (levels 3 and above) must be used as student accommodation only and not for permanent residential purposes or any other use.
- (b) A restriction on use is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from student accommodation as defined in The Restriction is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.

(15) SIGN DISPLAYING CONTACT DETAILS FOR STUDENT ACCOMMODATION MANAGER

- (a) A sign must be placed in a clearly visible position at the boarding house entrance displaying the name of the manager and mobile phone number. The signage text must be written in bold letters with a height of no less than 25mm on a contrasting background that can be read without entering the premises.
- (b) Details of the sign design, content and location within the site must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate.

(16) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of the off-street service parking facilities must comply with 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 Principal Certifying Authority prior to a Construction Certificate being issued.

(17) 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.

Bicycle Parking Type	Number	Requirements
Residential	62	Bicycle parking facilities in accordance with Security Classification Level A or B in Table 1.1. AS2890.3
Residential visitor	31	Bicycle parking facilities in accordance with Security Classification Level C in Table 1.1. AS2890.3.
Non-residential retail/commercial staff/employee	17	Bicycle parking facilities in accordance with Security Classification Level B in Table 1.1. AS2890.3
Non-residential retail/commercial staff/employee visitor	11	Bicycle parking facilities in accordance with Security Classification Level C in Table 1.1. AS2890.3.
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	20	

The layout, design and security of bicycle facilities must comply with *Australian Standard AS 2890.3:2015 Bicycle Parking Facilities Part 3: Bicycle Parking Facilities and Council DCP Section 3.11.3.*

(18) 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.

(19) 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.

(20) 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.

(21) SERVICE VEHICLE SIZE LIMIT

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

(22) VEHICLES ACCESS

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

(23) SIGNS AT EGRESS

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

- (a) Compelling "Give Way to Pedestrians " before crossing a footpath. The signs/ are to be erected prior to issue of an Occupation Certificate and must be maintained in good order at all times by the owners of the building.

(24) ASSOCIATED ROADWAY COSTS

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

(25) 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: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

SCHEDULE 1B

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

(26) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING 82-84 DIXON STREET, HAYMARKET IS REQUIRED

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 an assessment of the development proposal has been undertaken and:
- (i) As more than 50 percent of the volume of the building is proposed to be altered or has been altered over the previous 3 year period; and/or
 - (ii) The measures contained in the building are inadequate to protect persons using the building and to facilitate their egress from the building in the event of fire, or to restrict the spread of fire from the building to other buildings nearby,

It has been determined that the whole building must be brought into total conformity with the *Building Code of Australia*.

- (b) If compliance with (a) above cannot be achieved through the deemed-to-satisfy pathway, an alternative solution in accordance with Part A0 of the BCA must be prepared and submitted to the Certifying Authority illustrating how the relevant performance provisions are to be satisfied, and must form part of the approval prior to a Construction Certificate being issued.

(27) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING-ALTERATIONS AND ADDITIONS

A qualified practising registered structural engineer must provide structural certification to Council (where Council is the Accredited Certifier) verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the *Building Code of Australia* prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

(28) LOT CONSOLIDATION

All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with NSW Land Registry Services, prior to any Occupation Certificate being issued. However, if an additional application is made to subdivide the site to reflect the approved development, the requirement for consolidation is waived.

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

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works,

must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.

(30) LAND SUBDIVISION

Any proposal for land subdivision, including any stratum subdivision of the buildings, will require a separate application to Council to obtain development Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

(31) ARCHIVAL DOCUMENTATION (MEASURED DRAWINGS)

The archival recording of the former Kwong War Chong & Company building should include accurate measured drawings of the following:

(a) The building and the site as a whole including:

- (i) Location Plan
- (ii) Site Plan (1:500 or 1:200)
- (iii) Floor Plan/s (1:100 or 1:50)
- (iv) Roof Plan/s (1:100 or 1:50)
- (v) Elevations and Sections (1:100 or 1:50)

(b) Components of the building including ceiling cornices, joinery details, skirtings, other significant details such as rainwater heads and indicate 1:10 or 1:5 scale.

Measured drawings should be cross-referenced to each other, clearly titled, indicate scale, orientation and date of execution. The drawings can also be annotated or hatched to reveal more about the heritage significance of the site or object (e.g. to differentiate between dates of construction, materials and finishes and vegetation types). For further guidelines, refer to the NSW Heritage Division of the Department of Environment and Heritage Information Series publication titled 'How to prepare Archival Records of Heritage Items'.

