

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## SCHEDULE 1A

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

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

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2021/1550 dated 04/01/2022 and the following drawings prepared by Place Studio:

Group 1 - 58-76 Oxford Street		
Drawing Number	Drawing Name	Date
AR-DA-1-1000 Rev 2	Group 1 Lower Ground Floor Restoration Plan	16/03/2022
AR-DA-1-1001 Rev 2	Group 1 Ground Floor Restoration Plan	16/03/2022
AR-DA-1-1002 Rev 2	Group 1 Level 1 Restoration Plan	16/03/2022
AR-DA-1-1003 Rev 2	Group 1 Level 2 Restoration Plan	16/03/2022
AR-DA-1-1004 Rev 2	Group 1 Roof Level Restoration Plan	16/03/2022
AR-DA-1-2000 Rev 2	Group 1 Lower Ground Floor Restoration RCP	16/03/2022
AR-DA-1-2001 Rev 2	Group 1 Ground Floor Restoration RCP	16/03/2022
AR-DA-1-2002 Rev 2	Group 1 Level 1 Restoration RCP	16/03/2022
AR-DA-1-2003 Rev 2	Group 1 Level 2 Restoration RCP	16/03/2022
AR-DA-1-3000 Rev 1	Group 1 Sections	25/02/2022
AR-DA-1-5000 Rev 1	Group 1 Elevations – North & South	25/02/2022
AR-DA-1-7000 Rev 1	Group 1 Shopfront Condition Details	25/02/2022

Group 2 – 82-106 Oxford Street		
Drawing Number	Drawing Name	Date
AR-DA-2-1000 Rev 2	Group 2 Lower Ground Floor Restoration Plan	16/03/2022

Group 2 – 82-106 Oxford Street		
Drawing Number	Drawing Name	Date
AR-DA-2-1001 Rev 2	Group 2 Ground Floor Restoration Plan	16/03/2022
AR-DA-2-1002 Rev 2	Group 2 Level 1 Restoration Plan	16/03/2022
AR-DA-2-1003 Rev 2	Group 2 Level 2 Restoration Plan	16/03/2022
AR-DA-2-1004 Rev 2	Group 2 Roof Level Restoration Plan	16/03/2022
AR-DA-2-2000 Rev 2	Group 2 Lower Ground Floor Restoration RCP	16/03/2022
AR-DA-2-2001 Rev 2	Group 2 Ground Floor Restoration RCP	16/03/2022
AR-DA-2-2002 Rev 2	Group 2 Level 1 Restoration RCP	16/03/2022
AR-DA-2-2003 Rev 2	Group 2 Level 2 Restoration RCP	16/03/2022
AR-DA-2-3000 Rev 1	Group 2 Sections	25/02/2022
AR-DA-2-5000 Rev 1	Group 2 Elevations – North & South	25/02/2022
AR-DA-2-7000 Rev 1	Group 2 Shopfront Condition Details	25/02/2022

Group 3 – 110-122 Oxford Street		
Drawing Number	Drawing Name	Date
AR-DA-3-1000 Rev 2	Group 1 Lower Ground Floor Restoration Plan	16/03/2022
AR-DA-3-1001 Rev 2	Group 1 Ground Floor Restoration Plan	16/03/2022
AR-DA-3-1002 Rev 2	Group 1 Level 1 Restoration Plan	16/03/2022
AR-DA-3-1003 Rev 2	Group 1 Level 2 Restoration Plan	16/03/2022
AR-DA-3-1004 Rev 2	Group 1 Roof Level Restoration Plan	16/03/2022
AR-DA-3-2000 Rev 2	Group 1 Lower Ground Floor Restoration RCP	16/03/2022
AR-DA-3-2001 Rev 2	Group 1 Ground Floor Restoration RCP	16/03/2022
AR-DA-3-2002 Rev 2	Group 1 Level 1 Restoration RCP	16/03/2022
AR-DA-3-2003 Rev 2	Group 1 Level 2 Restoration RCP	16/03/2022

Group 3 – 110-122 Oxford Street		
Drawing Number	Drawing Name	Date
AR-DA-3-3000 Rev 1	Group 1 Sections	25/02/2022
AR-DA-3-5000 Rev 1	Group 1 Elevations – North & South	25/02/2022
AR-DA-3-7000 Rev 1	Group 1 Shopfront Condition Details	25/02/2022

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) REFERENCE TO GROUP 1, GROUP 2 AND GROUP 3**

In this consent Group 1, Group 2, and Group 3 are as follows:

- (a) Nos 58 to 76 Oxford Street Darlington 2010 are referred to as 'Group 1'.  
 (b) Nos 82 to 106 Oxford Street Darlington 2010 are referred to as 'Group 2'.  
 (c) Nos 110 to 122 Oxford Street Darlington 2010 are referred to as 'Group 3'.

**(3) 56 OXFORD STREET**

No works are approved to No 56 Oxford Street as part of this consent.

**(4) AMENDED DRAWINGS**

- (a) A consolidated set of demolition drawings and proposed drawings must be submitted that address all the design modification conditions of this consent.  
 (b) The addresses of each building within Group 1 and Group 3 must be indicated on all floor plans, sections and elevations.  
 (c) The addresses of each shopfront within Group 2 must be indicated on all floor plans, sections and elevations.

This information must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(5) EXTERNAL DESIGN MODIFICATIONS – FACADES – GROUP 1**

The design of the building must be modified as follows:

- (a) External facades: The original face brickwork, sandstone, vents, and all tiled, pressed metal, metal, rendered and joinery components of all facades of Nos 58 to 76 Oxford Street must be retained and conserved, except where

new openings are approved as part of this consent. The following modifications must be undertaken and submitted for approval:

- (i) The paintwork must be removed from the Foley Street and Oxford Street facades of Nos 58 to 76 Oxford Street, to expose the original face brickwork and stonework components. These requirements apply to the following facades:
  - a. The Foley Street facades of Nos. 58 to 76 Oxford Street, at the Lower Ground level, the Ground Floor level, Level 1, Level 2 and the parapet level.
  - b. The Oxford Street facade at No. 72 extending above the street awning.
  - c. Where paintwork has been applied to the glazing or tiling of the shopfront components to be retained.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

#### **(6) EXTERNAL DESIGN MODIFICATIONS – AWNINGS – GROUP 1**

The design of the building must be modified as follows:

- (a) The cantilevered awnings at Nos 58 to 76 Oxford Street, is to include the following:
  - (i) The original components of the cantilevered awnings, their supporting metal ties and tie brackets and associated roofing and roof plumbing components, of Nos 58-76 Oxford Street must be conserved.
  - (ii) All non-original attachments to the roofs, soffits, brackets and fascias of the awnings including the timber plywood, the building services, external lighting and signage, must be removed.
  - (iii) The replacement roofing of the awnings must be corrugated in profile, and to be of a mid to dark grey colour.
  - (iv) Existing downpipes from the cantilevered awnings must be concealed behind the linings of the piers either side of the shopfronts.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

#### **(7) EXTERNAL DESIGN MODIFICATIONS – WINDOWS – GROUP 1**

The design of the building must be modified as follows:

- (a) Window joinery, all facades: All original and early window joinery installed prior to 1990 within the facades of the buildings must be conserved. Any replacement of the original and early window joinery is only to occur where the condition has deteriorated beyond reasonable repair and must be consistent with original joinery in respect of the design, size, detailing, proportions, cross sectional size and profile of components and timber

species. Replacement of window joinery installed post 1990 must be similarly consistent with original joinery.

- (b) All original and early external glazing predating 1945 must be retained and conserved.
- (c) All existing aluminium framed windows, shopfronts and doors on the Oxford and Foley Street facades must be removed.
- (d) Reinstatement of timber glazing bars. Reinstatement of the glazing bars to the following windows in accordance with the historic evidence within the Conservation Management Plan:
  - (i) No 72 Oxford Street, Oxford Street facade, Level 1.
- (e) The existing aluminium framed windows, Foley Street facade. The proposal must be amended to include the removal of the aluminium framed windows, on the Foley Street facade at:
  - (i) Nos 74 and 76 Oxford Street, Level 1 and Level 2.

The above windows must be replaced as timber framed double hung assemblies with detailing consistent with original windows of the corresponding front facades. Detail plans, elevations and sections at 1:50 must be submitted for approval.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(8) EXTERNAL DESIGN MODIFICATIONS – SHOPFRONTS – GROUP 1**

- (a) The proposed shopfront works and adjacent structural piers at Nos 58 to 76 Oxford Street at ground floor level must be carried out in accordance with the drawings and notes on drawing numbers AR-DA-1-5000 and AR-DA-1-7000.
- (b) Notated detailed plans, elevations and sections at a scale of 1:50 must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(9) EXTERNAL DESIGN MODIFICATIONS – SERVICES AND STORMWATER – GROUP 1**

The design of the building must be modified as follows:

- (a) External building services, external sanitary drainage, external lighting and external signage:
  - (i) All existing sanitary drainage, building services plant, installations and reticulation components of building services (ductwork, conduit and the like) and any associated fixings, must be removed from all facades of the buildings and the facades made good.
  - (ii) All existing signage and external light fixtures on any facade or awning installed post 1945 must be removed and the facades made good.

- (iii) No sanitary drainage components, building services plant, installation and reticulation components must be attached to the external facades of the heritage listed component of the buildings, and must be reticulated internally, the exception being low voltage wiring associated with external lighting, security and fire warning systems, or reticulation of water to fire drenchers.
- (iv) Should any early signage be discovered during the removal of paintwork from the facades of the buildings, the signage must be retained and stabilised.
- (b) All existing masonry anchors related to obsolete seismic bracing must be carefully removed and the substrate made good.
- (c) All new external fixings are to have a corrosion resistance equal to Grade 316 stainless steel.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(10) INTERIOR DESIGN MODIFICATIONS – TIMBERS POSTS AND BEAMS – GROUP 1**

The design of the building must be modified as follows:

- (a) The timber posts and beams of the Ground Floor level, Levels 1 and Level 2 of Nos 58 to 70 Oxford Street must be retained and conserved, remain in situ and are all to be exposed to view. The drawings must be amended to clearly indicate the conservation actions and outcomes of exposing the structural timbers.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(11) INTERIOR DESIGN MODIFICATIONS – FLOORS – GROUP 1**

The design of the building must be modified as follows:

- (a) Floors: The following modifications must be undertaken and actions noted on the drawings:
  - (i) All original floorboards must be retained and conserved, including the ground floors, or parts thereof, of Nos 58-60, 62-64, 68-70 and No 76 Oxford Street, and parts of Level 1 and Level 2 of Nos 58 to 64, and 68 to 72 Oxford Street. The drawings must be amended to clearly indicate the locations and the conservation actions.
  - (ii) All original timber floor joists supporting the floors of the Ground Floor, Level 1 and Level 2 of Nos 58 to 72 Oxford Street, and the ground floor of Nos 74 and 76 Oxford Street, must be retained and conserved in situ. Should any strengthening be required, new joists must be placed alongside the existing, except where this is not feasible. The drawings must be amended to clearly indicate the locations and the conservation actions.

