

Attachment A

Recommended Conditions of Consent
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(A) PART A - DEFERRED COMMENCEMENT CONDITIONS

SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(1) HERITAGE COUNCIL OF NSW CONDITIONS

The approval is subject to Deferred Commencement in accordance with s.63A of the Heritage Act 1977 and is subject to the following conditions being met to the satisfaction of the Heritage Council or its delegate:

- (a) The applicant must undertake additional Aboriginal cultural heritage assessment, including Aboriginal consultation and test excavations, in accordance with the National Parks and Wildlife Act 1974 (as amended).

Reason

The Aboriginal Heritage Due Diligence Letter, prepared by Artefact Heritage and dated 25 November 2020, identified an area of archaeological sensitivity that requires further investigation. An Aboriginal site (AHIMS 45-6-3848) has recently been recorded during test excavations close by at 244 Cleveland Street, Surry Hills, increasing the archaeological sensitivity of the area.

- (b) If, as a result of the additional Aboriginal cultural heritage assessment and test excavations (as required by 1a), Aboriginal objects are found that would be harmed by the proposed works, then the applicant must apply to Heritage NSW and be issued with an Aboriginal Heritage Impact Permit (AHIP).

Reason

To meet legislative requirements.

- (c) Detailed report being submitted confirming the viability of the excavation below the sacristy through investigative works by an appropriately qualified and experienced structural engineer. The structural report should confirm that this excavation should be achievable without damage to the cathedral. If any unacceptable damage is expected as a result of this excavation, the excavation shall be deleted.

Reason

Impacts of the proposed excavation upon the cathedral is not clear. Insufficient evidence has been provided to show that this excavation would be achievable without damage to the cathedral. The submitted Structural Report does not discuss the proposed below-sacristy excavation.

(2) SYDNEY TRAINS CONDITIONS

- (a) This consent is not to operate until the Applicant satisfies the Council, within 24 months of the date of this consent, that it has obtained approval/certification from

Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

- (i) The Applicant shall prepare and provide to Sydney Trains for review, comment and written endorsement the following final version items in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/asset-standards-authority>):
 - a. Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor/tunnel.
 - b. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - c. Cross sectional drawings showing the rail corridor and tracks, tunnel easements, location of tunnels and 1st and 2nd tunnel reserves, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - d. Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains tunnel easement (incl location of actual tunnel, 1st and 2nd reserves), rail corridor land and tracks.
 - e. Dilapidation survey report
 - f. Detailed impact assessment report
 - g. Detailed risk assessment report
 - h. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
 - i. If required by Sydney Trains, a Monitoring Plan (plan including trigger levels, action plans and remedial measures)
- (b) Any conditions issued as part of Sydney Trains endorsement of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

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

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

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

(B) PART B – CONDITIONS OF CONSENT

PART A - GENERAL

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2020/1361 dated 18 December 2020 and the following drawings prepared by Candalepas Associates:

Drawing Number	Drawing Name	Date
DA 1050 Issue E	Site Plan	11.07.22
DA 1060 Issue E	Cathedral - Demolition Plan	11.07.22
DA 1100 Issue E	Cathedral - Ground Floor Plan & Crypt Plan	11.07.22
DA 1101 Issue E	Cathedral - Roof Plan	11.07.22
DA 1102 Issue E	Cathedral - Reflected Ceiling Plan - Existing	11.07.22
DA 1103 Issue E	Cathedral - Reflected Ceiling Plan - Proposed	11.07.22
DA 1110 Issue E	Cathedral - Iconostasis Detail	11.07.22
DA 1111 Issue E	Cathedral – Crypt & Sacristy Detail	11.07.22
DA 1301 Issue E	Cathedral Elevation North & East	11.07.22
DA 1302 Issue E	Cathedral Elevation South & West	11.07.22
DA 1401 Issue E	Cathedral Interior Elevation 1 &2	11.07.22
DA 1402 Issue E	Cathedral Interior Elevation 3 & 4	11.07.22
DA 1403 Issue E	Cathedral Interior Elevation 5	11.07.22
DA 2060 Issue E	Demolition Plan	11.07.22
DA 2061 Issue E	Rectory Building - Demolition Plan	11.07.22
DA 2101 Issue E	Ground Floor Plan	11.07.22

Drawing Number	Drawing Name	Date
DA 2102 Issue E	Level One Floor Plan	11.07.22
DA 2103 Issue E	Level Two Plan	11.07.22
DA 2104 Issue E	Level Three Plan	11.07.22
DA 2105 Issue E	Roof Plan	11.07.22
DA 2110 Issue E	Basement 1 Plan	11.07.22
DA 2201 Issue E	Section A & B	11.07.22
DA 2202 Issue E	Section D, E & F	11.07.22
DA 2301 Issue E	Elevations East and West	11.07.22
DA 2302 Issue E	Elevation North	11.07.22
DA 2303 Issue E	Internal Elevations	11.07.22
DA 2851 Issue E	Material Schedule	11.07.22

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.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(2) EXTERNAL LIGHTING

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

Reason

To clarify that consent has not been granted for the external floodlighting or illumination of the development.

(3) TREES APPROVED FOR REMOVAL

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

Table 1 – Tree Removal:

Tree No	Species	Location
1	Platanus acerifolia	Refer to the Arboricultural Impact Assessment – Version 3 prepared by TreeREPORT dated May 2022 for tree numbers and locations.
2	Platanus acerifolia	
3	Platanus acerifolia	
4	Citharexylum spinosum	
5	Citharexylum spinosum	
6	Pittosporum undulatum	
7	Cinnamomum camphora	
8	Lophostemon confertus	
30	Alphitonia excelsa	

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

Reason

To clarify which trees on site are approved for removal.

(4) TREES THAT MUST BE RETAINED

- (a) The existing trees detailed in Table 2 below must be retained and protected in accordance with the conditions of consent throughout the construction of the development.

Table 2 – Tree Retention:

Tree No	Species	Location
9	Lagerstroemia indica	Refer to the Arboricultural Impact Assessment – Version 3 prepared by TreeREPORT dated May 2022 for tree numbers and locations
10	Lagerstroemia indica	
12	Glochidion ferdinandi	

Reason

To clarify trees on site that must be retained.

(5) TREES THAT MUST BE PROTECTED (NEIGHBOURING TREES)

All trees within 10 metres of the site boundary must be protected in accordance with the conditions of consent throughout the construction of the development.

Reason

To protect adjoining trees throughout construction.

(6) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

(7) ENCROACHMENTS – PUBLIC WAY

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

Reason

To protect the public way.

(8) COST OF SIGNPOSTING

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

Reason

To ensure all associated roadway works costs are borne by the developer.

(9) ASSOCIATED ROADWAY COSTS

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

Reason

To ensure all roadway works are designed and constructed in accordance with Council requirements.