The measured drawings are to be submitted to and approved by Council's Area Planning Coordinator/Area Planning Manager prior to the issue of a Construction Certificate.

(32) MOVABLE HERITAGE ITEMS REGISTER

A register for all movable heritage items is to be created for future reference. They have been already listed, described and illustrated in the contents

catalogue, also named "84 Dixon Street inventory", prepared by Hector Abrahams Architects in September 2019. If an item is moved, the new location should be recorded in the register. The register should be maintained and signed by the heritage consultant engaged for the project. The register showing the final location and condition of every item is to be submitted to and approved by Council prior to the issue of an Occupational Certificate.

(33) COSTED HERITAGE ASSET MAINTENANCE PLAN

To ensure the continued protection of heritage significance of the heritage item at 82-84 Dixon Street and to guide the future maintenance on heritage fabric, a costed Heritage Asset Maintenance Plan is to be developed. The following is to apply:

- (i) The Plan is to be based the NSW Heritage Division of the Department of Environment and Heritage publication: 'Preparing a maintenance plan', and is to be a guide for the effective, continuous, protective maintenance of all significant heritage fabric for a minimum period of 20 years.
- (ii) The Plan is to include all fabric identified as being of heritage significance, specification notes and methodologies based on the Articles of the Australian ICOMOS Burra Charter 2013 and best conservation practise, and a list of appropriate consultants and suppliers together with the projected costing for each item of work.
- (iii) The Plan is to be prepared by the Conservation Architect and is to be submitted to Council for approval prior to the issue of an Occupation Certificate.

(34) CYCLICAL MAINTENANCE PLAN

A cyclical maintenance plan specifying frequency and methodologies to conduct building inspections and maintenance works to building elements and services must be submitted to and approved by Council's Area Planning Manager prior to any Occupational Certificate. The maintenance plan is to be prepared by a suitably qualified heritage consultant and endorsed by the building owner.

(35) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing buildings 82-84 Dixon Street which are listed as a Heritage Items.
- (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 adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.

- (d) New services are to be installed with minimal impact on heritage fabric and significant spaces.
 - (i) New services shall use existing service runs
 - (ii) Where this is not possible, details of alternative solutions are to be shown on drawings at a suitable scale and submitted for the approval of Council's Area Planning Manager
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.

(36) VIBRATION MONITORING

Vibration monitoring by a structural engineer during the proposed excavation and construction works shall occur. All work should cease if any damage is noticed and remedial action taken prior to recommencing the construction.

(37) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

(38) HERITAGE CONSERVATION WORKS

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the construction of the new building is to be submitted to Council's Urban Design and Heritage Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage value including but not limited to the following: stonework, brickwork, door and window joinery, glazing, hardware, pavements, tiling, roof plumbing, roofing and painting.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.

- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (f) **INSPECTION AND APPROVAL:** The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, Council's Heritage Specialist prior to the issue of any Occupation Certificate or commencement of the use, whichever is the earlier.

(39) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan for the Anthony Hordern & Co warehouse building and the Former Kwong War Chong & Company building must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The interpretation plan must detail options for the retention, use or display of moveable heritage items where damage will not occur. The historic ephemera contained within the building (which includes packing-crate furniture, washing machines, bathtubs, calendars, crockery, merchandise, and personal effects) should be conserved.
- (d) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (e) Prior to any occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Area Planning Manager.

(40) HISTORIC MARKER

A plaque of high-quality material (e.g. bronze or stainless steel) describing the history of the site and building must be installed on the facade of the building prior to an Occupation Certificate being issued. The design, location and wording must be submitted for the approval of Council's Urban Design and Heritage Manager prior to manufacture and installation. The marker is to be incorporated into the heritage interpretation plan if a plan is required by this consent.

(41) MATERIALS FOR MAKING GOOD

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

(42) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of all existing buildings on site is to be prepared to Council's satisfaction. The recording is to be in digital form, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

Procedure

For buildings or structures with heritage significance, the archival documentation, and the number and type of selected enlarged photographs required will be determined by the significance and quality of the building or structure. For a scope of work, refer to Council's Urban Design and Heritage Manager to determine the particular architectural/design features of the building/site that may need to be recorded.

For buildings or structures with no heritage significance the archival documentation requirements are less comprehensive and may just be limited to contextual and exterior photographs only. However, this will depend upon the type, complexity and significance of the building, and should be confirmed with the Area Planning Manager.

Because significant fabric may remain concealed and only be exposed during construction works, the archival recording is to be undertaken in stages, prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project, and submitted as two parts as follows.