- (iii) The proposed plywood diaphragms must be fixed using stainless steel screws.
- (iv) The insertion of structural connections between floor joists and external walls must be undertaken as follows:
  - a. The original floorboards must be lifted carefully to avoid their splitting. All lifted floorboards must be reinstalled upon completion. Where ongoing access to the floor cavities is required, the floorboards must be refixed using stainless steel screws.
  - b. The structural connections must be designed to minimise vibrations within the buildings during the process of installation and are to utilise fixings with a corrosion resistance equal to Grade 316 stainless steel.
  - c. Where there are no original or early ceilings below, the floors must be retained and the connections made from beneath.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

## **(12) INTERIOR DESIGN MODIFICATIONS – CEILINGS – GROUP 1**

The design of the building must be modified as follows:

- (a) Ceilings: The proposals for the ceilings at Nos 58 to 76 Oxford Street must be amended as follows:
  - (i) All remnant pressed metal ceiling systems, including ceiling panels, beams covers and cornices, within the ground floor of Nos. 60 and 68 Oxford Street, must be retained must be conserved and must be exposed to view as the finished surface.
  - (ii) The following dropped ceilings set below the original levels must be removed:
    - a. The ceilings in Nos. 58 and 60, 62 and 64, and 66 Oxford Street, on the Ground Floor level.
    - b. Ceilings throughout Nos 58 to 72 Oxford Street, at Levels 1 and 2.
  - (iii) Investigate whether pressed metal ceilings remain above the dropped ceiling of the ground floor of No 58 Oxford Street, and parts of Level 1 and 2. Submit results of the investigations and modify the drawings to retain these elements.
  - (iv) All new ceilings at Nos 58 to 76 Oxford Street, on the Ground Floor level, must be set at the original levels. No new ceilings must be inserted below the original ceiling levels.



- (v) All new ceilings at Nos 58 to 72 Oxford Street, at Levels 1 and 2, must be set at the original levels. No new ceilings must be inserted below the original ceiling levels.
- (vi) New services and internal lighting must be mounted below the ceilings and ceiling joists.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(13) INTERIOR DESIGN MODIFICATIONS – PARTY AND DIVIDING WALLS – GROUP 1**

The design of the building must be modified as follows:

- (a) Internal masonry party and dividing walls must be retained and conserved, except where demolition is approved by this consent.
- (b) The existing opening in the masonry walls between Nos. 58 and 60 Oxford Street may be retained. Any approved openings that are greater than 2.1m are to be reduced to a maximum width of 2.1m.
- (c) The existing opening in the masonry walls between Nos 70 and 72 Oxford Street on gridline 8 between Gridline B and C, Level 1 and Level 2 may be retained and may be increased in width to no greater than 2.1 metres.
- (d) The existing opening in the masonry walls between Nos 72 and 74 Oxford Street on gridline 9, Level 1 and 2 may be retained. Any approved openings that are greater than 2.1m are to be reduced to a maximum width of 2.1m.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(14) INTERIOR DESIGN MODIFICATIONS – BULLNOSE BRICK PIERS GROUP 1**

The design of the building must be modified as follows:

- (a) The bullnose brick piers on Gridline 7 between grids B and C within the ground floor of Nos. 68 and 70 Oxford Street must be conserved.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(15) INTERIOR DESIGN MODIFICATIONS – PLASTER FINISHES – GROUP 1**

The design of the building must be modified as follows:

- (a) The plaster finishes applied to the internal faces of all masonry walls on all levels of the buildings at Nos 58 to 76 Oxford Street must be retained and conserved.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(16) INTERIOR DESIGN MODIFICATIONS – JOINERY TRIM – GROUP 1**

The design of the building must be modified as follows:

- (a) Internal joinery trim: All architraves, skirtings, sill boards, apron moulds on retained walls must be retained and conserved throughout all levels of the buildings at Nos 58 to 76 Oxford Street. Where components have been removed or are in poor condition replacement components are to match the original.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(17) INTERIOR DESIGN MODIFICATIONS – TIMBER TRUSS – GROUP 1**

The design of the building must be modified as follows:

- (a) The interpretation of the timber truss within No 76 Oxford Street must be retained and conserved within the space, and the action noted on the drawings.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(18) INTERIOR DESIGN MODIFICATIONS – WALL PLASTER - GROUP 1**

The design of the building must be modified as follows:

- (a) The evidence that remains within the wall plaster of the interiors of Levels 1 and 2 at Nos 74 and 76 Oxford Street, including of the original floor levels, stairs and location of former structural elements, must be retained and conserved.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(19) INTERIOR DESIGN MODIFICATIONS – TIMBER STAIR INTERPRETATION – GROUP 1**

The design of the building must be modified as follows:

- (a) The interpretation of the original timber stair within the ground floor foyer at No 66 must be retained within the space.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(20) INTERIOR DESIGN MODIFICATIONS – TIMBER STAIRS – GROUP 1**

The design of the building must be modified as follows:

- (a) The timber stairs in No 74 Oxford Street between the Ground and Lower Ground levels must be retained.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

## **(21) EXTERNAL DESIGN MODIFICATIONS – FACADES – GROUP 2**

The design of the building must be modified as follows:

- (a) External facades: The original face brickwork, sandstone, vents, and joinery components of all facades of Nos 82 to 106 Oxford Street must be retained and conserved, except where new openings are approved as part of this consent. The following modifications must be undertaken and submitted for approval:
  - (i) The paintwork must be removed from the facades of Nos 82 to 106 Oxford Street to expose the original face brickwork, stonework and vents. These requirements apply to the following facades:
    - a. Lower Ground level, the Ground Floor level, Level 1, Level 2 and the parapet level of the Foley Street, Crown Street, and Palmer Street facades and the facades of the splayed corners at the intersection of both Crown Street and Palmer Street with Foley Street.
    - b. Extending above the street awning to include Level 1, Level 2 and the parapet level of the Oxford Street facade, as well as the facades of the splayed corners at the intersection of both Crown Street and Palmer Street with Oxford Street.
    - c. Where paintwork has been applied to the transoms and glazing of the shopfronts or to the structural glazing of the piers either side of the shopfronts.
  - (ii) The brickwork pier to be retained on the Foley Street facade between Nos 100 and 102 Oxford Street centred on gridline 12 must be increased in length. The piers must be equivalent in depth to the remainder of the facade and must be a minimum length of 480mm (as measured along the facade), centred on gridline 12.
  - (iii) A brickwork pier of a minimum length of 240mm (as measured along the facade), must be retained between Nos. 86 and 88 Oxford Street centred on gridline 5, incorporated into the substation facade.
  - (iv) Lead or zinc cappings must be applied to the top surfaces of all the brick parapets to protect the facades from ingress of water.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

## **(22) EXTERNAL DESIGN MODIFICATIONS – SHOPFRONTS – GROUP 2**

The design of the building must be modified as follows:

- (a) The proposed shopfront works and adjacent structural piers at Nos 82 to 106 Oxford Street at ground floor level must be carried out in accordance with the drawings and notes on drawing numbers AR-DA-2-5000 and AR-DA-2-7000.

- (b) Notated detailed plans, elevations and sections at a scale of 1:50 must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(23) EXTERNAL DESIGN MODIFICATIONS – AWNINGS – GROUP 2**

The design of the building must be modified as follows:

- (a) The proposal for the cantilevered awnings at Nos 82 to 106 Oxford Street, including return awnings on the Crown and Palmer Street facades, must be amended to include the following:
  - (i) The original components of the cantilevered awnings, their supporting metal ties and tie brackets and associated roofing and roof plumbing components, of Nos 82 to 106 Oxford Street must be conserved.
  - (ii) All non-original attachments and equipment attached to the roofs, soffits, brackets and fascias of the awnings including the timber plywood, the building services, external lighting and signage, must be removed.
  - (iii) The replacement roofing of the awnings must be corrugated in profile, and to be of a mid to dark grey colour.
  - (iv) Existing downpipes from the cantilevered awnings must be concealed behind the linings of the piers either side of the shopfronts.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(24) EXTERNAL DESIGN MODIFICATIONS – WINDOWS – GROUP 2**

The design of the building must be modified as follows:

- (a) Window joinery, all facades: All original and early window joinery installed prior to 1945 within the facades of the buildings must be conserved. Any replacement of the original and early window joinery is only to occur where the condition has deteriorated beyond reasonable repair and must be consistent with original joinery in respect of the design, size, detailing, proportions, cross sectional size and profile of components and timber species. Replacement of window joinery installed post 1945 must be similarly consistent with original joinery.
- (b) Steel framed windows: The steel framed windows installed prior to 1945 within the Crown Street facade of No 82 Oxford Street must be retained and conserved.
- (c) All original and early external glazing predating 1945 must be retained and conserved.
- (d) Aluminium framed windows and doors: All aluminium framed windows and doors on the facades of the building must be removed.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(25) EXTERNAL DESIGN MODIFICATIONS – FLAGPOLES AND PYRAMIDAL BASES – GROUP 2**

The design of the building must be modified as follows:

- (a) Pyramidal bases to flagpoles and flagpoles, Nos 82 and 106 Oxford Street and former flagpole at No 94 Oxford Street.
  - (i) The structure and form of the two pyramidal bases to flagpoles above Nos. 82 and 106 Oxford Street must be retained and conserved.
  - (ii) The original metal shingle roof cladding must be reinstated onto the two pyramidal bases based upon the documentary evidence in the 1920 photograph A-01001348 at City of Sydney Archives and any physical evidence uncovered during the investigation such as batten or fixing spacings, remnant material or markings of remnant material.
  - (iii) The timber flagpoles above the pyramidal bases must be reinstated to the height and profile evident in the documentary evidence noted above at (ii).
  - (iv) Former flagpole at No 94 Oxford Street: The central timber flagpole attached to the centre of the parapet arch above No 94 Oxford Street must be reinstated and must be of the height and profile evident in the documentary evidence noted above at (ii).
  - (v) The flagpoles must be fitted with lanyards to be fully functional.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(26) EXTERNAL DESIGN MODIFICATIONS – STEEL PIPE RAILINGS – GROUP 2**

The design of the building must be modified as follows:

- (a) The original parapet steel pipe railings around the perimeter of the parapets must be retained and conserved.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(27) EXTERNAL DESIGN MODIFICATIONS – LIGHTWELLS – GROUP 2**

The design of the building must be modified as follows:

- (a) Exterior components of the five former lightwells on the Foley Street facade and roof must be retained, conserved and interpreted including as follows:
  - (i) As shown on the approved drawings the five projecting eaves that project from the Foley Street facade above Level 2 must be retained.
  - (ii) In addition, the proposal must be amended to include the retention of the roof structures of the five former lightwells to the extent necessary to support the projecting eaves.