(10) SECURITY GATES

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

Reason

To ensure the public domain is kept free from physical obstructions.

(11) INTERCOM FOR VISITORS

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

Reason

To maintain the orderly operation of vehicle parking areas.

(12) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 8.8m.

Reason

To maintain the orderly operation of vehicle parking and loading areas.

(13) VEHICLES ACCESS

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

Reason

To maintain the orderly operation of vehicle parking and loading areas.

(14) SIGNS AT EGRESS

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

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

Reason

To ensure the safety of surrounding pedestrians and cyclists.

(15) VEHICLE FOOTWAY CROSSING

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

All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's

standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of any Occupation Certificate.

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

Reason

To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.

(16) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

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

Reason

To protect the amenity of the public domain.

(17) NO OBSTRUCTIONS

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel, then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any Occupation Certificate.

Reason

To protect the amenity of the public domain.

(18) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.

Reason

To ensure that waste and recycling is appropriately managed.

(19) CONSTRUCTION AND FITOUT OF FOOD PREMISES

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

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

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222,

email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au

Reason

To ensure the construction, fitout and finishes of the food premises comply with relevant standards.

(20) COOLROOMS

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

Reason

To ensure coolrooms are constructed appropriately in accordance with relevant standards.

(21) TRANSPORT FOR NSW CONDITIONS

- (a) All buildings and structures, 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 Cleveland Street property boundary.
- (b) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway. Bicycle Parking should be provided in accordance with AS2890.3.

(22) SYDNEY METRO CONDITION – GENERAL

- (a) Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied

with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).

- (b) Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro

(23) SYDNEY METRO CONDITION – RAIL CORRIDOR

All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Sydney Metro – City & Southwest rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Sydney Metro – City & Southwest rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

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

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

Reason

To ensure development contributions are paid to address the increased demand for public facilities, amenities, and services in Central Sydney by a growing residential and workforce population.

(25) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The architectural drawings and landscape plan are to be amended to identify where the foundation stone (currently located to the north of the western porch of the cathedral) and the stone tribute (currently located in the landscaped garden on the Cleveland Street frontage) are to be relocated.
- (b) The architectural drawings and landscape plan are to be amended to illustrate a consolidated area of deep soil no less than 398sqm. Permeable paving may be utilised to assist.
- (c) The architectural drawings are to be updated to illustrate that a wardrobe no less than 1.5m wide is provided in each theological college domicile.
- (d) An axonometric drawing is to be provided to demonstrate that each kitchenette in the theological college domiciles is able to be provided with a small fridge, cupboards, shelves, and a microwave.
- (e) The design of the basement laundry is to be amended to provide a laundry area for the exclusive use of the theological college residents. It is to be demonstrated that the room can accommodate two (2) 5kg automatic washing machines, two (2) domestic dryers, and one (1) large laundry tub.

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

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(26) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT

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

Reason

To require the submission of a materials and samples board following assessment of the development.

(27) LANDSCAPING OF THE SITE

- (a) The Landscape Plans – Revision B prepared by Jane Urwin Landscape Architects dated 19 April 2022 are not approved. Amended landscape plans, which are generally consistent with the plans dated 19 April 2022, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
- (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Detailed information on earthworks and soil depths including mounding and retaining walls and planter boxes (the minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers);
 - (iii) The proposed *Ficus obliqua* is not approved due to the required growing conditions for this species (both below and above ground) not being suitable for this site. An alternative species shall be selected that has a minimum mature height of 10 metres and canopy spread of 10 metres. The species must be an Australian native that is suitable for planting in paved area and will require minimal pruning for vehicle clearances to be maintained. The tree must be a minimum container size of 600 litres at the time of planting.
 - (iv) All other new trees along the western boundary must be a minimum of 200 litres and a minimum height of 3.5 metres.
 - (v) Details shall be provided demonstrating the final species selection for this site will achieve 15% canopy cover within 10 years from the completion of the development.
 - (vi) Detailed information on soil preparations and remediation to ensure all new trees will successfully establish into robust specimens and replace the canopy lost from tree removal.
 - (vii) The plans shall show the final locations of all OSD Tanks in line with the amended Stormwater Plans.
 - (viii) Details shall be provided that demonstrates the species selection for the new central feature tree will have sufficient soil volume without being compromised by the final location of OSD Tank 2.
 - (ix) Details must be provided to demonstrate that the paving surrounding the 600 litre tree is appropriate for the longevity of the tree and the driveway.
 - (x) The tree pit design for the central feature tree must include structural soils or structural cells to support pavements. This shall include providing detailed sectional plans demonstrating the method of installation and tree pit preparations.
 - (xi) Location, numbers, type and supply of plant species, with reference to the relevant Australian Standard;
 - (xii) Details of planting procedure and maintenance;

- (xiii) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

Reason

To ensure the development is supported by a good quality, buildable landscape scheme that meets the City's controls.

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

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by ADP Consulting : Engineering dated 3 September 2021 ref [SYD1393, titled 242 Cleveland St, Redfern Noise Impact Assessment, Council Ref Trim: 2021/531573 must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, additional vibration monitoring must be undertaken in accordance with the recommendation given in section 7.1 of the DA Acoustic report (as referenced in (a) above) to further assess structure borne noise impacts from the rail corridor adjoining the development site. Once undertaken the report must be revised to provide recommendations in relation to any building isolation measures required to be incorporated into the development to ensure the relevant vibration criteria set out in part 5 of the DA Acoustic Report are achieved.
- (c) The final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the recommendations set out in Part 6 of the DA Acoustic Report (and any specific building vibration isolation measures set out the revised report following the additional vibration monitoring), with reference to relevant documentation. This must be done by a suitably qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the accredited certifier.
- (c) Prior to the issue of any Occupation Certificate, a suitably qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the DA Acoustic Report (as revised) and in (a,) (b) and (c) above.

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

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

Reason

To ensure all parties are aware of the supporting documentation that applies to the development.

(29) ALLOCATION FOR CAR PARKING

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

Car Parking Type	Number
Place of public worship (Staff and patron) (2 Small Car Parking Space)	9
Accessible place of public worship (Staff and patron)	1
Education facility /Office and business car parking	2
Motorcycle parking	5
Small Rigid Vehicle loading dock(s) (Shared with Accessible Parking Space)	1

Reason

To ensure the allocation of parking is in accordance with the Council's DCP.

(30) CAR PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities is to satisfy the *Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking* and *Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities* and *Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities*. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

Reason

To ensure parking facilities are designed in accordance with the Australian Standards.

(31) SMALL CAR PARKING SPACES AND DIMENSIONS

- (a) The design and layout of all off-street small car parking spaces must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.
- (b) All small car spaces must be clearly marked and identifiable as small car spaces. The signs or line markings must be in place and approved by the Principal

Certifying Authority prior to an Occupation Certificate being issued and must be maintained in good order at all times.