- (a) The first submission of the archival recording of significant building fabric or furnishings is to be prior to the removal of any significant building fabric or furnishings from the site and must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Construction Certificate being issued.
- (b) The second submission of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site and must be submitted to Council prior to an Occupation Certificate being issued.

The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'.

- (c) For each of the two submissions listed above in (a) and (b), the digital form of the recording is to be as follows:

- (i) The Development Application number and the Condition of Consent number must be noted.
- (ii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (iii) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.
- (iv) 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.
- (v) The report can be submitted on a USB or web transfer, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: DOS title, image subject/description and data photograph taken.

(43) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council's Area Planning Manager. The report must explain how the retained building is to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

(44) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of the Construction Certificate or commencement of work on site whichever is the earlier.
- (c) Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:
 - (i) Undertake site inspections of not less than fortnightly intervals.

- (ii) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
- (iii) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.
- (d) Upon completion of the works, the final report is to be submitted for approval by Council's Urban Design and Heritage Manager prior to the issue of an Occupation Certificate or the commencement of the use, whichever is the earlier.

(45) SHOP FRONTS AND STREET AWNINGS – 82-84 DIXON STREET

Restoration and reconstruction details (sections and elevations) at an appropriate scale of works to be done to the shop fronts and street awnings have to be submitted for approval by Council's Area Planning Manager prior to the issue of a Construction Certificate.

(46) OPENINGS BETWEEN 82 & 84 DIXON STREET

The existing openings between 82 and 84 Dixon Street are to be interpreted.

The new openings between 82 and 84 Dixon Street are to be documented.

The design of the existing openings to be filled in are to be interpreted. Full details of new openings are to be provided at an appropriate scale are to be submitted for approval by Council's Urban Design and Heritage Manager prior to the issue of an Occupation Certificate.

(47) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN (MODIFIED)

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

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

The form of the recording is to be as follows:

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

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

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

(48) 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.

(49) 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 City's *Public Domain Manual* and *Sydney Streets Code*. The plan must be submitted to and approved by the City's Public Domain Unit prior to the issue of any Construction Certificate for the

development other than for demolition or excavation. The plan must include (where relevant) all existing and proposed paving materials and locations of street trees, site furniture, light poles, signage and other public domain elements.

The *Public Domain Manual*, *Sydney Streets Code* and the *Sydney Streets Technical Specification* are available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>.

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

(50) 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 Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.

(51) 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 and, where required, Section 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 Drainage Design
 - (ii) Council's Sydney Streets Technical Specifications, Standard Drawings
 - (iii) Council's *Sydney Streets Technical Specifications*, Part B10: Stormwater Drainage Construction

- (iv) All relevant Australian Standards.
- (b) Structural certification of the hydraulic and structural design of all elements, excluding standard details from the City's *Sydney Streets Technical Specifications*.

The above certification shall accompany with 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>.

- (a) Note: A Deed of Agreement for all proposed connections to the City's drainage system, 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.

(52) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 1 of the report titled Site Flood Assessment (SY202061 / 17 June 2021 / Revision C) prepared by Northrop dated 17 June 2021.

- (a) 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.
- (b) All flood risk and management assessment recommendations as indicated in Table 2 of the report titled Site Flood Assessment (SY202061 / 17 June 2021 / Revision C) prepared by Northrop dated 17 June 2021, must be implemented in the design & construction of the development. Details must be submitted to and be approved by the Principal Certifier prior to the issue any Construction Certificate. A copy of the approval is to be provided to Council.

(53) 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>.

Advice on site specific lighting requirements must be obtained from City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

(54) DEWATERING

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.

(55) LETTERBOXES

- (a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate.
- (b) Letterboxes are to be discreetly located, must not obstruct and/or dominate the public way and must be of a type and specification that minimises opportunities for mail theft.
- (c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

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

(56) PUBLIC ART

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

The public artwork must be in accordance with the Sydney DCP 2012, the Public Art Policy, and the Interim guidelines: public art in private developments.

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

Note: Public art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>

Please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

(57) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the

construction of any public domain works. This Plan must document the works relating to the *restoration of the Public Art work 'Heaven' and how it affects the existing paving* together with 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 City's 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.

(58) 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.

(59) 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.

(60) 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'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.

(61) 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 approval of 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.

(62) 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.

(63) 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.

(64) 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'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.

(65) 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.

(66) 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.

