

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## **PART A - DEFERRED COMMENCEMENT CONDITIONS - CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING**

The following deferred commencement condition must be satisfied prior to the consent becoming operative within **24 months** of the date of determination in this Notice:

### **(1) FINAL STRUCTURAL DESIGN AND SOLUTIONS**

Prior to the operation of consent, final structural design solutions must be resolved to the satisfaction of Council's Area Planning Manager in relation to Fire Resistance, Excavation, Seismic Stability and Vertical Load Capacity within the heritage listed Piccadilly Hotel at 171-173 Victoria Street, Potts Point, and the former Golden Apple building at 169 Victoria Street, Potts Point, as follows:

- (a) Fire Resistance: The proposed approach to providing supplementary fire protection to achieve required Fire Resistance Levels (FRLs) of floors, walls, ceilings, roofs, doors, windows and lift shafts and fire isolated corridors.
- (b) Seismic Stability: The proposed method to achieving seismic strengthening of existing buildings to overcome the shortfalls for Seismic Stability.
- (c) Vertical Load Capacity: The proposed methods to strengthening of existing buildings to resolve the shortfalls for Vertical Loads based on further investigation and assessment of both the capacity of the existing floor structure and the impact of the weight of the addition of fire protection, landscape treatment (including wet soil loads) and acoustic treatment.
- (d) Excavation: The proposed approach to excavation and underpinning of the existing buildings to be retained.

The above solutions must minimise the impact upon, and interference with significant heritage fabric, and must conserve the historic character of the interiors of the Piccadilly Hotel building.

#### **Reason**

To ensure that the structural design has acceptable heritage impacts.

### **(2) PRELIMINARY PUBLIC ART PLAN**

Prior to the operation of consent, a preliminary public art plan, prepared in accordance with the relevant requirements of the Sydney Development Control Plan 2012, the City of Sydney Public Art Policy, and the City of Sydney Interim Guidelines: Public art in private developments must be provided to the satisfaction of Council's Area Planning Manager.

#### **Reason**

To ensure public art is incorporated into the development.

### **(3) FIRE HYDRANT DESIGN MODIFICATION AND DETAILS – VICTORIA STREET**

No consent is granted or implied for the proposed hydrant booster arrangement in front of the former Golden Apple building at 169 Victoria Street, Potts Point.

The design and details of fire hydrant booster arrangement in the front yard of that property must be amended to delete the proposed hydrant cupboard and provide a revised design, which is sympathetic to the heritage fabric and character of the adjoining buildings.

The amended design and details must be submitted to the satisfaction of Council's Area Planning Manager.

**Reason**

To ensure an appropriate heritage outcome.

**(4) ROOFTOP PHOTOVOLTAIC SYSTEM DESIGN MODIFICATION - BROUGHAM STREET**

The rooftop photovoltaic system required in the 'Design for Environmental Performance' report prepared by Stantec Australia Pty Ltd, dated 29 November 2021, Council reference TRIM 2021/407906, must be depicted on the roofs over the rear additions to the terraces at 92, 94, 96 and 98 Brougham Street, Potts Point.

The amended design must be submitted to the satisfaction of Council's Area Planning Manager.

**Reason**

To ensure the environmental performance of the development.

- (5)** 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*.
- (6)** 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.
- (7)** 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 Schedules 1 and 2 of Part B - Conditions of Consent - Once the Consent is Operation of the subject Notice of Determination.

**PART B - CONDITIONS OF CONSENT - ONCE THE CONSENT IS IN OPERATION**

**SCHEDULE 1**

**PART A - GENERAL**

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application Number D/2021/927 dated 16 August 2021 and the following drawings prepared by Woods Bagot:

Drawing Number	Drawing Name	Date
DA-2021 Revision 03	Lower Ground Floor Plan - Demolition	20 July 2022
DA-2022 Revision 03	Ground Floor Plan - Demolition	20 July 2022
DA-2023 Revision 03	Brougham St Level 02 Floor Plan - Demolition	20 July 2022
DA-2024 Revision 03	Level 01 Floor Plan - Demolition	20 July 2022
DA-2025 Revision 03	Level 02 Floor Plan - Demolition	20 July 2022
DA-2027 Revision 03	Roof Plan - Demolition	20 July 2022
DA-2201 Revision 03	Lower Ground Floor Plan	20 July 2022
DA-2202 Revision 03	Ground Floor Plan	20 July 2022
DA-2203 Revision 03	Brougham St Level 02 Floor Plan	20 July 2022
DA-2204 Revision 03	Level 01 Floor Plan	20 July 2022
DA-2205 Revision 03	Level 02 Floor Plan	20 July 2022
DA-2206 Revision 03	Level 02 Mezzanine Plan	20 July 2022
DA-2207 Revision 03	Roof Plan	20 July 2022

Drawing Number	Drawing Name	Date
DA-3021 Revision 03	East & West Elevations - Demolition	20 July 2022
DA-3022 Revision 03	E/W Section & South Elevation - Demolition	20 July 2022
DA-3023 Revision 03	N/S Section & North Elevation - Demolition	20 July 2022
DA-3201 Revision 03	East & West Elevations	20 July 2022
DA-3202 Revision 03	E/W Section & South Elevation	20 July 2022
DA-3203 Revision 03	N/S Section & North Elevation	20 July 2022
DA-3204 Revision 01	Internal Elevations	19 September 2022
DA-4201 Revision 03	Facade Details Sheet 01	20 July 2022
DA-9001 Revision 03	Finishes	20 July 2022

and as amended by the conditions of this consent.

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

### **Reason**

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

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

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

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$145,858.04

Community Facilities	\$26,663.92
Traffic and Transport	\$13,748.85
Stormwater Drainage	\$0.00
Total	\$186,270.81

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

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

Where:

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

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

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

$CPI_{\text{consent}}$  = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 128.6 for the September 2022 quarter.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

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

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

### **Reason**

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

### **(3) AFFORDABLE HOUSING CONTRIBUTION – RESIDUAL LAND OR CENTRAL SYDNEY – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE**

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.

- (b) The contribution is \$35,321.21 (indexed at 1 March 2022). This is calculated by establishing the sum of the equivalent monetary contribution \$11,599.74 multiplied by 0.5% of the total floor area for non-residential development (609 square metres).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2022 to 28 February 2023, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment =  $C \times \text{MDP2} / \text{MDP1}$ , where:
  - (i) C is the original total contribution amount payable to the City of Sydney as shown above.
  - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate.
  - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being 1 March 2022 to 28 February 2023.

Contact Council's Planning Assessment Unit for written confirmation of the amount payable, with indexation as necessary, prior to payment at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au).