Reason

To ensure parking facilities are designed in accordance with the Australian Standards.

(32) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Residential / Residential Students	10	Class A or B bicycle parking facility in accordance with AS2890.3 (see note below)
Staff	2	Class B bicycle parking facility in accordance with AS2890.3
Customer / Visitor		Class C bicycle parking facility in accordance with AS2890.3
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	5	

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Accredited Certifier confirming prior to and form part of the Construction Certificate being issued.

Reason

To ensure the allocation of bicycle parking is in accordance with Australian Standards and the Council's DCP.

(33) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.
- (b) The approved plan must be complied with during any demolition and/or construction work.

Construction Traffic and Pedestrian Management Plans are to be prepared in accordance with Standard Requirements for Construction Traffic Management Plan on the City's website <http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>

Reason

To ensure that the impacts of construction traffic is appropriately managed.

(34) TREE PROTECTION PLANS

All detailed architectural, building, engineering (structural, stormwater and drainage services) and landscape documentation submitted for the Construction Certificate shall clearly show on all drawings the retention of trees as required by these conditions of consent, the position of their trunks, full diameter of their canopies, Structural Root Zones (SRZs) and Tree Protection Zones (TPZs).

Reason

To protect trees throughout construction.

(35) DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to 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.

Reason

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

(36) 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.

Reason

To ensure the preservation of existing survey infrastructure.

(37) STORMWATER DRAINAGE DESIGN

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professional must be submitted to and approved by the City's Public Domain Unit and must include:

- (i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (iv) Council's Stormwater Drainage Manual; and
- (v) All relevant Australian Standards.

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

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.

Reason

To ensure stormwater drainage design complies with Council's requirements.

(38) STORMWATER ON-SITE DETENTION

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

Where an OSD is not required by Sydney Water one may still be required by the City.

Reason

To ensure the requirements of Sydney Water are complied with.

(39) STORMWATER QUALITY ASSESSMENT

The development must comply with the MUSIC-link report dated 9/6/2021 approved with this development application.

Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NPER) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit.

The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

Reason

To ensure appropriate stormwater quality on the site.

(40) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.
- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

Reason

To ensure the ventilation complies with relevant standards.

(41) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan, which meets the requirements as set out in Council's *Guidelines for Waste Management in New Developments 2018*, is to be approved by the Principal Certifying Authority prior to a Construction Certificate being issued.
- (c) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
 - (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.
 - (ii) Collection points for waste and recycling must be wholly located within the boundary of the development.

- (iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the *City's Guidelines for Waste Management in New Developments 2018*.
- (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.
- (v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading.
- (vi) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

Note: The building manager/strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's policies, and best practice waste and recycling source separation.

UPON COMPLETION OF THE DEVELOPMENT

- (d) 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*.

Reason

To ensure that waste and recycling is appropriately managed.

(42) GREASE AND LIQUID WASTE TRAPS

- (a) A grease trap as required by Sydney Water must be installed in accordance with the relevant Sydney Water requirements.
- (b) Prior to the issue of a Construction Certificate, plans and details are to be submitted to and approved by the Principal Certifier showing the following:
- (c) The grease trap is not located in any kitchen, food preparation or food storage areas;
 - (i) The grease trap is constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
 - (ii) The grease trap is constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.

Note: In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas. The installation of any grease traps and treatment equipment must be carried out by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*.

Reason

To ensure grease and liquid waste traps are installed in accordance with relevant requirements.

(43) WASTE STORAGE AREA

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

Note: Fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*.

- (b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issuance of any Occupation Certificate.

Reason

To ensure the adequate storage and collection of waste from the food premises.

(44) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

Reason

To ensure that utility authorities are advised of the development and their approval is obtained in connection with the relocation and/or adjustment of services affected by the development.

(45) AIR CONDITIONING UNITS

It must be demonstrated to the satisfaction of the Principal Certifier that all new air conditioning units will achieve minimum coefficient performance (COP) of 4, prior to the issue of a Construction Certificate.

Reason

To ensure the commitments in the submitted Energy Report are realised.

(46) INSTALLATION OF DUAL-FLUSH TOILETS

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

Reason

To ensure the provision of water efficient toilets.

(47) INSTALLATION OF WATER EFFICIENT TAPS

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

Reason

To ensure the provision of water efficient taps.

(48) TRANSPORT FOR NSW CONDITIONS

- (a) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system along the Cleveland Street frontage are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.

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

- (b) The redundant driveway on the Cleveland Street boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Cleveland Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.

Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

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

- (c) The design and construction of the gutter crossing on Cleveland Street shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.

Detailed design plans of the proposed gutter crossing are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

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

- (d) The developer shall be responsible for all public utility adjustment/relocation works, etc. necessitated by the above/approved work and as required by the various public utility authorities and/or their agents.
- (e) Prior to the Issue of the construction certificate, the applicant shall prepare a Loading and Servicing Management Plan (LSMP) for the on-site loading dock for the review and TfNSW endorsement. The LSMP needs to specify, but not be limited to, the following:
 - (i) Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
 - (ii) Details of loading and servicing facilities within the subject site which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business;
 - (iii) Swept paths of vehicles entering and exiting the loading dock;
 - (iv) Management of queuing along Cleveland Street as a result of the proposed loading dock arrangement;
 - (v) The details of alternate loading zones to redirect vehicles due to extensive queuing at the access to loading dock;
 - (vi) Management of incidents at the access to the loading dock;
 - (vii) Loading dock management details including measures to minimise freight and service vehicle movements during peak periods;
 - (viii) Management of conflicts between cars accessing the car park and vehicle movements to/from the loading dock; and
 - (ix) Management of conflicts between vehicles accessing the loading dock and pedestrian movements along Cleveland Street,

(f) Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall:

(i) Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW.

The CPTMP needs to specify matters including, but not limited to, the following:

- a. A description of the development;
- b. Location of any proposed work zone(s)
- c. Details of crane arrangements including location of any crane(s);
- d. Haulage routes;
- e. Proposed construction hours;
- f. Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
- g. Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing within the CBD;
- h. Details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site;
- i. Pedestrian and traffic management measures;
- j. Construction program and construction methodology;
- k. A detailed plan of any proposed hoarding and/or scaffolding;
- l. Measures to avoid construction worker vehicle movements within the CBD;
- m. Consultation strategy for liaison with surrounding stakeholders, including other developments under construction;
- n. Cumulative construction impacts of projects including Sydney Metro City and South West. 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; and
- o. 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.

(ii) Submit a copy of the final plan to sco@transport.nsw.gov.au for TfNSW endorsement; and

(iii) Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management

Centre and TfNSW (via sco@transport.nsw.gov.au) 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.