(67) SURVEY INFRASTRUCTURE – PRE-SUBDIVISION CERTIFICATE WORKS

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

Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all survey marks shown on their Deposited Plan remain at the date of practical completion.

(68) SURVEY INFRASTRUCTURE – RESTORATION

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

(69) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner engineer (NER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has implemented all recommendations, has been constructed and the required flood planning levels achieved in accordance with the recommendations as indicated in Table 2 of the report titled Site Flood Assessment (SY202061 / 17 June 2021 / Revision C) prepared by Northrop dated 17 June 2021.

A copy of the report shall be provided to Council for record keeping purposes.

(70) FLOOD RISK MANAGEMENT

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

(71) PAVING MATERIALS

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

(72) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 270 square metres of Granite Pavement 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 Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).
- (b) The Guarantee must be lodged with Council prior to an approval for demolition being granted or a 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.

(73) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Sussex Street & Little Hay Street frontage[s] of the site are to be retained and properly protected during demolition, excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- (c) Note the following:
 - (i) all costs associated with the works are to be borne by the developer.
 - (ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
 - (iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
 - (iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
 - (v) Council approval is required before kerbs are removed.
 - (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

- (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

(74) 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 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.

(75) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

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

(76) NOISE – COMMERCIAL PLANT

- (a) Noise from commercial 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.

(77) 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.
- (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.

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

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

Such periods must be set and agreed to by Council's Health and Building Unit.

(79) 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 Wilkinson Murray, October 2020, ref report no. 20292 version A, Council Ref Trim 2020/578225 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.

(80) 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.

(81) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report must be complied with.

Prior to the issue of any Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (Australia Institute of Occupational Hygienists) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report and that the site is safe for future occupation in accordance with the approved use.

(82) 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.

(83) 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.

(84) MICROBIAL CONTROL IN WATER SYSTEMS

The installation, operation and maintenance of water-cooling or warm water systems installed on the premises must comply with the following:

- (a) AS/NZS 3666:1:2011 - Air-handling and water systems of buildings-Microbial Control Part 1: Design, installation and commissioning.
- (b) AS/NZS 3666:2:2011 - Air-handling and water systems of building-Microbial Control Part 2: Operation and maintenance.
- (c) AS/NZS 3666:3:2011 - Air-handling and water systems of buildings-Microbial Control Part 3: Performance based maintenance of cooling water systems.

- (d) AS/NZS 3666:4:2011 – Air-handling and water stems of buildings- Microbial Control Part 4: Performance – based maintenance of air – handling systems (ducts and components).

Note: The occupier of premises at which a water-cooling system is installed, must notify the council in writing on the prescribed form, of the installation of all water-cooling tower systems within the premises - Public Health Act 2010. Warm water systems other than hospitals (which also includes nursing homes, declared mental health facilities, private health facilities) are exempt from notifying Council.

Notification forms are available on Council's website www.cityofsydney.nsw.gov.au

(85) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

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

(86) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

Construction Traffic 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>

(87) TREES THAT MUST BE PROTECTED

- (a) The existing trees detailed in Table 1 below must be protected in accordance with the conditions of consent throughout the construction and development.

Table 1 – Trees to be protected:

Tree No	Botanical/Common Name	Location
1-2	<i>Ficus benjamina</i> /Weeping Fig	Dixon Street frontage
3-6	<i>Robinia pseudoacacia</i> 'Frisia'/Robinia	Little Hay Street frontage

(88) STREET TREE PROTECTION

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:

- (a) 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, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) If any awning conflicts with a street tree, the awning must be amended to allow for the retention of the tree.
- (d) Young street trees shall be protection by installing three (3) wooden stakes 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 four 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.

(89) 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'.

(90) 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.

(91) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Coordinator Planning Assessments / 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;
 - (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.

(92) 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) 13 Trees are to be planted within the site at the completion of all construction works
- (b) The tree species, when mature, must attain a minimum height of no less than five metres and minimum canopy spread of five metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement.
- (c) The tree must be grown to Australian Standard 2303:2015 'Tree stock for landscape use'
- (d) At the time of planting, the container size is to be a minimum of 200 litres and a minimum height of 1.2 metres.
- (e) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (f) 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.
- (g) 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.
- (h) 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.

(93) PLANTERS

All planters must ensure sufficient soil depth and volume for the proposed planting- see the Sydney Landscape Code Volume 2 for detail. Ensure trees are positioned in the largest possible section of planter, and that soil mounding such as that shown on the drawing '3.6 Sections- Level 3' is avoided.