- (iii) All elements of the projecting eaves must be conserved to ensure a long term sound condition. Any rafters or timber linings to the eaves that are in poor condition must be replaced with timber to match the original in species, profile and size. The works must be included in an amended schedule of conservation works.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

## **(28) EXTERNAL DESIGN MODIFICATIONS – SERVICES AND STORMWATER – GROUP 2**

The design of the building must be modified as follows:

- (a) External building services, external sanitary drainage, external lighting and external signage:
  - (i) Original roof drainage elements must be conserved. All non-original existing sanitary drainage, building services plant, installations and reticulation components of building services (ductwork, conduit and the like) and any associated fixings, must be removed from all facades of the buildings and the facades made good.
  - (ii) All existing signage and external light fixtures on any facade or awning installed post 1945 must be removed and the facades made good.
  - (iii) No additional sanitary drainage components, building services plant, installation and reticulation components must be attached to the external facades of the heritage listed component of the buildings. All services must be reticulated internally, the exception being wiring associated with external lighting, security and fire warning systems, or reticulation of water to fire drenchers.
  - (iv) Should any early signage be discovered during the removal of paintwork from the facades of the buildings, the signage must be retained and stabilised.
- (b) All existing masonry anchors related to obsolete seismic bracing must be carefully removed and the substrate made good.
- (c) All new external fixings are to have a corrosion resistance equal to Grade 316 stainless steel.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

## **(29) INTERIOR DESIGN MODIFICATIONS – TILED WAINSCOTS – GROUP 2**

The design of the building must be modified as follows:

- (a) The tiled wainscots to the internal walls between Nos. 92 and No. 94 and between Nos. 94 and 96 Oxford Street (alongside gridlines 8 and 9), on the ground floor must be retained and conserved.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(30) INTERIOR DESIGN MODIFICATIONS – TIMBER FLOOR JOISTS AND FLOORBOARDS – GROUP 2**

The design of the building must be modified as follows:

- (a) Timber floor joists and floorboards:
  - (i) All original Baltic pine floorboards of the Ground floor Level, Level 1 and Level 2 and the supporting timber floor joists must be retained and conserved.
  - (ii) The proposed plywood diaphragms must be fixed using stainless steel screws.
  - (iii) The insertion of structural connections between floor joists and external walls must be undertaken as follows:
    - a. The original floorboards are to be lifted carefully to avoid their splitting. All lifted floorboards must be reinstalled upon completion. Where ongoing access to the floor cavities is required, the floorboards must be refixed using stainless steel screws.
    - b. The structural connections must be designed to minimise vibrations within the buildings during the process of installation and are to utilise Grade 316 stainless steel fixings.
  - (iv) The raised floor within the Ground Floor level of No. 88 Oxford Street must be removed to expose and conserve the original beneath and to facilitate access from the street footpath. The early hardwood floors at Nos 104-106 overlaying the original floor, may be retained and conserved.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(31) INTERIOR DESIGN MODIFICATIONS – TERRAZZO FLOORS – GROUP 2**

The design of the building must be modified as follows:

- (a) Terrazzo floors: The Inter War period terrazzo floors of the entrance, entrance hallway and lift lobby of No 94 Oxford Street, and the shopfronts at Nos, 82, 84, and 96, must be retained and conserved.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(32) INTERIOR DESIGN MODIFICATIONS – TOILET PARTITIONING – GROUP 2**

The design of the building must be modified as follows:

- (a) Toilets: Any early and original toilet features including toilet cubicle walls and timber cubicle doors of Group 2 must be retained and conserved.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(33) INTERIOR DESIGN MODIFICATIONS – CEILINGS – GROUP 2**

The design of the building must be modified as follows:

- (a) Original ceiling systems, Ground Floor level, Level 1, and Level 2, Nos. 82 to 106 Oxford Street.
  - (i) The proposal must be amended to include the retention of all original plaster ceiling systems (including associated cornices and beam covers) at the Ground Floor level, Level 1, and Level 2 throughout all the buildings at Nos 82 to 106 Oxford Street. The ceilings are not to be removed in these spaces as currently indicated, with the exception of the following:
    - a. The ceilings at Nos. 84 to 102 Oxford Street, on Levels 1 and 2, north of Gridline B, between gridlines 5 and 13.
    - b. Ground Floor level, where the ceilings coincide with the locations of the approved new Lift core, new fire stairs 2A and 2C, and new vertical service risers north of Gridline B, between gridlines 5 and 13.
  - (ii) The ceiling systems that must be retained in (i) above, must be conserved and must be exposed to view as the finished surface. In addition, the following is to apply:
    - a. All ceiling and floor joists supporting the ceilings must be retained and conserved.
    - b. No new ceilings must be inserted below the original ceilings.
    - c. Where fire-rating sheet material must be installed, the plaster ceilings and associated cornices and beam covers must be carefully dismantled, then re-erected as the finished surface exposed to view so as to conserve the historic character of the interiors.
    - d. The ceilings inserted beneath the original ceilings, including but not limited to, the ground floor levels of No. 96, the rear of No. 98 and front section of No. 100 Oxford Street, must be removed to reveal the original above.
    - e. Where sections of the plaster ceiling systems have been previously removed, or are in poor condition, new components must be fabricated in fibrous plaster, in patterns to match the original components, and must be installed to complete the ceiling systems.
    - f. New services and internal lighting must be mounted below the ceilings to avoid penetrations and disturbance of the ceiling systems.



- g. In the Ground Floor Level of No 82 Oxford Street, the original circular motif ceiling panels must be reinstated where missing based upon the evidence at 104-106 Oxford Street.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(34) INTERIOR DESIGN MODIFICATIONS – ORIGINAL LIFT LOBBIES, LIFT SHAFT AND STAIR – GROUP 2**

The design of the building must be modified as follows:

- (a) Original lift lobbies, lift shaft and encircling stair, all levels of the building at No. 94 Oxford Street:
  - (i) All finishes and components of the original lift lobbies, original lift shaft, and the encircling stair must be retained and conserved.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(35) INTERIOR DESIGN MODIFICATIONS – LIGHTWELLS – GROUP 2**

The design of the building must be modified as follows:

- (a) Retention and interpretation of the remaining interior components of the five former lightwells, Levels 1 and 2, Nos 84 to 102 Oxford Street:
  - (i) The remaining interior components of the five former lightwells must be retained and conserved for interpretation as follows:
    - a. Levels 1 and 2: Retain and conserve all masonry nibs that formerly defined the northern corners of each of the former five lightwells. These nibs are located along gridline A, approximately halfway between gridlines 4 and 5, 5 and 6, 6 and 7, 7 and 8, 8 and 9, 9 and 10, 10 and 11, and between 11 and 12. (It is noted that a number of these nibs have been shown as being retained). In demolishing the two fire stairs, retain nibs along gridline A at the intersection with gridline 3, and halfway between gridlines 3 and 4 and 12 and 13. Any supporting masonry on the levels below necessary to the retention is also to be retained.
    - b. Level 1: The original masonry walls and the door, sidelight and transom light joinery assemblies that formed the southern wall of each of the former five lightwells (and that form the northern side of the corridor) on Level 1, at Nos 84-102 Oxford Street must be retained and conserved and are to remain in situ. These components are centred along gridline B to either side of gridlines 5, 7, 10 and west side of 12, and form the northern side of the main east west corridor. NOTE: This requirement is repeated in part (v)(i) below to provide clarity.
    - c. Levels 1: To achieve the retention in b. above, the design of the spaces adjoining gridline B must be adjusted.

- d. Level 2: All masonry L-shaped nibs that formerly defined the southern corners of each of the former five lightwells must be retained and conserved. These nibs are located along gridline B, approximately halfway between gridlines 4 and 5, 5 and 6, 6 and 7, 7 and 8, 8 and 9, 9 and 10, 10 and 11, and between 11 and 12. (It is noted that a number of these nibs have been shown as being retained). In demolishing the two fire stairs, retain nibs along gridline B at the intersection with gridline 3, and halfway between gridlines 3 and 4 and 12 and 13. Any supporting masonry on the levels below necessary to the retention is also to be retained.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

### **(36) INTERIOR DESIGN MODIFICATIONS – LEVEL 1 CORRIDOR – GROUP 2**

The design of the building must be modified as follows:

- (a) Extant original east west corridor including original masonry walls and the door, sidelight and transom light joinery assemblies, Level 1, Nos 84-102 Oxford Street must be retained and conserved.
  - (i) Level 1, retention of fabric on the northern side of the east west corridor: The original masonry walls and the door, sidelight and transom light joinery assemblies that form the northern side of the corridor on Level 1, at Nos 84-102 Oxford Street, must be retained and conserved and are to remain in situ. These masonry walls and joinery assemblies are located along gridline B to either side of gridlines 5, 7, 10 and west side of 12. The proposed removal and disposal of these masonry and joinery partitions is NOT APPROVED.
  - (ii) Level 1, northern alignment of the east west corridor: The southern walls of the proposed lift core and proposed fire stairs must be relocated northwards to align with the southern face of the original masonry walls and joinery assemblies in (i) above. The walls are not to extend south of this alignment.
  - (iii) In relation to (i) and (ii) above, the following is noted: The retention of the masonry and joinery partitions may require the relocation of the proposed lift shaft openings and lift lobby from the western side of the proposed new lift core to the eastern side.
  - (iv) Level 1, southern alignment of the east west corridor: The original timber framed, timber panelled and glazed partitions (and associated skirtings) forming the southern side of the corridor on Level 1 must be retained and conserved.
  - (v) Level 1: The original segmental arched masonry openings of the corridor (on gridlines 6 to 12) are not to be increased in width. The openings must be retained and conserved along with the staff moulds and skirting details of their reveals.
  - (vi) Level 1: The masonry walls between Nos. 82 and 84 Oxford Street and between 102 and 104-106 Oxford Street (located on gridlines 5

and 13) must be retained along with the door openings in, these walls. The proposed demolition of, and new openings in these walls is NOT APPROVED. The door and transom light assemblies within these openings must be retained and conserved and remain in situ.

- (vii) Level 1: The timber framed and panelled partitions that align the central stair and form the housings to the sliding fire doors must be retained and conserved and remain in situ.
- (viii) Level 1: All original and early glazing within the retained partitions predating 1945 must be retained and conserved.
- (ix) Level 1: A measured plan, sections and elevations of each side of all the existing masonry and joinery components to be retained and conserved in (i) to (viii) above, must be drawn at 1:50, with keyed details at 1:20 scale, must be submitted to form part of the main modified architectural drawing set. The measured drawings must be supported by a full photographic survey.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

### **(37) INTERIOR DESIGN MODIFICATIONS – LEVEL 2 CORRIDOR – GROUP 2**

The design of the building must be modified as follows:

- (a) East west corridor, Level 2, Nos 84-102 Oxford Street:
  - (i) Level 2: The timber framed, timber panelled and glazed partitions that comprise the original 1912 portions of the east west corridor at Nos. 84 and 102 Oxford Street between gridline 5 and 6 and between gridlines 12 and 13, must be retained and conserved and are to remain in situ.
  - (ii) Level 2: The original segmental arched masonry openings of the original 1912 corridor (on gridlines 6 to 12) are not to be increased in width. The openings must be retained and conserved. The walls extending south from these openings are also to be retained and conserved, as far southwards as the proposed new openings, as amended.
  - (iii) Level 2: The masonry walls between Nos. 82 and 84 Oxford Street and between Nos. 102 and 104-106 Oxford Street (located on gridlines 5 and 13) must be retained along with the door openings in these walls. The proposed demolition of, and new openings in these walls is NOT APPROVED. The door and transom light assemblies within these openings must be retained and conserved and remain in situ.
  - (iv) Level 2: The timber framed and panelled partitions that align the central stair and form the housings to the sliding fire doors must be retained and conserved.
  - (v) Level 2: All original and early glazing within the retained partitions predating 1945 must be retained and conserved.