(49) SYDNEY METRO CONDITION - ENGINEERING

- (a) All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:
 - (i) Architectural Drawings (DA Issue A) prepared by Candalepas Associates and dated 3 December 2020.
 - (ii) Structural Report prepared for Sydney Metro (Ref: 200473.R0) prepared by Australian Consulting Engineers Pty Ltd and dated 20 October 2020.
 - (iii) Geotechnical Investigation 242 Cleveland Street Surry Hills NSW (Report no. E24788.G03_Rev1) prepared by EI Australia and dated 23 September 2020.

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

The Certifier must not issue a Construction Certificate for the development until the Certifier has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

- (b) The Certifier must not issue a Construction Certificate for the development unless the Applicant has submitted to Sydney Metro and Sydney Metro has provided written approval of the following item:
 - (i) Final foundation design for the proposed new building.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

(50) SYDNEY METRO CONDITION – SURVEY AND SERVICES

- (a) Prior to the issue of a Construction Certificate:
 - (i) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and
 - (ii) a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.

- (b) Prior to the issue of a Construction Certificate the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

(51) SYDNEY METRO CONDITION – NOISE AND VIBRATION

- (a) The development must:
 - (i) comply with State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning & Environment’s document titled “Development Near Rail Corridors and Busy Roads - Interim Guideline” (2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from www.sydneymetro.info.);
 - (ii) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and
 - (iii) not have any noise or vibration impacts on the rail corridor or rail infrastructure.
- (b) The Applicant must incorporate as part of the development all the measures recommended in the acoustic assessment report Noise Impact Assessment (Revision 01) prepared by ADP Consulting Pty Ltd and dated 3 December 2020. A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

(52) SYDNEY METRO CONDITION – CONSTRUCTION

- (a) No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- (b) No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- (c) Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:
 - (i) Machinery to be used during excavation/construction; and
 - (ii) Demolition, excavation and construction methodology and staging.

The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

- (d) If required by Sydney Metro, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- (e) If required by Sydney Metro, a tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- (f) Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.
- (g) If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.

Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro - City & Southwest rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.

- (h) If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.

Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro - City & Southwest rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.

(53) SYDNEY METRO CONDITION – DRAINAGE

The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not to issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.

(54) SYDNEY METRO CONDITION – DOCUMENTATION

Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

(55) CONSTRUCTION LIAISON COMMITTEE

- (a) Prior to the commencement of any work, a Construction Liaison Committee is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and cooperatively.
- (b) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the construction process.
- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contract details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.
- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.
- (f) The Committee meetings are to be recorded and minutes taken.
- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.
- (h) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

Reason

To ensure that demolition and construction related impacts can be dealt with expeditiously and cooperatively.

(56) TREE PROTECTION ZONE

- (a) Before the commencement of works, Tree Protection Zones (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below.
- (b) Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and as follows;

Tree No	Species Name	Location	TPZ Radius (m) From Trunk
9	Lagerstroemia indica	Refer to the Arboricultural Impact Assessment – Version 3 prepared by TreeREPORT dated May 2022 for tree numbers and locations.	2.4m
10	Lagerstroemia indica		2.4m
12	Glochidion ferdinandi		12m
13	Melaleuca quinquenervia		9.6m
14	Agathis robusta		2m
15	Melaleuca quinquenervia		6.6m
16	Prunus spp.		3.6m
17	Citharexylum spinosum		2m
18	Glochidion ferdinandi		2m
19	Syzygium australe		2m
20	Agathis robusta		3m
31	Celtis sinensis		2.4m
33	Ficus macrophylla		4.2m
34	Ficus microcarpa var. Hillii		4.2m
37	Melaleuca styphelioides		3.6m
40	Lophostemon confertus		3.6m
46	Celtis sinensis		3m
47	Melaleuca styphelioides		3.6m
48	Pittosporum eugenoides		2.4m
49	Pittosporum undulatum		3.6m
50	Melaleuca styphelioides	2.4m	

51	Melaleuca styphelioides		2.4m
52	Melaleuca styphelioides		3.6m
53	Melaleuca styphelioides		4.2m
54	Melaleuca styphelioides		3m
55	Melaleuca styphelioides		3.6m
56	Melaleuca styphelioides		4.2m
57	Celtis sinensis		4.8m

Note: Only applies to the TPZ within the subject development site.

- (c) The existing boundary fences and walls shall act as Tree protection Fencing. In the event the existing fence is removed during the course of construction works, Tree Protection Fencing must be installed and maintained in accordance with the following:
- (i) A 1.8 metre high fully supported chainmesh protective fencing, secured and fastened to prevent movement shall be installed along the property boundary. Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing;
 - (ii) The area within the fencing shall be mulched to a depth of 75mm and kept free of weeds and grass for the duration of works
 - (iii) Tree Protection Signage shall be attached facing outwards in a visible position identifying the name and contact details of the site Arborist. All signs must remain in place throughout all work on site.
 - (iv) Tree Protection Fencing must not be relocated unless written approval is obtained from the Site Arborist and a copy is provided to Council which outlines alternate protection measures required to ensure all trees remain viable and confirmation that the relocation of the fencing will not impacted the tree/s.
- (d) The following works must be excluded from within any TPZs:
- (i) Excavation (except for localised siting of piers)
 - (ii) Soil cut or fill including trenching;
 - (iii) Soil cultivation, disturbance or compaction;
 - (iv) Stockpiling, storage or mixing of materials;
 - (v) The parking, storing, washing and repairing of tools, equipment and machinery;
 - (vi) The disposal of liquids and refuelling;

- (vii) The disposal of building materials;
 - (viii) The siting of offices or sheds;
 - (ix) Any action leading to the impact on tree health or structure.
- (e) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any Tree Protection Zone (TPZ). Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed.
- (f) All work undertaken within or above the TPZ must be:
- (i) Carried out in accordance with a work methodology statement prepared by an Arborist (minimum AQF Level 5) and written approval is obtained from Council's Tree Management Officer before its implementation; and
 - (ii) Supervised by a qualified Consultant Arborist (minimum AQF Level 5)

Reason

To protect trees during construction

(57) 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) Young street trees shall be protection by installing three (3) wooden takes around the edge of the tree pit. Hessian shall be wrapped around the stakes. If existing stakes are already in place, these shall suffice as tree protection.

- (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 the TPZ 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.

Reason

To protect trees during construction

(58) 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'.

Reason

To ensure the longevity of trees to be retained.