**Reason**

To ensure development contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

**(4) APPROVED DESIGN ROOFTOP PLANT**

All rooftop plant and associated equipment must be located within the approved buildings or within the mezzanine level within the new roof over the Piccadilly Hotel.

**Reason**

To ensure the constructed development complies with the approved height.

**(5) BUILDING HEIGHT**

- (a) The height of the development at the top of the curved roof of the Piccadilly Hotel building at 171-173 Victoria Street, Potts Point must not exceed RL 46.065 (AHD) , and must not exceed RL 43.7 (AHD) to the rear parapet of the building at 169 Victoria Street, Potts Point.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

**Reason**

To ensure the constructed development complies with the approved height.

**(6) FLOOR SPACE RATIO**

The following applies to Floor Space Ratio (FSR):

- (a) The FSR for the development must not exceed 1.93:1, calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area (GFA) of the development is 2,535 square metres and the site area is 1,311 square metres.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the GFA (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

**Reason**

To ensure the constructed development complies with the approved floor space ratio.

**(7) FOOD AND DRINK PREMISES USES - SEPARATE DEVELOPMENT APPLICATION REQUIRED**

- (a) No consent is granted or implied for the use of the site as a function centre, or for the fitout or specific use of any of the indicative food and drink premises depicted in the drawings referenced in condition (1) of this development consent, specifically including the following areas:
  - (i) The area denoted as 'F&B' at the lower ground level of the former Golden Apple building at 169 Victoria Street, Potts Point.
  - (ii) The area denoted as 'Garden Dining (Enclosed)' and 'Bar' at the lower ground level in the rear yards of the properties at 92, 94, 96 and 98 Brougham Street, Potts Point.
  - (iii) The area denoted as 'Kitchen', the adjacent dining area and bar, and the associated 'Keg Cool Room', 'Dry Store', 'Freezer', 'Cool Room' and 'Toilets' at the lower ground floor level of the Piccadilly Hotel building at 171-173 Victoria Street, Potts Point.
  - (iv) The areas denoted as 'Bakery' and 'Bar/Cafe' and the associated 'Service Lobby' and 'Staff' areas at the ground floor level of the Piccadilly Hotel building at 171-173 Victoria Street, Potts Point.
  - (v) The areas denoted as 'Dining Room 01', 'Dining Room 02', 'Dining Room 03', 'Dining Room 04', 'Dining Room 05' and 'Dining Room 07' and the associated 'Terrace', 'Kitchen/BOH', 'Store' and 'Toilets' at level 1 of the Piccadilly Hotel building at 171-173 Victoria Street, Potts Point.



- (vi) The areas denoted as 'Restaurant' and 'Pre-Function', and the associated 'Terrace', 'Kitchen/BOH', 'Dispense Bar' and 'Staging' areas.
- (b) Separate development consent (via the lodgement of a separate development application, or applications with Council) is required to be obtained for the fitout and specific use of all food and drink premises within the development, prior to that fitout or use commencing.

**Reason**

To require separate consent to be obtained for fitout and use of indicative food and drink premises.

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

The design details of the proposed building facade including all external finishes, colours and glazing must be generally in accordance with the drawing titled 'Finishes', numbered DA-9001, revision 03, prepared by Woods Bagot and dated 20 July 2022, and fully compliant with the detailed materials and samples board required to be submitted to and approved by Council under condition (50) of this development consent.

**Reason**

To ensure all parties are aware of the approved materials and finishes that apply to the development.

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

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

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

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

Note: As parking in the City of Sydney Local Government Area is at a premium, it is recommended that the applicant should approach the City's Traffic Operations Unit to discuss the proposal before making a submission.

**Reason**

To require separate consent to be obtained for changes to kerb side parking arrangements.

**(11) 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.

**(12) PARKING PLAN**

The applicant must undertake a review of the on-street parking restrictions on the site frontages to Victoria Street and Brougham Street.

Two plans must be prepared, one showing the existing parking restrictions, and one showing the proposed parking restrictions. Both plans must include the parking restrictions and the locations of all parking signs and stems, and their chainages from the nearest intersection.

The plans must be submitted with the public domain plan. The plan must be approved by Council, and receive concurrence from the Pedestrian Cycling and Traffic Calming Committee.

All parking signs are to be installed at no cost to Council and must be installed prior to an Occupation Certificate being issued.

Note: The process of reporting an item to the Local Pedestrian, Cycling and Traffic Calming Committee takes approximately 8 weeks from the relevant Council officer being satisfied with the proposal.

**Reason**

To require a review and approval of on-street parking restrictions.

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

For temporary shoring including ground anchors affecting the road reserve, a separate application under Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council's Public Domain Unit.

**Reason**

To ensure that approval under the Roads Act is obtained.

**(14) EXTERNAL COLOUR SCHEME - BROUGHAM STREET TERRACES**

The external colour scheme of the Brougham Street terraces at 92, 94, 96 and 98 Brougham Street, Potts Point, is to comprise predominantly earthy tones in keeping with the overall Victorian character of the buildings and character of the Heritage Conservation Area. A schedule of colours for the terraces is to be submitted to and approved by Council's Urban Design and Heritage Manager, or Area Coordinator Planning Assessments, or Area Planning Manager, along with the detailed materials and finishes schedule required under condition (50) of this development consent, prior to the issue of a Construction Certificate. The documentation must show the distribution of the colours on the elevation drawings, specify paint types and include colour swatches/colour names and codes.

It is recommended that reference be made to the book "Colour Schemes for Old Australian Houses" by Ian Evans, Clive Lucas and Ian Stapleton.

**Reason**

To ensure a colour scheme is used that results in an appropriate heritage/streetscape outcome.

**(15) FRONT FENCE IN CONSERVATION AREAS**

The front fences and gates of the Brougham Street terraces at 92, 94, 96 and 98 Brougham Street, Potts Point, must be of a combination of low masonry wall and traditional palisade iron picket form and detailing.

**Reason**

To ensure an appropriate heritage/streetscape outcome.

**(16) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing Piccadilly Hotel at 171-173 Victoria Street, Potts Point, which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (e) The face brickwork of the building must not be rendered, painted or coated.

- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

**Reason**

To ensure that the development does not result in adverse heritage impacts.

**(17) MATERIALS FOR MAKING GOOD**

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

**Reason**

To ensure appropriate materials and finishes are used.

**(18) NO STRUCTURES ON STREET-FACING ROOF PLANE - BROUGHAM STREET TERRACES**

With the exception of the approved timber front dormer windows, no photovoltaic panels, solar hot water heater storage tanks, ventilators, air conditioning units, satellite dishes and antennae or other rooftop structures and the like, are to be placed on the street-facing roof plane of the buildings fronting Brougham Street.

**Reason**

To ensure an appropriate heritage/streetscape outcome.