- (vi) Level 2: measured plan, sections and elevations of each side of all the existing masonry and joinery components to be retained and conserved in (i) to (viii) above, must be drawn at 1:50, with keyed details at 1:20 scale, must be submitted to form part of the main modified architectural drawing set. The measured drawings must be supported by a full photographic survey.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

### **(38) INTERIOR DESIGN MODIFICATIONS – DIVIDING WALLS – GROUP 2**

The design of the building must be modified as follows:

- (a) Internal masonry dividing walls, orientated north south: The proposed openings in the masonry dividing walls orientated north south must be amended as follows:
  - (i) Ground Floor Level:
    - a. The two new openings in the masonry wall between No 90 and 92 must be a maximum width of 2.1 metres.
  - (ii) Levels 1 and 2: The internal masonry walls between Nos. 82 and 84 Oxford Street, on gridline 3, and between Nos. 102 and 104-106 Oxford Street, on gridline 13, must be retained and conserved. Only the two new openings proposed either side of Gridline C are permitted. The door and transom joinery assemblies remaining within these walls must be retained and conserved and remain in situ.
  - (iii) Levels 1 and 2: The original segmental arched masonry openings of the original 1912 corridor (on gridlines 6 to 12) are not to be increased in width. To conserve the buildings' architectural integrity and detailing, these openings must be retained and conserved along with the staff moulds and skirting details of their reveals. The walls extending south from these openings are also to be retained and conserved, as far southwards as the proposed new segmental arch openings.
  - (iv) Level 1: The proposed new openings within the internal walls located along gridlines 4, 5, 6, 7, 8, 9, 10, 11 and 12, must be amended as follows:
    - a. The two proposed segmental arch openings in each wall must be reduced in width to a maximum of 2.1 metres.
    - b. The height of the segmental arch openings must be amended to ensure a minimum height of 600mm of brickwork retained between the top of the arch and the ceiling above.
    - c. The proposed central 'slot' opening between the proposed segmental arch openings must be deleted.
- (b) Level 2: The proposed demolition of the internal walls located along gridlines 4, 5, 6, 7, 8, 9, 10, 11 and 12, is only approved north of the existing piers located midway between gridlines C and D. The walls between these piers

and the Oxford Street façade are not to be demolished. The Keene's cement finishes applied to the internal faces of all masonry walls on all levels of the buildings at Nos 82-106 Oxford Street must be retained and conserved.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(39) INTERIOR DESIGN MODIFICATIONS – ENTRANCE FOYER – GROUP 2**

The design of the building must be modified as follows:

- (a) Except for the proposed new opening immediately south-west of the lift and stairwell, the tiled wainscots of the internal walls at No. 94 Oxford Street (alongside gridlines 8 and 9), must be retained and conserved.
- (b) The early portions of the panel of timber joinery comprising the mailbox joinery attached to the wall within the entrance foyer at No 94 Oxford Street must be retained and conserved in situ.
- (c) The uprights dating from 1940 and attached to the engaged piers of the walls within the entrance foyer at No 94 Oxford Street must be retained and conserved in situ.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(40) INTERIOR DESIGN MODIFICATIONS – JOINERY – GROUP 2**

The design of the building must be modified as follows:

- (a) All original and early internal glazing predating 1945 within internal joinery within the buildings must be retained, must be retained and conserved where not specifically approved for removal.
- (b) Internal joinery trim: All architraves, skirtings, sill boards, apron moulds on retained walls must be retained and conserved throughout all levels of the buildings at Nos 82-106 Oxford Street. Where components have been removed or are in poor condition replacement components are to match the original.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(41) INTERIOR DESIGN MODIFICATIONS – TIMBER STAIRS – GROUP 2**

The design of the building must be modified as follows:

- (a) Internal timber stairs: The existing internal timber stairs must be retained and conserved including:
  - (i) The stair at No 82 Oxford Street between the Ground Floor level and Level 2.
  - (ii) The stair at No 100 Oxford Street between the Lower Ground Floor and Ground Floor. The stair penetration in the floor between ground

floor and basement tenancies may be sealed in a reversible manner with appropriate interpretation.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(42) INTERIOR DESIGN MODIFICATIONS – STEEL COLUMNS – GROUP 2**

The design of the building must be modified as follows:

- (a) Fire rating of structural components: No sheet fire rating material must be applied to the rivetted steel columns of Nos. 82 and 104-106 Oxford Street.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(43) EXTERNAL DESIGN MODIFICATIONS – FACADES – GROUP 3**

The design of the building must be modified as follows:

- (a) External facades: The original face brickwork, sandstone, vents, and all tiled, pressed metal, metal, rendered and joinery components of all facades of Nos 110 to 122 Oxford Street must be retained and conserved, except where new openings are approved as part of this consent. The following must be included in the works:
  - (i) The paintwork must be removed from the Foley Street facades of Nos 110-122 Oxford Street, to expose the original face brickwork or stonework components. These requirements apply to the following facades:
    - a. Foley Street facade of No. 110 Oxford Street, at the Lower Ground level, the Ground Floor level, Level 1, Level 2 and the parapet level.
    - b. Foley Street facade of Nos. 112 and 114 Oxford Street, at the Lower Ground level.
    - c. Where paintwork has been applied to the glazing or tiling of the shopfront components to be retained.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(44) EXTERNAL DESIGN MODIFICATIONS – ROOF AND PARAPET – GROUP 3**

The design of the building must be modified as follows:

- (a) Roof and parapet elements:
  - (i) Lead cappings must be applied to the top surfaces of all the brick and sandstone parapets and to the projecting sandstone ledges and cornices of Nos 116 to 122 Oxford Street, to protect the facades from ingress of water. Existing steel cappings must be removed.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(45) EXTERNAL DESIGN MODIFICATIONS – AWNINGS – GROUP 3**

The design of the building must be modified as follows:

- (a) The proposal for the cantilevered awnings at Nos 110 to 122 Oxford Street, is to include the following:
  - (i) The original components of the cantilevered awnings, their supporting metal ties and tie brackets and associated roofing and roof plumbing components, of Nos 110-122 Oxford Street must be conserved.
  - (ii) All non-original attachments to the roofs, soffits, brackets and fascias of the awnings including the timber plywood, the building services, external lighting and signage, must be removed.
  - (iii) The replacement roofing of the awnings must be corrugated in profile, and to be of a mid to dark grey colour.
  - (iv) Existing downpipes from the cantilevered awnings must be concealed behind the linings of the piers either side of the shopfronts.
  - (v) The conservation actions must be notated on the main drawing set and conservation details included in the Schedule of Conservation Works.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(46) EXTERNAL DESIGN MODIFICATIONS – WINDOWS – GROUP 3**

The design of the building must be modified as follows:

- (a) Window joinery, all facades: All original and early window joinery installed prior to 1945 within the facades of the buildings must be conserved. Any replacement of the original and early window joinery is only to occur where the condition has deteriorated beyond reasonable repair and must be consistent with original joinery in respect of the design, size, detailing, proportions, cross sectional size and profile of components and timber species. The conservation actions must be notated on the main drawing set and conservation details included in the schedule of conservation works.
- (b) Oriel windows, Nos. 110 to 114 Oxford Street: The belcast metal cladding, the projecting eaves, the window joinery and the cantilevered soffits of the oriel windows at 110 to 114 Oxford Street must be conserved to ensure a long term sound condition. Any rafters or timber linings to the eaves that are in poor condition must be replaced with timber to match the original in species, profile and size. The eaves gutters of the oriels may be fitted with spitters. Gutters and spitters must be in copper or painted galvanised steel. The conservation

actions must be notated on the main drawing set and conservation details included in the Schedule of Conservation Works.

- (c) All original and early external glazing predating 1945 must be retained and conserved.
- (d) All existing aluminium framed windows, shopfronts and doors on the Oxford and Foley Street facades must be removed.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

#### **(47) EXTERNAL DESIGN MODIFICATIONS – SERVICES – GROUP 3**

The design of the building must be modified as follows:

- (a) Original stormwater drainage components, Oxford Street facade: The exposed and recessed cast iron spitters, rainwater heads, downpipes and astragals in the Oxford Street facades at each end pier of Nos. 112 to 114 Oxford Street must be conserved. The drawings must be amended to clearly draw and notate the retention and conservation of these features. Any replacement component must be of matching material and profiles. The conservation actions must be notated on the main drawing set and conservation details included in the Schedule of Conservation Works.
- (b) External building services, external sanitary drainage, external lighting and external signage:
  - (i) All existing sanitary drainage, building services plant, installations and reticulation components of building services (ductwork, conduit and the like) and any associated fixings, must be removed from all facades of the buildings and the facades made good.
  - (ii) All existing signage and external light fixtures on any facade or awning installed post 1945 must be removed and the facades made good.
  - (iii) No additional sanitary drainage components, building services plant, installation and reticulation components must be attached to the external facades of the heritage listed component of the buildings, and must be reticulated internally, the exception being low voltage wiring associated with external lighting, security and fire warning systems, or reticulation of water to fire drenchers.
  - (iv) Should any early signage be discovered during the removal of paintwork from the facades of the buildings, the signage must be retained and stabilised.
- (c) All new external fixings must have a corrosion resistance equal to Grade 316 stainless steel.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.



**(48) EXTERNAL DESIGN MODIFICATIONS – ENTRANCE – GROUP 3**

The design of the building must be modified as follows:

- (a) Entrance at No. 120 Oxford Street: The proposal for the entrance at 120 Oxford Street is to include the following conservation actions:
  - (i) The terrazzo pavement, thresholds, timber framed and glazed door joinery, door hardware and the highlight glazing must be retained in situ and conserved.
  - (ii) A fire engineered performance solution is to enable the retention of the glazed doors and highlight glazing.
  - (iii) Any non-slip treatment required to the pavement must be clear.
  - (iv) The projecting sign and the downlights must be carefully removed and the fabric made good. Decorative lighting must be installed that is sympathetic to the period of the building.
  - (v) Retain or replace the stone cladding over the piers and submit details.
  - (vi) All plans and elevations related to the Ground Floor on the Oxford Street frontage must include the address of the entrance.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(49) EXTERNAL DESIGN MODIFICATIONS – SHOPFRONTS – GROUP 3**

The design of the building must be modified as follows:

- (a) The proposed shopfront works and adjacent structural piers at Nos 110 to 122 Oxford Street at ground floor level must be carried out in accordance with the drawings and notes on drawing numbers AR-DA-3-5000 and AR-DA-3-7000.
- (b) Notated detailed plans, elevations and sections at a scale of 1:50 must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(50) INTERIOR DESIGN MODIFICATIONS – INTERNAL WALLS – GROUP 3**

The design of the building must be modified as follows:

- (a) Internal walls: Internal masonry party and dividing walls must be retained and conserved, except where demolition is approved by this consent. The proposed demolition of the following masonry walls is NOT APPROVED:
  - (i) The original masonry wall between Nos. 112 and 114 Oxford Street alongside gridline 4 at the Lower Ground Floor and Ground Floor levels must be retained and conserved except for the proposed fire stair. The proposed opening in this wall on the Lower Ground Floor must retain piers at the north and south of

the opening. The retained piers of brickwork must be a minimum width of 600mm, or of a greater dimension if required to provide adequate structural seating of lintel spanning the opening.