(59) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING(S) IS REQUIRED - BCA REPORTS HAVE BEEN PROVIDED

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 and with respect to the Cathedral and former Paul's Rectory buildings, compliance shall be given to the upgrade recommendations contained in BCA Assessment Report no's 200291B Rev 02 dated 30/11/20 and 200291 Rev 03 dated 03/12/20 by City Plan submitted in support of this application.
- (b) If compliance with the deemed-to-satisfy provisions of the BCA cannot be achieved performance solution(s) in accordance with Part A2 of the BCA must be submitted to the Certifying Authority / Principal Certifier illustrating how the

relevant performance requirements of the BCA are to be satisfied. Attention is drawn to the performance solution recommendations contained in the Fire Engineering Report by Innova Services reference 202253-L01a dated 04/12/20.

Reason

To ensure the works comply with relevant regulations.

(60) RODENT TREATMENT PROGRAMME – PRE DEMOLITION AND/OR EXCAVATION

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

Reason

To ensure that the potential impact of rodents during the demolition, excavation and construction phase is appropriately managed.

(61) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal 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 and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.
 - (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 Council'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 *Guidelines for Waste Management in New Developments 2018*, 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 are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).

- (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
 - (xx) Working hours, in accordance with this development consent.
 - (xxi) Any 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.
 - (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

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

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

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

Reason

To ensure that appropriate erosion and sediment control measures are put in place during construction to protect the environment.

(63) 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).

Reason

To ensure that approval under the Roads Act is obtained.

(64) 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*).

To ensure the necessary approval is obtained for temporary structures over a public road.

(65) OTHER APPROVALS

Any activity which is proposed to be undertaken in, on or above a road reserve or the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the Local Government Act 1993 and/or Section 138/139 of the Roads Act 1993 prior to the commencement of work/activities within the road reserve/public domain. Such activities include but not limited to:

- (a) installation of construction-related temporary structures including hoardings/scaffolding;
- (b) installation and/or alterations to advertising/business signs;
- (c) installation and/or alterations to street awnings;
- (d) crane operation and other hoisting activities;
- (e) temporary works (e.g. barricading, road openings, mobile hoisting devices);
- (f) works zones (for loading and unloading from the roadway); and
- (g) temporary ground anchoring and shoring to support a roadway when excavating; and
- (h) any other structure or encroachment including facade elements/architectural features.

Reason

To ensure use of a public place is managed appropriately.

(66) SYDNEY METRO CONDITION – INSPECTIONS

- (a) If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:
 - (i) site investigations;
 - (ii) foundation, pile and anchor set out;
 - (iii) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
 - (iv) foundation, pile and anchor excavation;
 - (v) other excavation;
 - (vi) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
 - (vii) other concreting; or

- (viii) any other event that Sydney Metro has notified to the Applicant in writing so that Sydney Metro may inspect the carrying out or completion of those works on the development site.

- (b) If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

- (c) If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

- (d) At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
 - (i) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
 - (ii) attend on-site meetings with the Applicant and its contractors,

to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

(67) 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 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.

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 Team, 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*.

Reason

To protect the amenity of the surrounding area.

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

Neighbours at 1-19 Regent Street, Redfern, and 187-189 Regent Street, Redfern, must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

Reason

To protect the amenity of the surrounding area.

(69) TEMPORARY DEWATERING DURING CONSTRUCTION

Prior to discharging any water collected during excavation and construction into the City's stormwater drainage system, approval must be sought from the City's Public Domain Unit. A dewatering management plan must be submitted with an *Application for Temporary Dewatering* available to download on the City's website.

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

Reason

To ensure dewatering is managed appropriately.

(70) TREE ROOT PROTECTION

(a) Structural Root Zone (SRZ) Schedule;

Tree No.	Botanic / Common Name	Tree Location	SRZ (m) from Trunk
9	Lagerstroemia indica	Refer to the Arboricultural Impact Assessment – Version 3 prepared by TreeREPORT dated May 2022.	1.7m
10	Lagerstroemia indica		1.7m
12	Glochidion ferdinandi		3.3m
13	Melaleuca quinquenervia		3m
14	Agathis robusta		1.5m
15	Melaleuca quinquenervia		2.6m
16	Prunus spp.		2m
17	Citharexylum spinosum		1.5m
18	Glochidion ferdinandi		1.5m
19	Syzygium australe		1.5m
20	Agathis robusta		1.9m
31	Celtis sinensis		1.7m
33	Ficus macrophylla		2.1m
34	Ficus microcarpa var. Hillii		2.1m
37	Melaleuca styphelioides		2m
40	Lophostemon confertus	2m	

46	Celtis sinensis		1.9m
47	Melaleuca styphelioides		2m
48	Pittosporum eugenioides		1.7m
49	Pittosporum undulatum		2m
50	Melaleuca styphelioides		1.7m
51	Melaleuca styphelioides		1.7m
52	Melaleuca styphelioides		2m
53	Melaleuca styphelioides		2.1m
54	Melaleuca styphelioides		1.9m
55	Melaleuca styphelioides		2m
56	Melaleuca styphelioides		2.1m
57	Celtis sinensis		2.3m

- (b) Excavation must not occur within the SRZ. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.
- (c) [Without prejudice to clause (a) above] any excavations within the SRZ must be undertaken using non-destructive methods (such as by hand or with an Airspade) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.
- (d) Footings shall be relocated / realigned if any tree root greater than 40mm in diameter is encounter during excavations. A minimum of 150mm clearance shall be provided between the tree root and footing.
- (e) All excavations located within the TPZ must be supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework.
- (f) All root pruning must be undertaken by a qualified Arborist with a minimum AQF level 3.

Reason

To protect trees during construction

(71) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone as detailed below:
 - (i) Installation of tree protection measures;
 - (ii) During demolition of any ground surface materials (paving, concrete, grass etc) within the Tree Protection Zone (TPZ) of any tree to be retained;
 - (iii) During any construction works within the TPZ of any tree to be retained;
 - (iv) During any excavation and trenching which has been approved by Council within the TPZ of any tree to be retained;
 - (v) During any Landscape works within the TPZ of any tree to be retained.
- (b) An Arboricultural Compliance Report which includes photographic evidence and details of the health and condition of trees, must be submitted to Council's Area Planning Manager at each hold-point listed below:
 - (i) Certification tree protection measures have been installed in accordance with the conditions prior to the commencement of works;
 - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
 - (iii) Monthly reporting for the duration of construction and development within the site;
 - (iv) Details of any other works undertaken on any tree to be retained or within TPZ/s;
 - (v) A final compliance report shall be submitted prior to the issuing of the Occupation Certificate.

Reason

To protect trees during construction

(72) TREE PRUNING (ADJOINING PROPERTY)

A separate permit to prune any trees within or adjacent to the property and/or any pruning of tree roots must be obtained from Council prior to any works being undertaken.

Reason

To ensure the longevity of trees

(73) PUBLIC DOMAIN DAMAGE SECURITY BOND

- (a) A Public Domain Damage Security Bond calculated on the basis of 220 square metres of concrete site frontage must be lodged with the City in accordance with the City of Sydney's adopted fees and charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.

- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Final Occupation Certificate has been issued and, any rectification works to the footway and Public Domain, are completed to City's satisfaction. If rectification works are required the City will release 90% of the total Bond, with the remaining 10% balance to be held for the duration of a 6 months Defect Liability Period

Reason

To ensure public domain works are completed and any damage to the public domain is rectified.

(74) 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.

Reason

To ensure the development does not encroach onto neighbouring properties.

(75) 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 is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the

asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

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

The site notice board must include the following:

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

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(76) 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.

Reason

To ensure that the site is appropriately remediated.

(77) WASTE AND RECYCLING MANAGEMENT – DEMOLITION AND CONSTRUCTION WASTE

- (a) The proposal must comply with the relevant provisions of Council's Guidelines for Waste Management in New Developments 2018 which requires facilities to minimise and manage waste and recycling generated by the proposal.
- (b) Demolition waste must be contained and stored within the boundaries of the development.

- (c) Waste docket are to be retained to confirm and verify which facility received the material for recycling or disposal.
- (d) Waste docket are to be retained to confirm and verify that at least eighty percent (80%) of demolition material diverted from landfill for re-use and recycling.

Reason

To ensure that demolition and construction waste is appropriately managed.

(78) 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.

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(79) EROSION AND SEDIMENT CONTROL

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

During the construction period:-

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

Reason

To ensure no substance other than rainwater enters the stormwater system and waterways.

(80) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Reason

To ensure sediment is not tracked onto the roadway.

(81) 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.

Reason

To protect the amenity of the public domain.

(82) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

Reason

To protect the amenity of the public domain.

(83) TRANSPORT FOR NSW CONDITIONS

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Cleveland Street without TfNSW approval.

(84) SYDNEY METRO CONDITION – SUPERVISION

Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

(85) SYDNEY METRO CONDITION – CONSULTATION

- (a) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
 - (i) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;

- (ii) acts as the authorised representative of the Applicant; and
 - (iii) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.
- (b) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.
 - (c) Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro interface team.

(86) SYDNEY METRO CONDITION – DRAINAGE

- (a) The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
- (b) The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.

(87) AUSGRID CONDITIONS

- (a) Proximity to Existing network Assets – Underground Cables

There are existing underground electricity network assets in 242 CLEVELAND STREET SURRY HILLS.

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.

- (b) Substation

There are existing electricity substation S78532 and S78531 within CLEVELAND STREET SURRY HILLS.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The

use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a nonignitable blast resisting barrier.

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

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

(c) Overhead Powerlines

Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

(88) BUILDING HEIGHT

- (a) The height of the Great Hall building must not exceed RL 38.72 (AHD) to the top of the building and RL 42.00 (AHD) to the top of the domes.
- (b) The height of the Theological College building must not exceed RL 38.62 (AHD) to the top of the building and RL 40.10 (AHD) to the top of the domes.
- (c) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(89) THEOLOGICAL COLLEGE AND DOMICILES - PLAN OF MANAGEMENT

A final Plan of Management for the Theological College and Domiciles must be submitted and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any Occupation Certificate being issued. The Plans of Management must include the minimum criteria as stipulated in Council's *Sydney Development Control Plan 2012 – 4.4.8*.

Reason

To ensure an adequate plan of management is prepared for the approved use.

(90) LOADING AND SERVICING MANAGEMENT PLAN

- (a) A Loading and Servicing Management Plan must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the Occupation Certificate for the site/use being granted.
- (b) The Loading and Servicing Management Plan must include the strategy for the management of all servicing of the site including delivery vehicles, garbage collection, service vehicles and should include information such as arrivals to the site, the anticipated numbers of arrivals per week, time of day of the arrivals, length of stay, vehicle type etc. along with how these will be managed to prevent disruption to public streets. The plan will also demonstrate how it will manage and share with the accessible parking spaces that is shown in the Traffic report. The plan should include an induction/ training to the patrons/users of the site. The management of the plan needs to be able to respond to changes in the surrounding road environment and be updated accordingly.
- (c) The Plan should be generally in accordance with the Traffic Transport and Service Management Plan prepared 12 May 2022, submitted as part of the application.
- (d) Once approved, this management plan must be provided to all tenants and external users.

Reason

To ensure loading and unloading is managed effectively.

(91) GUEST DROP OFF AND PICK UP MANAGEMENT PLAN

- (a) A Guest Pick-Up and Drop-off Management Plan is to be submitted demonstrating management of all vehicles associated with guest arrivals, departures for regular Sunday events, funerals, wedding and similar events and its potential impacts on surrounding streets. The Guest Pick-Up and Drop-off Management Plan is to include the following:
 - (i) An outline of the quantity and frequency of visits per day, including time of day, of vehicles likely to be received for guest drop-off and pick-up and tour groups/services.
 - (ii) Details of coach/vehicle sizes likely to be used to accommodate guest arrivals and departures.
 - (iii) How to manage on-site drop-off and pick-up services while wedding vehicle/ limousine services/ funeral vehicle is parked within the vehicle circulation area.
 - (iv) Details of how guest arrivals and departures would be managed if on-site drop off locations are full and/or site is closed to access by private vehicles.
- (b) The Plan should be generally in accordance with the Traffic Transport and Service Management Plan prepared 12 May 2022 submitted as part of the application, and is to be updated with the above information. Details must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the Occupation Certificate for the site/use being granted.

Reason

To mitigate traffic impacts to the surrounding road network.

(92) TRANSPORT ACCESS GUIDE

- (a) A Transport Access Guide must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times. The following information shall be submitted to and approved by Council Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of an Occupation Certificate for the site/use:
- (b) The Transport Access Guide is to include (but not limited to) the following:
 - (i) A Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes.
 - (ii) Information regarding lack of off-street car parking and passenger pick-up and set-down areas at the development site.
 - (iii) Suitable nearby drop-off/pick-up locations.
 - (iv) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas.
 - (v) Suitable nearby Taxi Zones

- (vi) Public Transport options adjacent to the site.
- (vii) Pedestrian access to the site.
- (viii) Bicycle Parking and cycleway networks to the site.
- (ix) Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

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

Reason

To encourage the use of public and active transport.

(93) SPECIAL EVENTS TRAFFIC AND TRANSPORT MANAGEMENT PLAN

Prior to the issue of an Occupation Certificate, a site-specific Traffic and Transport Management Plan for annual Easter Feast, Christmas Feast or any other major events such as graduation, significant wedding /funeral functions or similar, that impact to Cleveland Road which is classified as a "State Road" must be submitted to and approved by Transport for New South Wales (TfNSW) and Transport Management Centre (TMC). Once approved, the plan must be submitted to the Council for concurrences prior to that particular event.