**(19) RETENTION OF INTERNAL FEATURES**

All original floorboards and floor joists must be retained and conserved. Additionally, the following existing original internal features are to be retained within the following buildings:

- (a) The former Golden Apple building at 169 Victoria Street, Potts Point:
- (i) Stone fireplaces.
  - (ii) Timber staircase and balustrade.
  - (iii) Internal joinery trim: All existing architraves, skirtings, sill boards, apron moulds on retained walls must be retained and conserved throughout all levels.
- (b) The Piccadilly Hotel at 171-173 Victoria Street, Potts Point:
- (i) Original southern staircases and balustrades.
  - (ii) Internal joinery trim: All existing architraves, skirtings, sill boards, apron moulds on retained walls must be retained and conserved throughout all levels.
- (c) The Brougham Street terraces at 92, 94, 96 and 98 Brougham Street, Potts Point:

- (i) Extant fireplaces.
- (ii) Internal joinery trim: All existing architraves, skirtings, sill boards, apron moulds on retained walls must be retained and conserved throughout all levels.

Where internal joinery features are to be conserved, any components replaced or reinstated, are to match the existing in profile and section size.

Detail drawings to clearly indicate the locations and the conservation actions must be prepared and submitted to and approved by Council's Urban Design and Heritage Manager, or Area Coordinator Planning Assessments, or Area Planning Manger prior to the issue of a Construction Certificate.

**Reason**

To protect the heritage significance of the site and buildings.

**(20) TIMBER FRONT DORMERS**

- (a) The front dormers of the Brougham Street terraces at 92, 94, 96 and 98 Brougham Street, Potts Point, must use timber joinery and double-hung windows and must be a rectangular, timber framed, vertically proportioned, double hung sash window with a ratio of 1.5:1 measured from base to top of the window frame.
- (b) The dormers must be symmetrically placed on the roof plane.
- (c) The total external width of the dormer including frames must not exceed 1200mm (exclusive of eave overhangs and gutters) and the eave and gable overhang must not exceed 100mm.
- (d) Glazing must not be used in the gable or sides of the dormer.
- (e) Roof materials must match the existing roof material and the roof pitch must be between 32 degrees and 45 degrees.
- (f) The external side walls of the dormer are to be of timber weatherboards of a profile and section consistent with the period and style of the building.
- (g) The external joinery must be detailed in a manner appropriate to the style and period of the terrace buildings.
- (h) The architraves that cover the side walls and boxed window frames should not exceed 150mm in width.

Details of the dormer (at a scale of 1:20) and of the weatherboard profile must be submitted to and approved by Council's Urban Design and Heritage Manager, or Area Coordinator Planning Assessments, or Area Planning Manger prior to the issue of a Construction Certificate.

**Reason**

To ensure that the front dormers are of an appropriate design and do not have adverse heritage impacts.

**(21) EXTERNAL LIGHTING - SEPARATE DEVELOPMENT APPLICATION REQUIRED**

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.

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

The primary purpose of the indicative food and drink premises component of the development is as restaurant and cafe uses, as indicated on the drawings referenced in condition (1) of this development consent, with the kitchen to be open and substantial food service to be available to patrons at all times during the approved hours of operation. The sale and supply of liquor must cease when the kitchen ceases to operate. All patrons are to have an allocated seat.

**Reason**

To ensure the premises operates in accordance with the relevant liquor license.

**(23) 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.

**(24) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING**

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the buildings on the site.

**Reason**

To clarify the scope of the consent.

**(25) AIR CONDITIONERS GENERALLY**

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring must:

- (a) Not be located on awnings or attached to the face of the building

- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park.
- (c) Be visually screened if located 1.8 metres above ground level in other locations.
- (d) Wiring must be fully concealed.

**Reason**

To ensure the visual impact of air conditioners is minimised.

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

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

**Reason**

To ensure no element of the development obstructs the use of the public way.

**(27) PUBLIC ART**

- (a) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Area Planning Manager prior to issue of any Construction Certificate for above ground works.

The public artwork must be in accordance with the Preliminary Public Art Plan referred to in deferred commencement condition (2) and approved by Council, the *Sydney Development Control Plan 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.

- (b) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at the following website:

<http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>

Please contact the Public Art Team for further information at the following email address:

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

**Reason**

To ensure public artwork is installed to the City's satisfaction.

**(28) 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 ensure there are no obstructions on public footways and paths of travel.

**(29) PAVING MATERIALS**

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

**Reason**

To ensure appropriate and safe paving materials are used.

**(30) SIGNAGE - SIGNAGE STRATEGY AND SEPARATE DEVELOPMENT APPLICATION REQUIRED**

- (a) A signage strategy, prepared in accordance with the provisions in Section 3.16.1 of the Sydney Development Control Plan 2012, must be submitted to and approved by the City's Area Planning Manager, prior to the issue of any Construction Certificate or any development work on the site (including demolition), whichever is the earlier.
- (b) A separate development application for any proposed signage additional to those required as part of this consent (other than exempt or complying signage) must be submitted to and approved by Council prior to the erection or display of any such signage.
- (c) Any future signage proposed under a separate development application must be consistent with the signage strategy referred to in part (a) of this condition which has been approved by Council.

**Reason**

To ensure that an appropriate signage strategy is developed for the site and to require separate consent to be obtained for any additional signage.

**(31) 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 ensure ground surface indicators, handrails and other elements required to provide access into the building/property are appropriately located.

**(32) TREES APPROVED FOR REMOVAL**

All trees located within private land at 92, 94, 96 and 98 Brougham Street, and 169 and 171-173 Victoria Street, Potts Point are approved for removal, with the exception of the *Plumeria acutifolia* (Frangipani) in the front yard of 94 Brougham Street, Potts Point. Tree removal must not occur until the Construction Certificate has been issued.

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 identify the trees that can be removed.

**(33) TREES THAT MUST BE RETAINED**

The existing trees detailed in Table 2 below be retained and protected in accordance with the conditions throughout construction and development.

Table 2 – Tree Retention:

Approval is NOT granted for the removal of the following tree.

<b>Tree Number</b>	<b>Species:</b>	<b>Location</b>
1	Plumeria acutifolia (Frangipani)	Front yard of 94 Brougham Street, Potts Point

**Reason**

To identify the trees that cannot be removed, must be retained and protected.

**(34) TREE PLANTING CONSIDERATIONS**

The design for tree planting should include the use of continuous trenches for tree pits and the installation of all services to be underground.