- (b) The Keene's cement finishes applied to the internal faces of all masonry walls on all levels of the buildings at Nos 110 to 122 Oxford Street, together with incised details, must be retained and conserved.
- (c) Historic decorative paint finishes, Level 2, No 114 Oxford Street: The historic decorative paint finishes on the eastern wall of No 114 Oxford Street (near Gridline 5) on Level 2 must be retained and conserved, as a feature within the hotel room on the northern side of the corridor.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

### **(51) INTERIOR DESIGN MODIFICATIONS – FLOORS – GROUP 3**

The design of the building must be modified as follows:

- (a) Floors: The following modifications must be undertaken and actions noted on the drawings:
  - (i) All original floorboards must be retained and conserved, including the floorboards of the Ground Floors, Level 1 and Level 2, or parts thereof, of Nos 110-122 Oxford Street. The drawings must be amended to clearly indicated the locations and the conservation actions included in the Schedule of Conservation Works.
  - (ii) All original timber floor joists supporting the floors of the Ground Floor, Level 1 and Level 2 of Nos 110-122 Oxford Street, must be retained and conserved in situ. Should any strengthening be required, new joists must be placed alongside the existing. The drawings must be amended to clearly indicated the locations and the conservation actions included in the Schedule of Conservation Works.
  - (iii) The proposed plywood diaphragms must be fixed using stainless steel screws.
  - (iv) The insertion of structural connections between floor joists and external walls must be undertaken as follows:
    - a. The original floorboards must be lifted carefully to avoid their splitting. All lifted floorboards must be reinstalled upon completion. Where ongoing access to the floor cavities is required, the floorboards must be refixed using stainless steel screws.
    - b. Where historic ceilings have been previously removed, the insertion of structural connections between floor joists and external walls must be undertaken from below to avoid lifting the floorboards.

- c. The structural connections must be designed to minimise vibrations within the buildings during the process of installation and are to utilise fixings with a corrosion resistance equal to Grade 316 stainless steel.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

#### **(52) INTERIOR DESIGN MODIFICATIONS – CEILINGS – GROUP 3**

The design of the building must be modified as follows:

- (a) Pressed metal ceilings: The original or early pressed metal ceilings within the buildings at Nos 110-122 Oxford Street must be retained and conserved within the buildings as follows:
  - (i) The early pressed metal ceilings existing within the Ground Floor at No 114 Oxford Street must be retained within No 114 and conserved.
  - (ii) An assessment of all other pressed metal ceilings within the building must be undertaken and a photographic inventory compiled of all pressed metal ceilings according to their pattern and condition.
  - (iii) All sound panels must be retained and conserved.
  - (iv) The above conservation actions must be incorporated into the Schedule of Conservation Works and amended reflected ceiling plans.
- (b) All new ceilings of the retail spaces and cultural and creative spaces within Nos 110 to 122 Oxford Street, on the Lower Ground and Ground Floor levels, must be set at the original levels. No new ceilings must be inserted below the original ceiling levels. New services and internal lighting must be mounted below the ceilings and ceiling joists.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

#### **(53) INTERIOR DESIGN MODIFICATIONS – INTERNAL JOINERY – GROUP 3**

The design of the building must be modified as follows:

- (a) Internal joinery trim: All architraves, skirtings, sill boards, apron moulds on retained walls must be retained and conserved throughout all levels of the buildings at Nos 110 to 122 Oxford Street. Where components have been removed or are in poor condition replacement components are to match the original.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(54) INTERIOR DESIGN MODIFICATIONS – TIMBER STAIR – GROUP 3**

The design of the building must be modified as follows:

- (a) The original timber stairs within Nos 110 and 112 Oxford Street must be interpreted through the salvage and reuse of the timber balustrades.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(55) FINAL STRUCTURAL DESIGN AND SOLUTIONS:**

- (a) Prior to the issue of any Construction Certificate, final structural design solutions within the heritage listed buildings at Nos 58 to 76 Oxford Street (Group 1), 82 to 106 Oxford Street (Group 2), and 110 to 122 Oxford Street (Group 3) and must be resolved to the satisfaction of Council's Area Planning Manager.
- (b) The above solutions are to minimise the impact upon, and interference of, significant heritage fabric, enable significant ceilings and structural elements to be exposed to view and conserve the historic character of the interiors.
- (c) No additional demolition is permitted as a result of structural intervention, beyond the demolition approved by the consent.

**(56) DESIGN DETAILS: STRUCTURAL INTERVENTIONS INTO HERITAGE LISTED BUILDINGS**

The following architectural design details of the proposed structural interventions relative to the heritage fabric of the buildings at Nos 58 to 76, Nos 82 to 106, and Nos 110 to 122 Oxford Street, must be submitted for approval by Council's Area Planning Manager prior to the issue of any Construction Certificate:

- (a) The proposed connections of floor joists to the inside face of the external walls.
- (b) The bracing frames proposed to be inserted along the southern section of the interiors.
- (c) Columns proposed to be inserted within the building relative to heritage fabric including:
  - (i) Around the perimeter of the internal faces of external wall.
  - (ii) Within existing walls.
  - (iii) Adjacent to timber posts and beams.
  - (iv) The columns to be modified to avoid conflict with the tiled wainscots at No 94 Oxford Street.
- (d) Lift and fire stair cores relative to timber beams, timber floor joists and steel beams.
- (e) New lintels over openings.

- (f) All localised penetrations to existing footings, floors and ceilings to install the new columns, bracing frames and connections. All such penetrations must be minimised.

**(57) DESIGN DETAILS: EXTERNAL AND INTERNAL COLOURS AND FINISHES**

The following design details must be submitted for approval by Council's Area Planning Manager prior to the issue of any Construction Certificate:

- (a) A schedule of internal colours, internal paint types, and all internal finishes together with colour swatches and samples. The internal colour scheme and internal finishes of the interiors of the heritage listed buildings must be sympathetic to the architectural style and period of the buildings at Nos. 58 to 76, Nos 82 to 106, and Nos 110 to 122 Oxford Street. The following are also to be submitted:
  - (i) Samples of finishes to the lift cores and stair wells.
- (b) A schedule of external colours, external paint types, timber species types, and all external finishes together with colour swatches and samples. The external colour scheme and all external finishes must be sympathetic to the architectural style and period of the buildings at Nos. 58 to 76, Nos. 82 to 106, and Nos 110 to 122 Oxford Street and the Heritage Conservation Area. The samples submitted are to include the following materials and finishes:
  - (i) External tiling to shopfront stallboards and piers.
  - (ii) Pigmented or colour backed glazing to shopfront stallboards, transoms and piers.
  - (iii) Cladding of the pyramidal bases of the flagpoles.
- (c) Details and samples of all finishes and colours related to the addition including all glass types, light shelves, and roof/wall cladding systems.
- (d) A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

**(58) DESIGN DETAILS**

In addition to the design details required in the various design modification conditions, the following design details must be submitted to and be approved by Council's Area Planning Manager prior to the issue of Construction Certificate:

**PART A: Design details to be submitted related to Nos. 82-106 Oxford Street - referred to as 'Group 2':**

- (a) Details of the conservation of the pyramidal bases and timber flagpoles at Nos 82 and 106 Oxford Street, including the reinstallation of the metal shingle roof cladding, including plans, sections and elevations at 1:50 scale, and specification notes.

- (b) Details of the timber flagpole to be erected at No 94 Oxford Street, including plans, sections and elevations at 1:50 scale, and specification notes.

**PART B: Design details to be submitted related to 110-122 Oxford Street - referred to as 'Group 3':**

- (c) Details of the stair at No 120 Oxford Street including plans sections and elevations of the stair must be submitted at 1:50 and 1:20 scale including the additional flights through the addition and including the conservation actions outlined above and below. The drawings must be consistent with the requirements of conditions of consent DESIGN MODIFICATIONS.
- (d) Further analysis of original and early fabric including the pressed metal ceilings including amended reflected ceiling plans consistent with the requirements of conditions of consent DESIGN MODIFICATIONS.
- (e) Design details of the amendments required to the proposed openings in all dividing walls, as required in the conditions of consent DESIGN MODIFICATIONS.
- (f) Details of the retention and conservation of the historic decorative paint finishes on the eastern wall of No 114 Oxford Street on Level 2 must be retained and conserved.

**(59) COSTED HERITAGE ASSET MAINTENANCE PLAN**

- (a) To ensure the continued protection of heritage significance of the heritage items at Nos 58 to 76, 82 to 106, and 110 to 122 Oxford Street and to guide the future maintenance on heritage fabric, a costed Heritage Asset Maintenance Plan must be developed and submitted to Council. The following is to apply:
  - (i) The Plan must be based the NSW Heritage Division of the Department of Environment and Heritage publication: 'Preparing a maintenance plan', and must be a guide for the effective, continuous, protective maintenance and conservation of all significant heritage fabric at minimum cyclic intervals of 5, 10, 25, 50, 75 and 100 years.
  - (ii) The Plan is to include conservation and maintenance works to 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) It is noted that the works to be undertaken at the cyclic intervals in (i) above, are in addition to the Schedule of Conservation Works to be undertaken as part of the approved works.
  - (iv) The Plan must be prepared by the Conservation Architect and must be submitted to Council's Area Planning Manager for approval prior to the issue of any Occupation Certificate.

- (v) The applicant is to enter a Deed with Council to ensure the works are undertaken at minimum cyclic intervals of 5, 10, 25, 50, 75 and 100 years.

**(60) RETAIL AND COMMERCIAL USE - SEPARATE DA REQUIRED**

No consent is granted or implied for the fitout or specific use of each individual retail or commercial tenancy.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fitout and use of each retail tenancy prior to that fitout or use commencing.

**(61) SIGNS - SEPARATE DA REQUIRED**

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

**(62) SWINGING DOORS OVER PUBLIC WAY**

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

**(63) AWNING MAINTENANCE**

The awning must be inspected and regular maintenance be carried out to ensure the awning's structural integrity, aesthetic and functional qualities are maintained.

**(64) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT**

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
  - (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 must 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.

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

A site specific noise management plan must 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 must 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 ( $L_{A90, 15 \text{ minute}}$ ) must 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 must 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 must 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.

**(66) 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 approved via the condition above.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels.

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

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

- (a) Prior to the commencement of any demolition and/or excavation works, a programme of baiting and monitoring of rodent activity must be put in place at the site.
- (b) A licensed Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved/endorsed by Council's Area Coordinator Planning Assessments/Area Planning Manager.
- (c) Pest proofing of all waste storage areas onsite will be required for the entire development. Sufficient waste storage to adequately contain the volume and type of garbage and recyclable matter generated by the development will be required.

All waste bins must be pest proof with tight fitting lids that are designed and constructed so that they may be easily and effectively cleaned.

- (d) Prior to the issue of an occupational certificate there must be no gaps leading into the waste storage areas, including around service penetrations underneath doors etc. All gaps must be sealed with a solid durable material to prevent pest entry.

Pest proofing works at intersections/junctions must be reinforced to prevent exploitation by pest who will target weak points in proofing works.