(94) ADVANCED TREE PLANTING

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

- (a) All new tree planting must be consistent with the approved Landscape Plans
- (b) New trees must be grown to Australian Standard 2303:2015 'Tree stock for landscape use'
- (c) At the time of planting, the container size for the tree in the central paved area must be a minimum of 600 litres. All other new trees along the western boundary must be a minimum of 200 litres and a minimum height of 3.5 metres.
- (d) New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting;
- (e) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
- (f) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (g) New trees must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.

- (h) Written confirmation is to be obtained from Council's Area Planning Manager that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.
- (i) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.

Reason

To ensure the longevity of new trees.

(95) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate:

- (a) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

Reason

To protect underground drainage system.

(96) BASIX

All commitments listed in each relevant BASIX Certificate (A391395) for the development must be fulfilled prior to any Occupation Certificate being issued.

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation).

(97) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to any Occupation Certificate being issued, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. Waste is to be stored and collected from within the curtilage of the site at all times.

Reason

To ensure that waste and recycling is appropriately managed.

(98) MICROBIAL CONTROL IN WATER SYSTEMS

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

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

- (c) AS/NZS 3666:3:2011 - Air-handling and water systems of buildings-Microbial Control Part 3: Performance based maintenance of cooling water systems.
- (d) AS/NZS 3666:4:2011 – Air-handling and water stems of buildings-Microbial Control Part 4: Performance – based maintenance of air – handling systems (ducts and components).
- (e) Prior to the issue of an Occupation Certificate associated with the Cooling Water System the occupier of the premise at which the system is installed, must notify the Council in writing on the prescribed form, of the installation of all water-cooling tower systems within the premises under the Public Health Act 2010. Warm water systems other than hospitals (hospitals (which also includes nursing homes, declared mental health facilities, private health facilities) are exempt from notifying Council.

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

(99) Reason

To ensure compliance with relevant Standards.

(100) 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.

Reason

To ensure the development does not encroach onto neighbouring properties.

(101) SYDNEY WATER CERTIFICATE

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

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

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

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

Reason

To ensure the requirements of Sydney Water are met.

(102) LETTERBOXES

Letterboxes are to be installed with non-master key locks. This must be demonstrated to the satisfaction of the Principal Certifier prior to the issue of an Occupation Certificate.

Reason

To prevent mail theft.

(103) PHYSICAL MODELS

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

Note:

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

Reason

To ensure the provision of an appropriate physical model of the development.

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

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

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

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

Reason

To ensure the provision of an appropriate electronic model of the development.

(105) SYDNEY METRO CONDITION – DOCUMENTATION

- (a) Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- (b) Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.

PART F – OCCUPATION AND ONGOING USE

(106) TRADING HOURS – PUBLICLY ACCESSIBLE AREAS

- (a) The hours of operation of the publicly accessible areas are restricted to between 8am and 8pm Monday to Sunday.
- (b) Notwithstanding (a) above, the publicly accessible areas may also operate between 8pm and 3am the following day on Christmas Eve and Easter Saturday (Greek Orthodox).

Reason

To ensure the premises operates within the approved hours of operation.

(107) PLAN OF MANAGEMENT – CATHEDRAL AND SHARED FUNCTION FACILITY

The Cathedral and Shared Function Facility must always be operated / managed in accordance with the Plan of Management, prepared by Planning Lab dated 22 November 2021 that has been approved by Council (Council ref: 2021/531608). In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

(108) PLAN OF MANAGEMENT – THEOLOGICAL COLLEGE AND DOMICILES

The Theological College and Domiciles must always be operated / managed in accordance with the Plan of Management to be submitted in accordance with Condition 89. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

(109) MAXIMUM CAPACITY OF PERSONS (SHARED FUNCTION FACILITY)

- (a) The maximum number of persons (including staff, patrons and performers) permitted in the shared function facility at any one time is 250 persons.
- (b) The capacity for each area must not exceed the maximum numbers at any given time.
- (c) The operator is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- (d) A sign in letters not less than 25mm in height must be fixed at the main entry point to the shared function facility stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details are to be provided to the satisfaction of the Accredited Certifier prior to issue of a Construction Certificate and the Principal Certifier is to confirm compliance prior to the issue of an Occupation Certificate.

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

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

Reason

To ensure the premises can safely accommodate patrons, staff and performers and safeguard the amenity of the surrounding neighbourhood.

(110) GUEST PICK-UP AND DROP-OFF MANAGEMENT PLAN

The Premises must always be operated / managed in accordance with the Plan of Management to be submitted in accordance with Condition 91. In the event of any inconsistency, the conditions of this consent will prevail over the Management Plan.

Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

(111) ON SITE LOADING AREAS AND OPERATION

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

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

Reason

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

(112) HOT WATER SERVICE

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

Reason

To ensure the food premises has a constant supply of hot water in accordance with relevant standards.

(113) NOTIFICATION OF CONDUCT OF FOOD BUSINESS

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

Note: Registration forms are available on Council's website www.cityofsydney.nsw.gov.au.

Reason

To ensure Council is notified of food business details.

(114) NO CHARCOAL OR SOLID FUEL COOKING

No charcoal or solid fuel cooking is approved as part of this application.

For the purpose of this condition solid fuel cooking should be defined as any solid material used as a fuel to produce energy and provide heating through combustion for the purpose of cooking. Solid fuels will include but are not limited to wood, charcoal, peat, coal etc.

Reason

To restrict the provision of charcoal or solid fuel cooking on the premises.

(115) 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.

Reason

To protect the acoustic amenity of surrounding properties.

(116) WASTE/RECYCLING COLLECTION - COMMERCIAL

- (a) Waste storage and the collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.
- (c) Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

Reason

To ensure that waste and recycling is appropriately managed.