Special consideration should be given to soil depth and quality for tree planting. The City considers the following soil volume requirements must be included in the design for successful long-term tree establishment:

- (a) Large Trees (canopy diameter of up to 16 metres at maturity) require a minimum soil volume of 150 cubic metres, minimum soil depth of 1.5 metres and minimum soil area 10 metres by 10 metres.
- (b) Medium Trees (canopy diameter of up to 8 metres at maturity) require a minimum soil volume of 35 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 6 metres by 6 metres.

- (c) Small Trees (canopy diameter of up to 4 metres at maturity) require a minimum soil volume of 9 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 4 metres by 4 metres.

**Reason**

To ensure the development is appropriately designed to accommodate adequate tree planting.

**(35) 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.

## **PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **(36) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

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

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

#### **Reason**

To ensure that appropriate access and facilities are provided.

### **(37) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED**

(a) Pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation, 2000*, where currently non-compliant, the whole building must comply with the performance requirements relating to the following parts of the Building Code of Australia (BCA):

- (i) Fire resistance and stability - Part C1.
- (ii) Compartmentation and separation - Part C2.
- (iii) Protection of openings - Part C3.
- (iv) Provision for escape - Part D1.
- (v) Construction of exits - Part D2.
- (vi) Fire fighting equipment - Part E1.
- (vii) Smoke hazard management – Part E2.
- (viii) Visibility in an emergency, exit signs and warning systems - Part E4.

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

#### **Reason**

To ensure the works comply with relevant regulations.

### **(38) EXTERNAL WALLS AND CLADDING FLAMMABILITY**

The external walls of the building including attachments must comply with the relevant requirements of the Building Code of Australia (BCA). Prior to the issue

of a Construction Certificate and Occupation Certificate the Accredited Certifier and the Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the BCA.
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built.

**Reason**

To ensure the external walls and cladding comply with relevant requirements.

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

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A5.2(1)(e) of the Building Code of Australia must be submitted to the satisfaction of the Accredited Certifier.

**Reason**

To ensure structural certification is undertaken.

**(40) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS**

A qualified practising registered structural engineer must provide structural certification to the Accredited Certifier verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the *Building Code of Australia* prior to a Construction Certificate being issued.

**Reason**

To ensure the existing structure can support the new loads.

**(41) STRUCTURAL CERTIFICATION FOR PARTY WALLS**

Prior to a Construction Certificate being issued, a certificate from a qualified practising structural engineer in accordance with Clause A5.2(1)(e) of the *Building Code of Australia* must be submitted to the satisfaction of the Accredited Certifier. The Certificate must verify the structural integrity of the existing 'Party Walls' as consequence of the additional loads imposed thereon by the proposal.

**Reason**

To ensure the structural integrity of the existing party walls is verified.

#### (42) 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
Staff	16	Class B bicycle parking facility in accordance with AS2890.3
Visitors	12	Class B/C bicycle parking facility in accordance with AS2890.3
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	20	

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the 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 Sydney Development Control Plan 2012.

#### (43) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan (CTMP) must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.
- (b) The CTMP must be prepared in accordance with Council's requirements, located on the City's website at:

<https://www.cityofsydney.nsw.gov.au/construction-permits-approvals/prepare-construction-traffic-management-plan>

- (c) The approved CTMP must be complied with during any demolition and/or construction work.

#### Reason

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

#### **(44) COOLROOMS**

Any coolrooms, refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the *Building Code of Australia*, and:(a) 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.

- (b) 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.
- (c) 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.
- (d) Must be fitted with a door that can be opened at all times from inside without a key.
- (e) 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.

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

The construction, fit-out and finishes of any 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](http://www.standards.com.au).

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

##### **Reason**

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

#### **(46) GREASE AND LIQUID WASTE TRAPS**

- (a) Any grease traps 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:
  - (i) The grease trap is not located in any kitchen, food preparation or food storage areas.
  - (ii) The grease trap is constructed and installed in a location which allows it to be easily and effectively cleaned and emptied.
  - (iii) 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.

**(47) SANITARY FACILITIES – FOOD PREMISES**

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

**Reason**

To ensure sanitary facilities comply with relevant standards to protect food handling areas.

**(48) TOILETS FOR FOOD HANDLERS**

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

**Reason**

To ensure food handlers have access to adequate toilet facilities.

#### **(49) WASTE ROOMS (GENERAL WASTE AREAS)**

- (a) To ensure the adequate storage and collection of waste from the occupation of the building, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area. The waste storage area must be designed and constructed in accordance with the following requirements to minimise odours, deter vermin, and protect surrounding areas:
  - (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 relevant regulatory authority (Sydney Water).
  - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act, 1997*.
  - (vi) An adequate lighting system must be provided (natural or artificial) to the waste room to aid with cleaning and the detection of pest activity.
  - (vii) 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 are to be submitted to the Principal Certifier with the Construction Certificate.

#### **Reason**

To ensure adequate storage and collection of waste.

#### **(50) DETAILED MATERIALS AND SAMPLES BOARD**

A detailed physical material sample board which specifies all proposed materials, finishes and colours, (including, but not limited to, the finish and size of the proposed tiles to the ground level of the Piccadilly Hotel to Victoria Street, accurate specification of material manufacturers, and all visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area Coordinator Planning Assessments or 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.



**(51) ACOUSTIC UPGRADE OF EXISTING ORIGINAL DOORS AND WINDOWS OF PICCADILLY HOTEL AND THE TERRACES**

No consent is granted or implied for the replacement of existing glazing within retained original windows and doors within the Piccadilly Hotel at 171-173 Victoria Street, Potts Point.

Detailed drawings and specifications for alternative acoustic options for those doors and windows that does not involve replacement of original fabric must be prepared and submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to a Construction Certificate being issued.

**Reason**

To ensure an appropriate heritage outcome.

**(52) ARCHIVAL DOCUMENTATION (MEASURED DRAWINGS)**

The archival recording of the Piccadilly Hotel at 171-173 Victoria Street, Potts Point, should include accurate measured drawings of the following:

- (a) The building and the site as a whole including:
  - (i) Location Plan.
  - (ii) Site Plan (1:500 or 1:200).
  - (iii) Floor Plan/s (1:100 or 1:50).
  - (iv) Roof Plan/s (1:100 or 1:50).
  - (v) Elevations and Sections (1:100 or 1:50).
- (b) Components of the building including ceiling cornices, joinery details, verandah posts, skirtings, other significant details such as rainwater heads and indicate 1:10 or 1:5 scale.

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

The measured drawings are to be submitted to and approved by Council's Urban Design and Heritage Manager, or Area Planning Manager, or Area Coordinator Planning Assessments, prior to the issue of a Construction Certificate.

**Reason**

To ensure appropriate archival documentation of the building.