#### **(68) UNDER AWNING LIGHTING**

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

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

#### **(69) SHOP FRONTS**

- (a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- (b) Security roller shutters must not be installed on the outside of the shop front. Any security grill must be a dark recessive colour, located on the inside of the shop front, must be an open grille / see through and not a solid metal type. Details must be submitted to and approved by the Accredited Certifier prior to the Stage 4 Construction Certificate being issued.
- (c) Merchandise, public telephones, stored material or the like must not be placed on the footway or other public areas.
- (d) No flashing signage visible from the public way shall be installed.
- (e) The approved layout must not be altered, without the prior approval of Council, where it would result in the shopfront being obscured in any way.
- (f) Any proposed shelving along the glass shopfronts must be of an open-framed, see through construction and the combined height of shelving and any goods displayed must not exceed 1200mm above the finished floor level.
- (g) All shelving, shop fittings, refrigeration equipment and the like which are placed in front of windows, must be kept a minimum of 1 metre from the inside face of the window.

**(70) 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.

**(71) 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.

**(72) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

## SCHEDULE 1B

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

#### (73) CONSTRUCTION AND PROTECTION MANAGEMENT PLAN - HERITAGE LISTED BUILDINGS

- (a) The proposed works must be carried out in a manner that minimises potential damage to the significant fabric of the existing buildings which are listed as Heritage Items in Sydney Local Environmental Plan 2012.
- (b) Similarly, the proposed works must avoid detrimental impacts upon adjacent buildings which are also listed as Heritage Items in Sydney Local Environmental Plan 2012.
- (c) The fabric and features of the heritage listed buildings must be properly protected throughout the duration of the works. The buildings must be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water or liquid runoff, air borne particles, sprayed substances, vibration or structural disturbance or damage.
- (d) The works must be fully supervised by the Contractor at all times and all personnel must be fully inducted as to the requirements of the project to avoid any accidental loss or damage and to ensure an appropriate quality of workmanship.
- (e) Details of the protection measures proposed throughout the duration of the works, and how any potential detrimental impacts arising out of the works must be avoided, must be specified in the construction and protection management plan.
- (f) The details must include, but are not limited to, the following:
  - (i) Induction of contractors and subcontractors as to the detail requirements of the project.
  - (ii) Weather protection, security, temporary fire control and fire warning systems, storage of flammable materials on site, and control measures during processes that create dust, utilise liquids or sprays such as the pouring of concrete, application of fire rating, painting, and cleaning processes.
  - (iii) A geotechnical report detailing the investigation of the depth of the existing footings of the buildings, and addressing details of lateral ground movement, advice on the suitability of structural engineer's proposals for underpinning or other support to footings adjacent to the work zone.
  - (iv) Reporting and certification from a practicing structural engineer experienced in dealing with heritage buildings explaining how the buildings must be supported and stabilised throughout the duration of the works including through processes involving demolition, temporary loading, temporary openings. The report is to provide details of any protective intervention, retrofitting, temporary bracing and propping

needed, and advice related to demolition techniques, use of equipment to control vibrations, and recommend a cycle of regular inspections. The report is also to include details of how all openings must be cut including into existing footings, rock, or masonry walls which must be initially saw cut to minimise vibrations.

- (v) Details of progressive cleaning processes throughout the duration of the works.
  - (vi) Protection methodologies detailing how vulnerable components such as glazing, wall and floor tiling, terrazzo, floorboards, ceilings, timber structural components and internal and external joinery will be protected throughout the duration of the works from accidental damage, loss, ingress of liquids or airborne particles, or from vibrations.
  - (vii) A list of all heritage components to be temporarily dismantled or displaced by the works, recording and methodologies for dismantling procedures and details of the proposed storage of these components, whether on site or offsite.
- (g) The above construction and protection management plan must be submitted for approval by Council's Area Planning Manager prior to the issue of any Construction Certificate.

#### **(74) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area must stop immediately and the Heritage Council of NSW must 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 must stop immediately and NSW Government Office of Environment and Heritage must 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 must 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.

#### **(75) ARCHIVAL DOCUMENTATION (MEASURED DRAWINGS)**

The archival recording of the following components of the buildings must be undertaken and include accurate measured drawings of the following:

- (a) The pyramidal bases to flagpoles and flagpoles, at Nos 82 and 106 Oxford Street including drawings as follows:
  - (i) Existing Roof Plans of Nos 82 and 106 Oxford Street locating the structures at 1:50 scale.

- (ii) Plan before and after removal of the roof cladding, at 1:20 scale.
- (iii) Elevations and before and after removal of the roof cladding, at 1:20 scale.
- (iv) Sections before and after removal of the roof cladding, at 1:20 scale.
- (iii) Photographs before and after removal of the roof cladding.
- (b) The roof pavilion above No 58-60 Oxford Street, including plans, sections and elevations at 1:50 scale.
- (c) All early and original joinery partitions and assemblies of the east west corridors, Level 1 and Level 2, Nos 84-102 Oxford Street including drawings as follows:
  - (i) Plans, elevations and sections of the components at 1:50 and 1:20 scale.
- (d) The stair at No 120 Oxford Street including plans, elevations and sections of the whole stairwell and stair at 1:50 and 1:20 scale to facilitate the conservation and extension of this stair.
- (e) The stairs to be demolished at Nos 110 and 112 Oxford Street including plans, elevations and sections of the stair at 1:50 and 1:20 scale.
- (f) The measured drawings must be cross-referenced to each other, clearly titled, indicate scale, orientation and date of execution. The drawings must be annotated to reveal more about the heritage significance of the components to differentiate between dates of construction, materials and finishes, record and locate markings of former materials such as battens and former fixings).

The measured drawings must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(76) BUILDING WORKS TO COMPLY WITH BCA – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA**

Any building works required to ensure compliance with the NCC/BCA or the Australian Standards not specified or drawn in the approved documents are not approved. If such works have impact or potentially have impact on the existing spatial appreciation, fabric and features, details of the works must be submitted as part of a modified application and approved by Council's Area Planning Manager for approval prior to issue of any Construction Certificate.

**(77) CONSERVATION OF PAVEMENT LIGHTS: NOS 58 TO 76 AND 82 TO 106 AND 110 TO 122 OXFORD STREET**

- (a) A conservation plan, prepared by a suitably qualified practitioner detailing the conservation, upgrade and ongoing maintenance of the footpath lights, and vaults below, at Nos 58 to 76, 82 to 106, and 110 to 122 Oxford Street, must be submitted to and approved by Council's Area Planning Manager prior to a any Construction Certificate being issued.

- (b) The Principal Certifier must ensure compliance with the approved plan and conservation upgrade works during the period of construction.
- (c) The final works must be inspected and approved by Council's Area Planning Manager prior to an Occupation Certificate being issued.

**(78) SALVAGE, STORAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS – MAJOR DEVELOPMENT**

Stone, bricks, joinery and decorative architectural elements to be demolished, must be salvaged and reused on the project.

Salvaged building materials must be stored on site for future reuse. Salvaged stone and bricks that are not required on site must be transferred to an established second building material dealer for recycling.

Documentation of the salvage and storage methodology must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate. An inventory of stored items, the proposed storage location and the proposed method of reinstatement or reuse on the site must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(79) GENERAL HERITAGE**

- (a) The proposed works must be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing buildings which are listed as Heritage Items in Sydney Local Environmental Plan 2012.
- (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 must be specified in the construction management plan.
- (c) All conservation and adaptation works must be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services must be designed to minimise impact on heritage fabric:
  - (i) New services must use existing service runs where possible;
  - (ii) Where this is not possible, details of an alternative solution must be shown on drawings at a suitable scale and submitted and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.
- (e) Appropriately qualified tradespersons (as appropriate) must be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The new windows and doors on the existing building must match the original material, which are timber joinery, and steel-framed.
- (g) The face brickwork, stone and tiles must not be rendered, painted or coated.

- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.
- (i) New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

**(80) CONSERVATION MANAGEMENT PLAN PERTAINING TO NOS 56-76 OXFORD STREET DARLINGHURST**

The Conservation Management Plan pertaining to Nos 56 to 76 Oxford Street Darlinghurst by Urbis Pty Ltd dated 5 July 2021 must be amended and the modifications must be submitted for approval by Council's Area Planning Manager prior to the issue of any Construction Certificate:

- (a) The location of all significant fabric must be clearly indicated.
- (b) Where fabric is concealed, the components must be opened up and investigated, and the results included in the report. These investigative works must be subject of a Development Application Exemption – Heritage Works (HWC) application. The design must be amended accordingly if fabric of significance is discovered.
- (c) The new report is to include high resolution scans of all the original and pre 1940 drawings related to the original design and alterations to the buildings available at the City of Sydney Archives in lieu of reproductions from other reports.
- (d) The assessment of significance under the NSW Heritage Council criteria, the gradings of significance and the statements of significance must be re-evaluated in consultation with Council's heritage specialist. Subsequently changes may be required to the policies.
- (e) The works are to comply with the amended Conservation Management Plan as approved by Council's Area Planning Manager.

**(81) CONSERVATION MANAGEMENT PLAN PERTAINING TO NOS 82-106 OXFORD STREET DARLINGHURST**

The Conservation Management Plan pertaining to Nos 82 to 106 Oxford Street Darlinghurst by Urbis Pty Ltd dated 5 July 2021 must be amended and the modifications must be submitted for approval by Council's Area Planning Manager prior to the issue of any Construction Certificate:

- (a) The location of all significant fabric must be clearly indicated.
- (b) Where fabric is concealed, the components must be opened up and investigated, and the results included in the report. The design must be amended accordingly if fabric of significance is discovered.
- (c) The new report is to include high resolution scans of all the original and pre 1940 drawings related to the original design and alterations to the buildings. A number of these have been previously forwarded to the applicant and the remainder are available at the City of Sydney Archives in lieu of reproductions from other reports.



- (d) The assessment of significance under the NSW Heritage Council criteria, the gradings of significance and the statement of significance must be re-evaluated in consultation with Council's heritage specialist. Subsequently changes may be required to the Policies.
- (e) The works are to comply with the Conservation Management Plan as approved by Council's Area Planning Manager.

**(82) CONSERVATION MANAGEMENT PLAN PERTAINING TO NOS 110-122 OXFORD STREET DARLINGHURST**

The Conservation Management Plan pertaining to Nos 110 to 122 Oxford Street Darlinghurst by Urbis Pty Ltd dated 5 July 2021 must be amended and the modifications must be submitted for approval by Council's Area Planning Manager prior to the issue of any Construction Certificate:

- (a) The location of all significant fabric must be clearly indicated.
- (b) Where fabric is concealed, the components must be opened up and investigated, and the results included in the report. These investigative works must be subject of a Development Application Exemption – Heritage Works (HWC) application. The design must be amended accordingly if fabric of significance is discovered.
- (c) The new report is to include high resolution scans of all the original and pre 1940 drawings related to the original design and alterations to the buildings. A number of these have been previously forwarded to the applicant and the remainder are available at the City of Sydney Archives in lieu of reproductions from other reports.
- (d) The assessment of significance under the NSW Heritage Council criteria, the gradings of significance and the statement of significance must be re-evaluated in consultation with Council's heritage specialist. Subsequently changes may be required to the Policies.
- (e) The works are to comply with the amended Conservation Management Plan as approved by Council's Area Planning Manager.