(117) OCCUPATION CERTIFICATE TO BE SUBMITTED

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

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

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

SCHEDULE 3

TERMS OF APPROVAL

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

1. APPROVED DEVELOPMENT

Development must be in accordance with:

- a) Architectural drawings, prepared by Candalepas Associates as listed below:

Dwg No	Dwg Title	Date	Rev	
Project Name: Greek Orthodox Archdiocese & St Andrews Theological College				
DD-1050	Site Plan	11/7/22	E	
DD-1051	Site Analysis	11/7/22	E	
DD-1060	Demolition Plan	11/7/22	E	
DD-1100	Ground Floor Plan	11/7/22	E	
DD-1101	Roof Plan	11/7/22	E	
DD-1102	Reflected Ceiling Plan - Existing	11/7/22	E	
DD-1103	Reflected Ceiling Plan - Proposed	11/7/22	E	
DD-1110	Detail Iconostasis	11/7/22	E	
DD-1111	Detail Crypt	11/7/22	E	
DD-1301	Cathedral Elevation - North & East	11/7/22	E	
DD-1302	Cathedral Elevation - South & West	11/7/22	E	
DD-1401	Cathedral Interior Elevation 1 & 2	11/7/22	E	
DD-1402	Cathedral Interior Elevation 3 & 4	11/7/22	E	
DD-1403	Cathedral Interior Elevation 5	11/7/22	E	
DD-2060	Demolition Plan	11/7/22	E	
DD-2061	Rectory Demolition Plan	11/7/22	E	
DD-2101	Ground Floor Plan	11/7/22	E	
DD-2102	First Floor Plan	11/7/22	E	
DD-2103	Second Floor Plan	11/7/22	E	
DD-2104	Third Floor Plan	11/7/22	E	
DD-2105	Roof Plan	11/7/22	E	
DD-2110	Basement Plan	11/7/22	E	
DD-2201	Section A + B	11/7/22	E	
DD-2202	Sections D, E + F	11/7/22	E	
DD-2301	Elevations East + West	11/7/22	E	
DD-2302	Elevation North + South	11/7/22	E	
DD-2303	Internal Elevations	11/7/22	E	
DD-2401	Photomontage	11/7/22	E	
DD-2402	Photomontage	132	11/7/22	E

DD-2403	Photomontage	11/7/22	E
DD-2404	Photomontage	11/7/22	E
DD-2601	Shadow Diagrams	11/7/22	E
DD-2602	Shadow Diagrams	11/7/22	E
DD-2801	Development Calculations	11/7/22	E
DD-2581	Material Schedule	11/7/22	E

- b) Landscape drawings, prepared by Jane Irwin Landscape Architecture as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Greek Archdiocese Cathedral			
L-DA-001	Landscape Plan	19/4/22	B

- c) *Heritage Impact Statement – Greek Orthodox Archdiocese, 242 Cleveland Street, Redfern, prepared by Urbis, dated 4 December 2020*
- d) *Historical Archaeological Baseline Assessment – Report to Greek Orthodox Archdiocese of Australia, prepared by Artefact Heritage, dated November 2020*
- e) *Letter to Father Athinagoras, Greek Orthodox Archdiocese, re: Redevelopment of 242 Cleveland Street, Redfern, written by Artefact Heritage, dated November 2020*
- f) *Construction Noise and Vibration Management Plan, 242 Cleveland Street Redfern, prepared by ADP Consulting Engineering, dated 3 December 2020*
- g) *Arboricultural Impact Assessment – 242 Cleveland Street, Redfern NSW 2016, prepared by Tree Report Arboricultural Consulting, dated October 2021*
- h) *Response to Request for further information and amendments (07 March 2022), written by Candalepas Associates, dated 17 May 2022*
- i) *Letter to City of Sydney Council re: St Andrew’s Theological College – 242 Cleveland Street, Surry Hills NSW (the Site) – Development Application D/2020/1361 (the DA) Amended Plans – Traffic, written by Candalepas Associates, dated 14 July 2022*

EXCEPT AS AMENDED by the following general terms of approval:

2. DEFERRED COMMENCEMENT (Refer to Part (A) Schedule 1 – Deferred Commencement Conditions)

3. CATHEDRAL WORKS

- a) The following information is to be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate):
- Significance of the pews which would require relocation/removal due to the installation of the extended soleas;
 - Proposed storage conditions / location of these pews;
 - Details of the extended soleas clearly showing interactions between significant fabric and new construction, indicating clearly how significant fabric (e.g. tiles, columns etc) would be protected;

Reason: The details requested were not supplied during the assessment of the application. The assessment and management of these details is considered essential in order to obtain a good heritage outcome.

4. SITE WORKS

- a) The proposed solar panels must be completely hidden behind the parapet and not be visible from public domain.

Reason: The panels would impact views to the site, Rectory and the Cathedral buildings.

- b) The submitted landscape plan is not approved. An amended landscape plan must be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate).

Reason: The submitted landscape plan does not align with the amended architectural drawing set.

- c) Details of the proposed fencing to Cleveland Street must be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate).

Reason: To minimise impacts of the new fencing upon the setting and views.

5. SCHEDULE OF CONSERVATION WORKS

A Schedule of Conservation Works shall be prepared by a suitably qualified by a suitably qualified heritage consultant (in consultation with an experienced specialist stonemason) for all buildings to be retained on site. This shall be submitted for approval with the section 60 application for this proposal. The approved Schedule of Conservation Works shall be implemented prior to the issue of the Occupation Certificate.

Reason: To provide a guiding document for the ongoing conservation of the buildings on the site.

6. HERITAGE CONSULTANT

A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

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

7. SPECIALIST TRADESPERSONS

All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

SITE PROTECTION

8. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.
9. Physical impacts upon significant elements/buildings caused by the proposed demolitions/excavation/construction works must be kept to a minimum. Vibration monitoring and alternative methods (including concrete saws rather than jackhammers) must be utilised near adjacent structures, in line with the ADP report recommendations.

Reason: To ensure significant fabric including vegetation is protected during construction.

HERITAGE INTERPRETATION PLAN

10. An interpretation plan must be prepared in accordance with the Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted for approval to the Heritage Council of NSW (or delegate) prior to the issue of a Construction Certificate/ Government certification.
11. The interpretation plan must detail how information on the history and significance of the Cathedral of the Annunciation of Our Lady will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project. The approved interpretation plan must be implemented prior to the issue of an Occupation

Certificate

Reason: Interpretation is an important part of every proposal for works at heritage places.

PHOTOGRAPHIC ARCHIVAL RECORDING

12. A photographic archival recording must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW, Department of Premier and Cabinet.

13. High-resolution TIFF and RAW images must be included as part of this submission.

Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

HISTORICAL ARCHAEOLOGY

14. The Applicant shall submit a detailed archaeological assessment prepared by a suitably qualified and experienced historical archaeologist. This assessment should identify whether relics of local or state significance may be harmed by this activity as well as appropriate mitigate measures based on the significance of the relics which may be present.

15. Should archaeological monitoring or excavation be proposed, the Applicant shall submit an Archaeological Research Design and Excavation Methodology undertaken by a suitably qualified and experienced historical archaeologist.

16. Following the receipt of the Archaeological Assessment, the Heritage Council of NSW or its delegate reserves the right to issue additional archaeological conditions to manage the archaeology. Matters such as (but not limited to) preparation of an archaeological excavation methodology and research design, fieldwork methodology, artefact analysis and final reporting may be included as part of these archaeological conditions.

ABORIGINAL OBJECTS

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

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

COMPLIANCE

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

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

SECTION 60 APPLICATION

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

Reason: To meet legislative requirements.

Advice

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

Reasonable notice must be given for the inspection.