A clear paved path shall be installed from the lift to all areas of the terrace on level 17.

(94) 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.

(95) 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*.

(96) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (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 submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager 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 Waste and Recycling Management Plan must be implemented during construction of the development. Including but not limited to:

- (i) A minimum of 8x 240L food waste bins at a maximum collection frequency of five (5) times weekly are to be provided to the student accommodation.
- (ii) A minimum of 1x 240L food waste bin is to be provided in each garbage room on each habitable level.
- (iii) A minimum of 4x 240L food waste bins are to be permanently stored in the residential waste room.
- (iv) The collection frequency of the student accommodation food waste is not to exceed five (5) times weekly collection.

- (v) Details of the ongoing management of the student accommodation food waste bins including responsibility for cleaning, transfer of bins between storage areas and collection points, maintenance of signage and security of storage areas
- (c) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments 2018*.

UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to an 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: Waste and Recycling Management Plan; other relevant development consent conditions; and *Council's Guidelines for Waste Management in New Developments 2018*.
- (e) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Guidelines for Waste Management in New Developments 2018*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

(97) 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.

(98) TfNSW GENERAL CONDITIONS

1. All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development that have a potential impact on the CBD Rail Link (CBDRL) must be designed, constructed and maintained in accordance with design criteria specified by the Transport for NSW (TfNSW);
2. The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW;
3. The applicant must make allowances that are to be agreed with TfNSW in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
4. The design and construction of the foundations and ground anchors (if any) for the approved development are to be completed to the satisfaction of TfNSW. An accurate plan/CAD model should be included

for the proposed foundations, to enable verification against the CBDRL alignment model. The foundation design and any encroachment into Exclusion Zone 4 and beyond must comply with the limitations of the Structure Exclusion Zones as required by TfNSW;

5. No modifications may be made to the approved design without the consent of TfNSW;
6. The applicant must provide access by representatives of TfNSW upon request to the site of the approved development and all structures on that site during all stages of the development;
7. TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought;
8. Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records; and
9. All TfNSW costs associated with review of plans, designs and legal must be borne by the applicant.

(99) TfNSW PRIOR TO CONSTRUCTION CERTIFICATE CONDITIONS

Prior to issue of any Construction Certificate, the applicant shall address the adverse effects of the approved development on the CBD Rail Link (CBDRL) identified in State Environmental Planning Policy (Infrastructure) 2007. The applicant must provide the following for TfNSW review and endorsement:

1. Geotechnical Report – An updated Geotechnical Report with an engineering assessment of the ground/structure interaction, associated with the future tunnel construction shall be required. A detailed geotechnical and hydrological analysis shall be undertaken to the satisfaction of TfNSW to demonstrate likely movements of the ground due to the future CBDRL;
2. Structural Assessment - Structural Report shall be updated with final structural foundation design and associated drawings and to confirm the appropriate consideration of the future CBDRL to enable verification of compliance to TfNSW requirements in relation to the foundation loadings and layout, bearing pressures, settlement value allowance, soil /structure interaction stresses and movements in the protection zone. Structural drawings should show offsets to the CBDRL including protection zones in both plan and elevation sections;
3. Noise and Vibration – Acoustics Report shall be updated in accordance with the TfNSW Corridor Protection requirements such as all structures must be designed, constructed and maintained so as to avoid any damage or other interference which may occur as a result of noise and vibration from railway operations, on the assumption that source vibration level from trains as a result of attenuation provided by the track structure; and

4. Electrolysis Report - All Structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of stray electrical currents, electromagnetic effects and the like from future railway operations. An updated Electrolysis Report shall be submitted to TfNSW demonstrating the Electrolysis Risk to the development. The applicant must incorporate in the development all the measures recommended in the report to control that risk.
5. Any conditions issued as part of TfNSW approval/certification of the above documents will also form part of the consent conditions that the applicant is required to comply with.
6. Make allowances that are to be agreed with TfNSW in the design for the future construction of railway tunnels in the vicinity of the approved development;
7. Consult with TfNSW including preparation of a detailed regime for consultation with and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW;
8. Provide detailed survey information to TfNSW, to confirm the property boundaries are consistent with the setting out on the CBDRL drawings;
9. Provide to TfNSW drawings, reports and other information related to the design, construction and maintenance of the approved development; and
10. Address such other matters that TfNSW considers is appropriate.
11. The applicant is to submit a report to TfNSW demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline". All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of air-borne noise, ground-borne noise and vibration that may emanate from the (future) rail corridor construction and rail operations to the proposed development. The applicant must incorporate in the development all the measures recommended in the report.