**(83) HERITAGE CONSERVATION WORKS**

- (a) Prior to the issue of any Construction Certificate, the three Schedules of Conservation Works pertaining to Nos 58-76, 82-106, and 110-122 Oxford Street by Urbis dated 5 July 2021 must be further developed and must be submitted to and approved by Council's Area Planning Manager.
- (b) The schedule is to detail the conservation of all fabric identified as having heritage significance including but not limited to the following external and internal fabric and components:
  - (i) EXTERNAL: Face brickwork, sandstone elements, external tiling, external pressed metal, external metalwork, external rendered components, external vents, door and window joinery, lintels and beams, external glazing and Vitrolite, flagpole bases and flagpoles, roof plumbing, cantilevered street awnings, eaves of the former lightwells (Group 2 only), eaves of the oriel windows (Group 1 and

Group 3), cantilevered soffits of the oriel windows (Group 1 and Group 3), door and window hardware, shopfronts and shopfront components, decorative grills, external wall tiling, terrazzo pavements, roof plumbing, roofing and painting, and if revealed pre 1945 external signage.

- (ii) INTERNAL: Internal timber and steel structural components, timber floors and floor joists, timber stairs, floorboards and joists, the stair well and staircase at No 120 Oxford Street, pressed metal ceilings (Group 1 and 3 only), fibrous plaster ceilings (Group 2 only), timber panelled and glazed partitions (Group 2 only), concrete stairs and lift surrounds (Group 2 only), lighting (Group 2 only), wall tiling (Group 2 only), internal terrazzo floors (Group 2 and 3 only), internal masonry walls and wall plaster, interpretation elements, and historic decorative paint finishes on the eastern wall of No 114 Oxford Street on Level 2.
- (c) The schedule is to include the removal of paintwork from all facework, including brickwork, sandstone, glazing and tiling.
- (d) The schedule is to include the conservation outcomes and actions in the conditions of consent related to DESIGN MODIFICATIONS.
- (e) The developed schedule must be supported by floor plans, reflected ceiling plans, elevations (internal and external) and sections that fully explain the scope and extent of the works, by larger scale detail drawings at 1:20 and 1:5 scale as appropriate. The details must incorporate any approved structural and/or building services design for the building.
- (f) The schedule must be supported by repair methodologies and outline specifications and by supporting engineering documentation.
- (g) Of particular note are the following requirements:
  - (i) The schedules for sandstone conservation must be further developed through the undertaking of detailed diagnostic analysis of the sandstone components on a unit and by unit basis, including salt testing and structural analysis. The analysis must be undertaken by sandstone specialist conservators and structural engineers with proven experience in the assessment of Sydney sandstone.
  - (ii) Specifications related to sandstone conservation are to include, but not limited to, details of cyclic cleaning and desalination, method of paintwork by non-abrasive methods, details of replacement units, including details of the supply quarry and locations within the quarry, physical properties, petrographic analysis, porosity, dry and wet compressive strength, details of replacement and repointing methods, and application of lead cappings to parapets and ledges.
  - (iii) The schedules for brickwork conservation must be further developed through the undertaking of detailed diagnostic analysis, including salt testing, analysis of causes of falling and lateral moisture ingress, and structural analysis where movements have occurred. All brickwork must be inspected for defective units and open brick perpend and bed joints, and the joints made good.

- (iv) The schedules are to include the removal of paintwork from all external face brickwork by non-abrasive methods.
- (v) Specifications related to brick work conservation are to include, but not limited to, details of cyclic cleaning and desalination, method of paintwork removal which must be non-abrasive, details of replacement units, including details of the supply quarry and locations within the quarry, physical properties, petrographic analysis, porosity, dry and wet compressive strength, details of replacement and repointing methods, and application of lead parapet cappings.
- (h) The proposed works must be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (i) All conservation and adaptation works must be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons must be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (j) INSPECTION AND APPROVAL: The conservation works must be progressively inspected by and be implemented to the satisfaction of Council's Urban Design and Heritage Manager prior to the issue of any Occupation Certificate or commencement of the use, whichever is the earlier.

**(84) HERITAGE INTERPRETATION PLAN**

- (a) The proposed Heritage Interpretation Strategy by Urbis dated 7 July 2021 must be amended and developed into an interpretation plan for the site and the existing buildings at Nos 58-76, 82-106, and 110-122 Oxford Street. The plan must be submitted to and approved by Council's Area Planning Manager prior to any Construction Certificate being issued. The plan must 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 and the existing buildings 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 plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (d) Prior to occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Area Planning Manager.

**(85) 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 each building prior to any 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 must be incorporated into the heritage interpretation plan.

**(86) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)**

Prior to any Construction Certificate being issued, an archival photographic recording of the buildings at Nos 58-76, 82 to 106, and 110 to 122 Oxford Street must be prepared to Council's satisfaction. The recording must 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 must 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 Heritage Specialist 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 Council's Area Coordinator Planning Assessments / Area Planning Manager, and if necessary, Council's Urban Design and Heritage 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 must 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 any 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 any Occupation Certificate being issued.

The form of recording must 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 must 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 must 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 digital file transfer in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each location, image subject/description and date.

**(87) PROTECTION OF PUBLIC FEATURES IN CONSERVATION AREAS**

The proposed work must take measures to protect existing street furniture and features on the public land including street and laneway stone curbs and gutters, and pavement lights. If they need to be interrupted during process of construction, they must be properly recorded and reinstated to the original condition.

**(88) SITES IN THE VICINITY OF A HERITAGE ITEM – MAJOR DEVELOPMENT**

- (a) A protection strategy for the duration of the construction works, must be submitted to and approved by Council’s Area Planning Manager prior to the issue of any Construction Certificate. The Strategy is to detail how the proposed works will ensure that the adjacent heritage listed buildings at Nos 54, 56, 80 and 108 Oxford Street must be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) Additionally, the protection strategy is to include:
  - (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
  - (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, must be removed progressively as the works progress.
  - (iii) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. The report must address

details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.

- (iv) Details of the proposed protection of party walls from damp and water ingress during the works.

**(89) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT**

- (a) An experienced heritage consultant must be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect must be involved in the resolution of all matters where existing significant fabric and spaces must be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant must be provided with full access to the site and authorised by the applicant to respond directly to Council staff 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 must be provided to Council prior to the issue of any 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) Report to Council's heritage specialist on a regular basis throughout the project.
  - (iii) Arrange and undertake inspections with Council's heritage specialist of not less than monthly intervals.
  - (iv) Progressively compile a report that includes the following:
    - a. A diary of site inspections,
    - b. Photographs of the works being undertaken at each visit,
    - c. Details of heritage advice and decisions arising out of each inspection,
    - d. An assessment of the heritage impact of all decisions made, throughout the duration of the works and the compliance with the Conservation Management Plan,
    - e. Any further physical evidence uncovered during the works.

This report must be progressively submitted Council's Area Planning Manager for ongoing approval at not less than two monthly intervals.

- (iv) Compile the final report, verifying how the heritage conditions and heritage related design modification conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.
- (d) Upon completion of the works, the final report must be submitted for approval by Council's Area Planning Manager prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

**(90) SIGNAGE STRATEGY**

- (a) No signage or signage zones is approved as part of this consent.
- (b) Generally, the proposed signage strategy must be amended to interpret traditional forms of signage according to the period and style of the buildings, use high quality materials, utilise low voltage indirect light sources. The size of signage must be limited to avoid large structural members, fixing plates and fixings. Suspended under awning and cantilevered light boxes must be slim line, and the area of the sign illuminated must be limited to cut outs in a predominantly solid background.
- (c) The following proposed signage zones must be amended as follows:
  - (i) SZH Signage Zone – The proposed horizontal signage installations above the shopfronts must be amended to vary according to the shopfront design and date and period of the shopfront. They are to comprise hand painted signage and are based upon photographic evidence.
  - (ii) SZS Signage Zone –The proposed rectangular signage lightboxes fixed below the awnings must be amended as follows:
    - a. The fixing points are to accord with the location of existing structural awning components.
    - b. The proposed size must be reduced to a maximum of 1800 x 400mm. The maximum thickness of the signs must be 100mm.
    - c. The signs are to comprise of a sandwich of two high quality metal panels with cut-outs in the unilluminated metal panels to reveal the illuminated surface within a predominantly solid background. The blades must be expressed on all edges. The entire sign is not to be illuminated.
    - d. The signs are to have a minimum height of 2700mm above the footpath from underside of the sign.
  - (iii) Additional signage zones of signage may be considered that interpret the original style, type and location of signage including on glazing, provided the areas are limited to those typical of the period of construction of the buildings and are based upon photographic evidence.
- (d) A revised Signage Strategy must be submitted based upon the above parameters and modifications outlined above and must be approved by

Council's Area Planning Manager prior to the issue of any Construction Certificate. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

#### **(91) STRATEGY FOR FUTURE TENANCIES**

- (a) A Tenancy Strategy must be developed to inform and to provide a set of guidelines for future tenants of the buildings at Nos 58 to 76, 82 to 106 and 110 to 122 Oxford Street Darlinghurst to ensure the protection of the significant heritage fabric, and the significant heritage character of the exterior and interior of the heritage listed buildings as follows:
- (i) Respond sympathetically to the significant external and internal heritage character of the buildings,
  - (ii) retain and conserve significant fabric and do not negatively impact on the original shopfronts, and floors, ceilings and wall plaster of the interiors, and limit fixings into significant fabric,
  - (iii) retain fabric installed as part of this consent such as shopfronts and external linings to piers and stallboards,
  - (iv) maintain a visual consistency along all street frontages,
  - (v) maintain a consistency of approach to signage design and internal lighting design,
  - (vi) do not conceal the shopfronts and the clear glazing, and
  - (vii) maintain visibility into the Lower Ground floor, and Ground Floor from Oxford, Crown, Foley and Palmer Streets.
  - (viii) that cleaning operations are designed and specified to be consistent with the fabric and components being cleaned, and do not result in damage to the fabric.
  - (ix) retain and maintain interpretation devices and initiatives that are to be installed as part of the approved works.
  - (x) To ensure that future tenancy fitouts on Levels 1 and 2 of the buildings retain and conserve the significant heritage character of the interiors,
  - (xi) retain and conserve significant fabric and do not negatively impact on the timber framed and glazed partitions, internal joinery and trim, floors, ceilings and wall plaster of the interiors, and limit fixings into significant fabric, and
  - (xii) that significant fabric is protected and remains exposed to view.
  - (xiii) conserves the significant character of the interiors,
  - (xiv) conserves the significant components and fabric including floors, ceilings, wall plaster internal joinery and trim and stairs of the interiors, and



- (xv) avoid fixings into significant fabric, and
  - (xvi) the historic decorative paint finishes on the eastern wall of No 114 Oxford Street on Level 2 are retained and conserved, as a feature within hotel room on the northern side of the corridor and are not painted over.
- (b) The guidelines are to include specific recommendations relating to the retention of visibility into the buildings, appropriate finishes, retention of party and dividing walls, ceilings, floors, internal wall finishes, joinery trim, visual clutter, partitioning, additional requirements for mechanical servicing, lighting, security and signage.
  - (c) The strategy must be submitted to and approved by Council's Area Planning Manager prior to any Construction Certificate being issued.

**(92) EXTERNAL LIGHTING**

- (a) A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.
- (b) All external lighting must be sympathetic to the style and period of the buildings and is to utilise low voltage wiring and indirect light sources.
- (c) The pavement lights may be utilised for incorporation of low voltage external lighting.