**(53) BUILDING WORKS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA – HERITAGE BUILDINGS OR BUILDINGS WITHIN HERITAGE CONSERVATION AREAS**

Any building works required to ensure compliance with the Building Code of Australia, or new building standards not specified in the submitted/approved drawings, must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted and approved by Council's Area Coordinator Planning Assessment or Area Planning Manager prior to issue of any Construction Certificate.

**Reason**

To ensure an appropriate heritage outcome.

**(54) EXTERNAL COLOUR SCHEME (OTHER BUILDINGS)**

The external colour scheme of the Piccadilly Hotel at 171-173 Victoria Street, Potts Point, and the former Golden Apple building at 169 Victoria Street, Potts Point, is to be sympathetic to the architectural style and period of the buildings and the Heritage Conservation Area. A schedule of colours must be submitted to and approved by Council's Urban Design and Heritage Manager, or Area Coordinator Planning Assessments, or Area Planning Manager, along with the detailed materials and finishes schedule required under condition (50) of this development consent, prior to the issue of a Construction Certificate.

**Reason**

To ensure a colour scheme is used that results in an appropriate heritage/streetscape outcome.

**(55) FIRE HYDRANT LOCATION AND DETAILS – BROUGHAM STREET**

The location and details of any fire hydrant booster arrangement accessed from Brougham Street must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate.

**Reason**

To ensure an appropriate heritage outcome.

**(56) HERITAGE CONSERVATION WORKS**

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Urban Design and Heritage Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage significance including but not limited to the following: brickwork, door and window joinery, glazing, hardware, tiling, roof plumbing, roofing and painting.

- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (f) INSPECTION AND APPROVAL: The conservation works are to be progressively inspected by and be implemented to the satisfaction of Council's Urban Design and Heritage Manager prior to the issue of any Occupation Certificate or commencement of the use, whichever is the earlier.

**Reason**

To ensure the carrying out of appropriate heritage conservation works.

**(57) HERITAGE INTERPRETATION PLAN**

- (a) An interpretation plan for the Piccadilly Hotel at 171-173 Victoria Street, Potts Point, the Brougham Street terraces at 92, 94, 96 and 98 Brougham Street, Potts Point, and the former Golden Apple building at 169 Victoria Street, Potts Point, must be submitted to and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the Piccadilly Hotel, the terraces and the Golden Apple will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (d) Prior to any Occupation Certificate being issued, the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager / Area Planning Manager.

**Reason**

To ensure that the heritage of the site is appropriately interpreted and incorporated into the development.

## **(58) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

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

### Procedure

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

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

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

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

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

- (c) For each of the two submissions listed above in (a) and (b), the digital form of the recording is to be as follows:
  - (i) The Development Application number and the Condition of Consent number must be noted.

- (ii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (iii) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images.
- (iv) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (v) The report can be submitted on a USB, or digital file transfer in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each location, image subject/description and date.

**Reason**

To ensure appropriate archival documentation of the building.

**(59) REINSTATEMENT OF FRONT BALCONIES**

The first floor front balconies of the Brougham Street terraces at 96 and 98 Brougham Street, Potts Point, must be reinstated to their original form and style and decorated with appropriate balustrade panels reflecting the traditional patterns, colour and details.

Details of the proposed reinstatement (drawings at a 1:50 and/or 1:20 scale) must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of any Construction Certificate. Details must include the use of traditional materials, size of structural elements, chamfered details where appropriate, size and type of timber floorboards.

**Reason**

To ensure an appropriate heritage and streetscape outcome.

**(60) REMOVAL AND REINSTATEMENT METHODOLOGY FOR ORIGINAL PICCADILLY HOTEL VICTORIA STREET EXTERNAL AWNING**

A removal, storage and reinstatement methodology for the original external awning of the Piccadilly Hotel must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of any Construction Certificate. The reinstatement must be like for like and based on the photographic archival recording and measured drawings of the awning.

**Reason**

To ensure an appropriate heritage outcome.

**(61) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS**

Stone, bricks, roof tiles, joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses must be salvaged and where possible reused on the project.

Salvaged building materials surplus to the project must either be stored on site for future reuse or transferred to an established second building material dealer for recycling.

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

**Reason**

To ensure the salvaging and reuse of traditional building materials.

**(62) SITES IN THE VICINITY OF BUILDINGS WITHIN HERITAGE CONSERVATION AREAS**

(a) The approved works must ensure that the buildings at the following properties are to be suitably protected during the construction process:

- (i) 90 Brougham Street, Potts Point;
- (ii) 100-104 Brougham Street, Potts Point;
- (iii) 165-167 Victoria Street, Potts Point;
- (iv) 175 Victoria Street, Potts Point; and
- (v) 177-179 Victoria Street, Potts Point.

(b) The contractor or developer must conduct consultations with the stakeholders of the above properties, record and monitor the conditions of the buildings and take suitable measures to control and minimize any risks to built fabric during construction.

(c) The protection measures must be incorporated into the construction management plan. Details of the protection plan must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of any Construction Certificate.

**Reason**

To ensure the protection of adjacent/nearby heritage items.

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

- (a) A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Urban Design and Heritage Manager, or Area Coordinator Planning Assessments, or Area Planning Manager prior to the issue of any Construction Certificate. The Strategy is to detail how the proposed works will ensure that the Piccadilly Hotel at 171-173 Victoria Street, Potts Point, is to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) Additionally the protection strategy is to include:
  - (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street frontages of the site and that no such water is channelled onto the adjacent property fabric or interiors.
  - (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
  - (iii) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. The report must address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.
  - (iv) Details of the proposed protection of any boundary walls from damp and water ingress during the works.

#### **Reason**

To ensure the protection of heritage items in the vicinity of the works.

### **(64) USE OF HERITAGE CONSULTANT**

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of any Construction Certificate or commencement of work on site whichever is the earlier.
- (c) Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:

- (i) Undertake site inspections of not less than fortnightly intervals.
  - (ii) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
  - (iii) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.
- (d) Upon completion of the works, the final report is to be submitted for approval by Council's Urban Design and Heritage Manager, or Area Coordinator Planning Assessments, or Area Planning Manager, prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

**Reason**

To ensure that the implementation of the approved development is carried out in a manner that does not have adverse heritage impacts.

**(65) LANDSCAPING OF THE SITE**

This condition applies to all works at grade and inaccessible planters.

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
  - (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
  - (ii) Amend Brougham Street terraces landscape design deleting climbers to party walls and balustrades.
  - (iii) Location and details of existing and proposed structures on the site including, but not limited to, paving, stepping stones, walls, edges, services, furniture, lighting and other features
  - (iv) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
  - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity. New trees must be provided in accordance with the Advance Tree Planting condition in this development consent.
  - (vi) Details of drainage, waterproofing and watering systems.



- (vii) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) All landscaping in the approved plan is to be complete prior to an Occupation Certificate being issued.