(100) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of any affected properties are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Accredited Certifier and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of

demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate.

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

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

(101) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifier. The ESCP must:

- (a) Conform to the specifications and standards contained in *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004); the *Guidelines for Erosion and Sediment Control on Building Sites* (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.
- (b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas
 - (v) existing and proposed drainage patterns with stormwater discharge points
 - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill

- (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
- (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
- (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
- (viii) frequency and nature of any maintenance program
- (ix) other site-specific soil or water conservation structures.

(102) WORKS REQUIRING USE OF A PUBLIC PLACE

Where construction/building works require the use of a public place including a road or footpath, a separate application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(103) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

**SCHEDULE 1C
DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION**

(104) 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.

(105) PHYSICAL MODELS

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

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the Environmental Planning and Assessment Act, 1979) that affect the external appearance of the building.

(106) SHOP NUMBERING - EASE OF IDENTIFICATION

Prior to any Occupation Certificate being issued, shop numbers must be clearly visible at the front of the premises, for ease of identification. Numbering must be maintained so that identification can be made at all times. Details shall be submitted and approved in writing by the Area Coordinator/Area Planning Manager prior to occupation.

(107) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
- (i) building design above and below ground in accordance with the development consent;

- (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
- (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

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

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

(108) HOURS OF WORK AND NOISE – CBD

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

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

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

(109) PROJECTION OVER FOOTWAYS

The architectural embellishments attached to the building with the exception of awnings, shown as overhanging the alignment of Sussex Street and Little Hay Street, must comply with the provisions of Schedule 4 (“Projections over or into public roads”) of the Sydney Development Control Plan 2012.

(110) ENCROACHMENTS – PUBLIC WAY

Apart from projections referred to in the condition above including awnings, no portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council’s footpath area.

(111) 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.

(112) 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.

(113) 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.

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

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
- (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
 - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
 - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
 - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
 - (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to

provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2017*).

(115) USE OF MOBILE CRANES

The following requirements apply:

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

(116) LOADING MANAGEMENT PLAN

A draft Loading and Service Management Plan is to be prepared in consultation with TfNSW and submitted to Council for approval, prior to issue of a Construction Certificate.

The Plan is to be prepared for distribution to relevant tenants outlining how the loading dock will be managed and used by all relevant tenants, not just the retail / commercial users. The Plan must include, but is not limited to, management of tandem spaces, management of all deliveries to ensure vehicles are not waiting on public streets to enter the site.

The Final Loading Dock Management Plan will be prepared in consultation with the approved draft loading dock management plan, TfNSW and submitted to Council for approval, prior to issue of the Occupation Certificate.

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

(117) TURNTABLE OPERATION MANAGEMENT

A Turntable Management Strategy is to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate. The Plan must include, but is not limited to, traffic management and safe vehicle manoeuvring within the parking and turntable circulation area. The management plan must be prepared by a suitably qualified traffic consultant. As a minimum the report should include:

- (a) Provision in compliance with the relevant Australian Standards for off street car parking;

- (b) Noise and vibration levels as received by occupiers of the building including references to relevant Standards;
- (c) Management of use and operation of the turntable including:
 - i. The potential trip hazard posed by the platforms to pedestrians walking within the car parking areas, and
 - ii. During any system failure, and
 - iii. Consistency with the manufacturer specifications.

Any further information requested by the Principal Certifying Authority

(118) SYDNEY WATER CERTIFICATE

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

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

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

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

(119) BICYCLE PARKING SIGNAGE AND WAYFINDING PLAN

Signage directing users to the bicycle parking facilities are to be installed from the street level, between the bicycle riders entry point/s at the site boundary and the entry point to the bike parking and End of Trip facilities. Signage is to be generally in accordance with signage shown in Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities.

The signage plan must be submitted to and approved by Council prior to the Occupation Certificate for the site being granted. Signage is to be installed before the issue of any Occupation Certificate.

(120) UNDERGROUND CABLES

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice, and Ausgrid’s

Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables. 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.

(121) TfNSW AS-BUILT DRAWINGS CONDITION

Prior to the issue of any Occupation Certificate, as-built drawings certified by a Registered Surveyor shall be submitted to TfNSW and Council by the applicant. The Principal Certifying Authority is not to issue the Occupation Certificate until the written confirmation received from TfNSW that this condition has been satisfied.

**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>