**(93) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED (CC REQUIRED)**

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, where currently non-compliant, the whole building (at 56-78 Oxford Street, at 82-106 Oxford Street and at 110-122 Oxford Street) must comply with the performance requirements relating to the following parts of the Building Code of Australia (BCA):
  - (i) Fire resistance and stability – Part C1
  - (ii) Compartmentation and separation – Part C2
  - (iii) Protection of openings – Part C3
  - (iv) Provision for escape - Part D1;
  - (v) Construction of exits - Part D2;
  - (vi) Fire fighting equipment - Part E1;
  - (vii) Smoke hazard management – Part E2
  - (viii) Lift installations – Part E3
  - (ix) Visibility in an emergency, exit signs and warning systems - Part E4;

Prior to a construction certificate being issued, the Certifying Authority must ensure that the proposed works and other upgrading works required by this condition satisfy the Building Code of Australia by complying with Clause A2.1 of the BCA.

**(94) LAND SUBDIVISION**

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

**(95) STRATA SUBDIVISION**

Any proposal for strata subdivision of the site will require development consent and therefore the lodgment of a separate development application or complying development application, and subsequent approval from Council, or an accredited certifier, of the Strata Plan and issue of a Strata Certificate under the *Strata Schemes Development Act 2015*.

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

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

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

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

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

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

**(98) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to the issue of any Construction Certificate.
- (b) The approved plan must be complied with during any demolition and/or construction work.
- (c) Construction Traffic and Pedestrian Management Plans must 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>

- (d) A Construction Pedestrian and Traffic Management Plan (CPTMP) should be submitted in consultation with the TfNSW for endorsement via [development.ctmp.cjp@transport.nsw.gov.au](mailto:development.ctmp.cjp@transport.nsw.gov.au). The CPTMP needs to specify matters including, but not limited to, the following:
- A description of the development
  - Construction program and construction methodology
  - Proposed construction hours
  - A detailed plan of any proposed hoarding and/or scaffolding
  - Details of crane arrangements including location of any crane(s)
  - Location(s) where it is proposed to park construction vehicle
  - Location of any proposed work zone(s)
  - Pedestrian and traffic management measures
  - Haulage routes
  - Predicted number of construction vehicle movements and detail of vehicle types
  - Consideration of street uses and events and throughout the year.
  - Identify any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works.
  - Cumulative construction impacts of projects. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the surrounding road network.
  - Measures to minimise movement delays. i.e. Vehicle movements are to be minimised during peak network demand periods
  - Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads
  - Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP
  - Measures to avoid construction worker vehicle movements.
  - Details of the monitoring regime for maintaining the simultaneous operation of buses, light rail and construction vehicles on roads surrounding the site.

- Consultation strategy for liaison with surrounding stakeholders, including other developments under construction.
- Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and TfNSW to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

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

- (a) Prior to the issue of any Construction Certificate the following details must be submitted to and be approved by the Principal Certifier:
- (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
  - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
  - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
  - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (v) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

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

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Policy for Waste Minimisation in New Developments 2005*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
  - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
  - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.

- (iv) The name and address of the transport contractor.
- (v) The type and quantity of material to be removed from site.
- (vi) Location and method of waste disposal and recycling.
- (vii) Proposed truck routes, in accordance with this development consent.
- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
- (ix) Measures to control noise emissions from the site.
- (x) Measures to suppress odours.
- (xi) Enclosing and making the site safe.
- (xii) Induction training for on-site personnel.
- (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
- (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
- (xv) Disconnection of utilities.
- (xvi) Fire Fighting. (Fire fighting services on site must be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
- (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
- (xx) Working hours, in accordance with this development consent.
- (xxi) Any SafeWork NSW requirements.

- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

#### **(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 52-54 Oxford Street, 56 Oxford Street, 80 Oxford Street, 7-13 Burton Street, 256 Crown Street, 46 Langley Street, 265 Palmer Street, 108 Oxford Street, 124-128 Oxford Street, 4 Foley Street, 6 Foley Street, 8 Foley Street, 10 Foley Street, 12 Foley Street, 14 Foley Street, 16 Foley Street, and 18 Foley Street and must 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 any 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) ROAD OPENING APPLICATION**

A separate road opening application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council prior to the commencement of any:

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

#### **(102) 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 Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by 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 Sections 138/139 of the *Roads Act 1993* must be made to Council to obtain approval.

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

### **(103) 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.

#### **(104) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of any Construction Certificate a survey must 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 must be the responsibility of the developer.

#### **(105) 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:

<b>Tree No</b>	<b>Botanical/Common Name</b>	<b>Location</b>
1-12	<i>Platanus acerifolia</i> /Plane Tree	Oxford Street frontage
13-14	<i>Platanus acerifolia</i> /Plane Tree	Burton Street frontage
15	<i>Lophostemon confertus</i> /Brush Box	Burton Street frontage
16-17	<i>Platanus acerifolia</i> /Plane Tree	Crown Street frontage
18	<i>Tristaniopsis laurina</i> /Water Gum	Crown Street frontage
19	<i>Lophostemon confertus</i> /Brush Box	Palmer Street frontage

#### **(106) 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) All plant used to gain access to the site (Cranes, Hoists, Lifts etc.) must be situated outside the canopy of any street tree.
- (d) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (e) 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.
- (f) Any excavation within in any area known to or suspected of having street tree roots greater than 40mm diameter must be undertaken by hand.
- (g) Any trenching works for services / hydraulics / drainage etc must not be undertaken within six 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.
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) 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.

#### **(107) STREET TREE PRUNING**

- (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'.

#### **(108) STORMWATER AND DRAINAGE - TREES**

- (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.

#### **(109) EMISSIONS**

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- (c) Uses that produce airborne particulate matter must incorporate an effective dust collection system.

#### **(110) ASBESTOS REMOVAL WORKS**

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

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

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

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

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

The site notice board must include the following:

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

#### **(111) 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.

#### **(112) 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 as approved by Council 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.

### **(113) CLASSIFICATION OF WASTE**

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

### **(114) IMPORTED FILL MATERIALS**

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

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

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

### **(115) LAND REMEDIATION**

The site must be remediated and validated in accordance with the Remedial Action Plan prepared by JBS&G dated 4 November 2019, reference number 56565/124880 (Rev 2) and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor Jason Clay dated 13 November 2019 and reference S17509\_SAR\_JC-NSW29\_rap section b sar\_13November2019. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

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

Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor and Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the commencement of such work.

Any residual contamination remaining onsite must not be managed by a long term Environmental Management Plan unless this is approved by Council prior to its implementation.

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

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

#### **(117) SITE AUDIT STATEMENT**

Prior to the issue of any Construction Certificate, a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:-

[hbapplications@cityofsydney.nsw.gov.au](mailto:hbapplications@cityofsydney.nsw.gov.au)

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.
- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).
- (c) **No Occupation Certificate must be issued** by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

#### **(118) REGISTRATION OF COVENANT**

Prior to the issue of any Occupation Certificate, a covenant must be registered on the title of the land and a copy of the title submitted to the Council's Area Planning Manager and the Principal Certifier, if an Environmental Management Plan (EMP) is required.

This covenant must be registered on the title of the land binding the owners and future owners with the responsibility for the ongoing maintenance and rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any

contaminants or for any works subsequently required by the NSW Environment Protection Authority.

A copy of the revised certificate of land title recording the covenant must be submitted to Council's Area Planning Manager and the Principal Certifier prior to the issue of any Occupation Certificate.

**(119) STOCKPILES**

- (a) No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.
- (b) All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours must be covered.
- (d) All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours

**(120) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (a) A Waste and Recycling Management Plan, which meets the requirements as set out in Council's *Guidelines for Waste Management in New Developments 2018*, must be approved by the Principal Certifier prior to any Construction Certificate being issued. 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*.

**(121) WASTE/RECYCLING COLLECTION - COMMERCIAL**

- (a) The collection of waste and recycling must only occur during the designated zone collection times to avoid noise disruption to the surrounding area.
- (b) Waste and recycling bins must not be placed on the street for collection, services must be conducted within the property boundary or as wheel-out/wheel back service. Commercial waste storage and service collections arrangements must be conducted in accordance with the City's *Waste Policy – Local Approvals Policy for Managing Waste in Public Places (2017)*.

- (c) Unimpeded access shall be provided for collection vehicles to set down within 10 metres of waste storage area(s) during zone collection times on collection day(s).

#### **(122) 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 must be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

#### **(123) WASTE COLLECTION HOURS**

Waste collection associated with the site, that involve the movement of vehicles, must only occur between the hours of 7.00am and 8.00pm.

#### **(124) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted for any Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages must 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 must be as follows:

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions.
- (b) Each image must 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 must 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.

#### **(125) 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.

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

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

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

#### **(127) 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 for the Foley Street frontage must be submitted to and approved by the City's Public Domain Unit. The submission, must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed *Application for Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.



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

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

**(128) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT**

The drainage system is to be constructed in accordance with the City's standard requirements as detailed in the City of Sydney's Stormwater Drainage Manual. The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

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

**(129) SECTION 138 ROADS ACT APPROVAL**

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

**(130) 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 the Stage 2 Construction Certificate.

**(131) 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 must be removed prior to the issue of any Occupation Certificate.

**(132) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Bond calculated on the basis of 550 square metres of stone site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Bond must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).
- (b) The Guarantee must be lodged with Council prior to an approval for demolition being granted or the Stage 1 Construction Certificate being issued, whichever is earlier.
- (c) The Guarantee in this condition will be retained in full until the final Occupation Certificate has been issued, or the public domain works bond

has been lodged and any rectification works to the footway and Public Domain, are completed to Council's satisfaction. The Guarantee will be released in full unless rectification works are required where upon 90% of the total securities will be released, with the remaining 10% to be retained for the duration of a 6 months Defect Liability Period.

### **(133) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the Oxford and Foley Street frontages of the site must 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 must be borne by the developer.
  - (ii) Damaged kerbs must be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
  - (iii) Where new vehicle crossings or temporary crossings must be constructed to access the property, the affected kerb stones must be salvaged and reused wherever possible.
  - (iv) All new driveway laybacks and kerbs must 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.

### **(134) 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.

**(135) TRANSPORT FOR NSW**

- (a) All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Oxford Street boundary.
- (b) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- (c) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Oxford Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

## **SCHEDULE 1C**

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

#### **(136) 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.

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

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

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

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

#### **(138) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS**

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting*. If in the opinion of Council, injury is likely to be caused, the intensity, hours

of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

#### **(139) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

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

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

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

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours specified in writing by an authorised officer (of the *Environmental Planning and Assessment Act 1979*) to the applicant and/or the person identified as being in charge of the site following the receipt of substantiated noise complaints.
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

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

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

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

Apart from existing encroachments by the heritage buildings, no portion of the new works, including gates and doors during opening and closing operations, shall encroach upon or over Council's footpath area.

#### **(143) SURVEY**

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

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

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

#### **(145) COVERING OF LOADS**

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

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

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

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

#### **(147) 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.

#### **(148) SYDNEY WATER CERTIFICATE**

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

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

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

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

#### **(149) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

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

#### **(150) 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.

#### **(151) 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) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.



**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>