**Note:** If staged construction is proposed, the landscape plan must be tied to the first construction certificate that relates to structures that will support landscape. If landscape on structure is proposed at ground level, this condition must be tied to the approval of the basement structure to ensure the landscape has been adequately accommodated.

### **Reason**

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

## **(66) INACCESSIBLE GREEN ROOFS**

This condition applies to inaccessible green roofs over the area labelled 'Garden Dining (Enclosed)' and 'F&B' at the lower ground floor level.

- (a) A detailed green roof design including plans and details drawn to scale, and technical specification, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
  - (i) Location and details of existing and proposed services, walls, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (ii) Engineers report confirming structural capacity of building for proposed green roof loads.
  - (iii) Details of soil types and depth including any mounding.
  - (iv) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
  - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (vi) Green roof maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
  - (vii) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.

- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
- (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.
- (d) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

**Note:** This condition applies to shallow profile, inaccessible green roofs. If staged construction is proposed, the landscape plan must be tied to the first construction certificate that relates to structures that will support landscape.

**Reason**

To ensure that the inaccessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

**(67) INACCESSIBLE PLANTERS**

This condition applies to all inaccessible planters on upper levels

- (a) A detailed green roof design including plans and details drawn to scale, and technical specification, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council’s Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
  - (i) Location and details of inaccessible planters located to the edge of rooms 1.1, 2.1 and perimeter restaurant planter located between the parapet and balustrade,
  - (ii) Location and details of services, walls, balustrades fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (iii) Engineers report confirming structural capacity of building for proposed wet soil loads on existing slabs.
  - (iv) Details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
  - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (vi) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.

- (vii) Planter maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, lockable gates in restaurant balustrade, and transport of materials and green waste.
- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
- (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

Note: If staged construction is proposed, the landscape plan must be tied to the first construction certificate that relates to structures that will support landscape

### **Reason**

To ensure that the inaccessible planters are designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

## **(68) LANDSCAPING OF THE SITE (TREES)**

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area 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) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers.
  - (iii) Location, numbers, type and supply of plant species, with reference to the relevant Australian Standard.
  - (iv) Tree selection shall include a diverse range of species which must be consistent with the expected mature heights and growth within the Sydney area (mature heights must not solely rely on plant literature).
  - (v) 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.
  - (vi) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction.
  - (vii) Details of planting procedure and maintenance.
  - (viii) 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 tree planting that meets the City's controls.

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

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

**Reason**

To ensure the mechanical ventilation complies with relevant standards.

**(70) 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.

## **(71) 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](http://www.cityofsydney.nsw.gov.au)

### **Reason**

To ensure water systems comply with relevant standards.

## **(72) REFLECTIVITY**

Prior to issue of the Construction Certificate the Accredited Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

### **Reason**

To ensure the development does not result in adverse reflectivity impacts and to protect the amenity of the public domain.

## **(73) 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 "Stantec Australia", Ref: 301350236, dated 18 June 2021, and the Acoustic Review, prepared by "Stantec Australia", dated 14 July 2022 must be implemented in the development prior to the commencement of its use.

- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant\* (see definition below). This work will be to the satisfaction of the accredited certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant\* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: *Suitably Qualified Acoustic Consultant* means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (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.

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

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition

and excavation phases.(e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.(f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.(g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.(h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

**Reason**

To ensure an adequate construction noise and vibration management plan is prepared.

**(75) 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.

**(76) FLOOD PLANNING LEVELS**

The development must be constructed to comply with the recommended flood planning levels indicated in Section 5.2 of the report titled 169-173 Victoria Street & 92-98 Brougham Street, Potts Point Stormwater Management Plan, prepared by Renata Tracey of Stantec Australia Pty Ltd, dated 18 June 2021.

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

**Reason**

To ensure the development complies with the recommended flood planning levels.

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

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

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

### **Reason**

To ensure public domain works comply with Council's requirements.

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

Prior to the issue of any Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at:

<https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

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

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

### **Reason**

To ensure public domain levels and gradients comply with Council's requirements.

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

Prior to issue of any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications A5* and *B8*, *Sydney Lights Design Code* and *Public Domain Manual*. This information is available for download from the City's website at:

<https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The lighting upgrade plan must cover all adjacent street frontages, being Victoria Street, Hourigan Lane and Brougham Street.



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

**Reason**

To ensure pedestrian and street lighting in the public domain complies with Council's requirements.

**(80) 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.
- (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.

**(81) 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.

## **(82) STORMWATER QUALITY ASSESSMENT**

The development must comply with the MUSIC Link report dated 19/01/2022 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.

## **(83) 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).
- (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.

## **(84) 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.

**(85) INSTALLATION OF ARTWORK AND IMAGES ON SCAFFOLDING (DEMOLITION / CONSTRUCTION WRAPS)**

- (a) Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality and add visual and public art in the streetscape.
- (b) The artwork installation must be printed, installed and maintained in accordance with Council's *Guidelines for Hoardings and Scaffolding*. Details of the proposed installation must be submitted to and approved by Council prior to the issue of a construction certificate or work commencing.

Note: The scaffolding system on which a required artwork wrap is to be installed must be designed to safely and adequately accommodate and support the wrap mesh material on which the artwork is printed/displayed. This includes designing the scaffold to address potential increased wind loads that may be encountered in the locality.

**Reason**

To minimise adverse visual impacts on the locality.

**(86) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the Victoria Street frontage of the site are to be retained and properly protected during demolition, excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- (c) Note the following:
  - (i) All costs associated with the works are to be borne by the developer.

- (ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
- (v) Council approval is required before kerbs are removed.
- (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
- (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

**Reason**

To ensure the protection of stone kerbs.

**(87) PUBLIC DOMAIN DAMAGE SECURITY BOND**

- (a) A Public Domain Damage Deposit calculated on the basis of 85 square metres of asphalt footpath at the Brougham Street site frontage and 142 square metres of asphalt footpath at the Victoria Street site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of 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 Public Domain Works Security Bond is lodged with the City.

**Reason**

To allow for the appropriate management and rectification of damage to the public domain.

**(88) DESIGN FOR ENVIRONMENTAL PERFORMANCE**

- (a) Prior to the issue of any Construction Certificate, the Principal Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Stantec Australia Pty Ltd, dated 29 November 2021, Council reference TRIM 2021/407906, are incorporated into the relevant construction plans and accompanying documentation:

- (i) Section 4 – Energy efficiency and greenhouse gas abatement.
- (ii) Section 5 – Passive design for thermal performance – building envelope design.
- (iii) Section 6 – On site renewable energy generation and storage, including the provision of a photovoltaic system to the roofs over the rear additions to the terraces at 92, 94, 96 and 98 Brougham Street, Potts Point.
- (iv) Section 7 – Design for resilience to climate change.
- (v) Section 8 – Designing for mains potable water savings and water efficiency, including the provision of a rainwater tank for onsite reuse for irrigation and toilet flushing.
- (vi) Section 9 – Storm water quality.
- (vii) Section 10 – City greening, except as amended by the conditions of this consent relating to detailed landscape design, deep soil provision, tree removal, tree protection and tree planting.
- (viii) Section 11 – Promoting active transport, a connected city and reducing transport emissions, except as amended by the conditions of this consent relating to bicycle parking, loading and servicing and parking.
- (ix) Section 12 – Waste management, resource recovery and materials innovation: Demolition, construction and operation, except as amended by the conditions of this consent relating to waste management.

**Reason**

To ensure the environmental performance of the development.

**(89) INTERNAL LIGHTING SYSTEM**

The internal lighting system must provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. LED lighting technology (or other technology with an improved lighting power density – watts per square metre) must be implemented. Details of the internal lighting system must be submitted to and approved by the Accredited Certifier prior to a Construction Certificate being issued.

**Reason**

To ensure the provision of energy efficient lighting.

**(90) 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.

**(91) 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 Occupation Certificate being issued.

**Reason**

To ensure the provision of water efficient taps.

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

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

**Reason**

To ensure the provision of water efficient urinals.

**(93) AUSGRID REQUIREMENTS**

The design submission must comply with relevant Ausgrid Network Standards and Safe Work NSW Codes of Practice for construction works near existing electrical assets.

The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Ausgrid's Network Standards can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au)

Should you have any enquiries, please contact Ausgrid at [Development@ausgrid.com.au](mailto:Development@ausgrid.com.au)

**Reason**

To ensure compliance with Ausgrid requirements.

#### **(94) ELECTRICITY SUBSTATION**

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

##### **Reason**

To ensure that the provision of a substation to service the development is appropriately incorporated into the design of the building in a manner that minimises streetscape impacts.

#### **(95) 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.

#### **(96) WASTE AND RECYCLING MANAGEMENT – DEMOLITION AND CONSTRUCTION WASTE**

- (a) A Waste and Recycling Management Plan including Demolition and Construction waste and recycling details, is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. As a minimum the waste and recycling management plan must comply with the provisions of Council's Guidelines for Waste Management in New Developments 2018.
  - (i) All requirements of the approved Waste Management Plan must be implemented during construction of the development
  - (ii) Demolition waste must be contained and stored within the boundaries of the development.

- (iii) Waste docket are to be retained to confirm and verify which facility received the material for recycling or disposal.
- (iv) 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.
- (v) The Operator must enter into a contract with a licensed contractor for the removal of all trade waste.
- (vi) No garbage is to be placed on the public way, for example footpaths, roadways, plazas and reserves at any time.
- (vii) Any wastewater from the premises must only be disposed of in the public sewerage system.

**Reason**

To ensure appropriate demolition and construction waste management practices are implemented.



## **PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK**

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

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

#### **Reason**

To ensure that hazardous materials on the site are identified and appropriately managed.

### **(98) TRAFFIC WORKS**

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

A Traffic Works Plan is to be prepared and must include:

- (a) Road, parking and traffic arrangements.
- (b) Signs.
- (c) Pedestrian crossings.
- (d) Traffic signals.
- (e) Any relevant approvals from Transport for NSW.

The Traffic Works Plan is to be submitted to [publicdomain@cityofsydney.nsw.gov.au](mailto:publicdomain@cityofsydney.nsw.gov.au) for approval.

The necessary referral and advice of the Local Pedestrian, Cycling and Traffic Calming Committee must be obtained prior to the commencement of any public domain works.

Note: Referral to the Local Pedestrian, Cycling and Traffic Calming Committee may take a few months and it is recommended that the Traffic Works Plan submission is initiated early in the project.

#### **Reason**

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

## **(99) 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.

**Reason**

To ensure that impacts arising from demolition, excavation and construction are appropriately managed.

**(100) DILAPIDATION REPORT**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of the following properties are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works:
  - (i) 90 Brougham Street, Potts Point.
  - (ii) 100-104 Brougham Street, Potts Point.
  - (iii) 165-167 Victoria Street, Potts Point.
  - (iv) 175 Victoria Street, Potts Point.
  - (v) 177-179 Victoria Street, Potts Point.
- (b) A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Accredited Certifier and the Council prior to the issue of a Construction Certificate.

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

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

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

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

**Reason**

To ensure that dilapidation reports are prepared and to identify damage to adjoining/nearby properties resulting from building work on the development site.

## **(101) EROSION AND SEDIMENT CONTROL**

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

- (a) Conform to the specifications and standards contained in *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004); the *Guidelines for Erosion and Sediment Control on Building Sites* (City of Sydney, 2004); and the *Protection of the Environment Operations Act, 1997*.
- (b) Include a drawing(s) that clearly shows:
  - (i) Location of site boundaries and adjoining roads.
  - (ii) Approximate grades and indications of direction(s) of fall.
  - (iii) Approximate location of trees and other vegetation, showing items for removal or retention.
  - (iv) Location of site access, proposed roads and other impervious areas.
  - (v) Existing and proposed drainage patterns with stormwater discharge points.
  - (vi) North point and scale.
- (c) Specify how soil conservation measures will be conducted on site including:
  - (i) Timing of works.
  - (ii) Locations of lands where a protective ground cover will, as far as is practicable, be maintained.
  - (iii) Access protection measures.
  - (iv) Nature and extent of earthworks, including the amount of any cut and fill.
  - (v) Where applicable, the diversion of runoff from upslope lands around the disturbed areas.
  - (vi) Location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology.
  - (vii) Procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s).
  - (viii) Frequency and nature of any maintenance program.
  - (ix) Other site-specific soil or water conservation structures.

### **Reason**

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

### **(102) 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.
- (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.

### **(103) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION**

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

#### **Reason**

To ensure wastewater is managed appropriately.

### **(104) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS**

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

#### **Reason**

To ensure the preservation of the building elements that are proposed to be retained.

### **(105) 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 or Area Planning Manager.

**Reason**

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

**(106) PUBLIC DOMAIN WORK – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993**

Prior to the construction of any public domain works, approval under Section 138 / 139 of the *Roads Act, 1993* must be issued by the City's Public Domain Unit.

**Reason**

To ensure relevant approvals for public domain work are obtained.

**(107) 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).
- (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*).

#### **Reason**

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

### **(108) 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).
- (g) Temporary ground anchoring and shoring to support a roadway when excavating.
- (h) Any other structure or encroachment including facade elements/architectural features.



**Reason**

To ensure use of a public place is managed appropriately.

**(109) 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 30mm 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 that approval is obtained for any pruning works to street trees and that such works are carried out in an appropriate manner.

**(110) TREE PROTECTION ZONE**

- (a) Before the commencement of works, Tree Protection Zone/s (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 with the following schedule:

**TPZ Schedule**

<b>Tree No.</b>	<b>Species Name</b>	<b>Location</b>	<b>Radius (m)</b> <b>From Trunk</b>
1	Plumeria acutifolia (Frangipani)	Front yard of 94 Brougham Street, Potts Point	2

- (c) Tree protection fencing must be installed and maintained within the subject development site prior to the commencement of works and in accordance with the following:
  - (i) A 1.8 metre high fully supported chainmesh protective fencing. The fencing, secured and fastened to prevent movement, must be installed around the area surrounding the tree. Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing.
  - (ii) The area within the fencing must be mulched to a depth of 75mm and kept free of weeds and grass for the duration of works.

- (iii) Tree Protection Signage must 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 moved or relocated unless written approval is obtained from the Site Arborist and a copy is provided to Council's Tree Management Officer which outlines alternate protection measures and that the relocated fencing will not impact the viability and retention of the tree/s.
- (d) Ground surface protection must be installed if construction access is required through any TPZ of this condition where hard surface / paving is not existing. The ground protection must be:
- (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric.
  - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (e) The following works must be excluded from within any TPZs:
- (i) Excavation except for the localised siting of piers or demolition of any concrete slab.
  - (ii) Soil cut or fill including trenching.
  - (iii) Soil cultivation, disturbance or compaction.
  - (iv) Stockpiling, storage or mixing of materials.
  - (v) The parking (except existing on street 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.
- (f) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.
- (g) 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.
  - (ii) Supervised by a Project Arborist (minimum AQF Level 5).

**Reason**

To ensure the protection and ongoing health of trees.

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

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

**Reason**

To ensure the development satisfies Sydney Water's requirements.

## **PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

### **(112) HOURS OF WORK AND NOISE**

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 (e.g. 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.

### **(113) 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.
- (iii) Site activities and time frames.

### **Reason**

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

#### **(114) FLASHINGS TO BOUNDARY WALLS**

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

Note: Attachments or connections to party walls may require the consent of the adjoining property owner/s.

##### **Reason**

To prevent water entering between the walls of adjoining properties.

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

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

##### **Reason**

To protect the amenity of the surrounding area.

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

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

##### **Reason**

To protect the amenity of the surrounding area.

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

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

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period.
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing.

- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice.
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City of Sydney's Guidelines for Hoardings and Scaffolding.

**Reason**

(Prescribed condition Clauses 98A (2) and (3) of the *Environmental Planning and Assessment Regulation, 2000*).

**(118) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT**

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours between:
  - (i) 9.00am and 12.00pm, and 1.00pm and 4.00pm, Mondays to Fridays inclusive.
  - (ii) 9.00am and 1.00pm, Saturdays.
  - (iii) No work is permitted on Sundays or Public Holidays.
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

**Reason**

To protect the amenity of the surrounding area.

**(119) CLASSIFICATION OF WASTE**

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

transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

**Reason**

To ensure that waste from site is classified and disposed of appropriately.

**(120) IMPORTED FILL MATERIALS**

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

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

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

**Reason**

To ensure that imported fill is not contaminated.

**(121) LAND REMEDIATION**

Further investigations are required to be carried out prior to the issue of any Construction Certificate for the built form of the development, in accordance with part 11.2 (Contamination Investigation) of the Preliminary Geotechnical and Contamination Investigation, prepared by "Douglas Partners", Ref: 202390.02.R.001.Rev0, dated 28 July 2022;

Once further investigations are conducted, and if required, a Remedial Action Plan and Letter of Interim Advice or Section B Site Audit Statement prepared by a NSW Environment Protection Authority accredited Site Auditor must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate for the built form of the development.

The site is to be remediated and validated in accordance with any approved Remedial Action Plan and Letter of Interim Advice or Section B Site Audit Statement prepared by a NSW Environment Protection Authority accredited Site Auditor. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act, 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site



contamination must be immediately notified to the Council's Area Planning Manager, the Site Auditor and the Principal Certifier.

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

**Reason**

To ensure that the site is appropriately remediated.

**(122) SITE AUDIT STATEMENT**

Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:

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

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

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.
- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a Section 4.55 modification of the consent pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979*).
- (c) No Occupation Certificate is to be issued by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

**Reason**

To ensure that the site is appropriately remediated.

**(123) 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.

**(124) STOCKPILES**

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

**Reason**

To ensure that stockpiles of soil or other materials are appropriately managed.

**(125) 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.

**(126) 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.

**(127) 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.
- (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.

**(128) HAZARDOUS AND INDUSTRIAL WASTE**

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

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

**Reason**

To ensure hazardous/ industrial waste is managed appropriately.

**(129) 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.

**(130) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the

Heritage Council of NSW should be informed in accordance with Section 146 of the *Heritage Act, 1977*.

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

**Reason**

To ensure that the archaeology of the site is appropriately managed and protected.

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

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

**Reason**

To ensure the protection of existing street furniture, stone curbs and gutters and the like.

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

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

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

**Reason**

To ensure that the development works comply with the approved demolition, excavation and construction noise and vibration management plan.

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

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

#### **Reason**

To ensure drainage and service pit lids within the public domain are appropriately designed and installed.

### **(134) HOLD POINTS**

Prior to an approval being issued for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works, a set of hold points will be provided by the City's Public Domain Unit in accordance with the City's Public Domain Manual and Sydney Streets Technical Specification. The list of hold point inspections will be included in the Public Domain works approval letter.

These hold point inspections must be adhered to during construction works. Prior to the issue of any Occupation Certificate, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Principal Certifier.

#### **Reason**

To ensure hold points are adhered to during construction works.

### **(135) PUBLIC DOMAIN LIGHTING RETICULATION DESIGN**

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

The Public Domain Manual and all other relevant documents are available for download from Council's website at:

<https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

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

**Reason**

To ensure the public domain lighting documentation complies with Council requirements.

**(136) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION**

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*. The documentation must be checked, accurate, and comply with specified requirements. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be for Construction issue and will be approved under Section 138 of the *Roads Act, 1993*.

The Public Domain Manual and all other relevant documents are available for download from Council's website at:

<https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

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

**Reason**

To ensure the public domain complies with Council's requirements.

**(137) PUBLIC DOMAIN WORKS SECURITY BOND**

A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

The 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 being issued for the approval of the Public Domain Plan.

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**Reason**

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

**(138) STORMWATER DRAINAGE CONNECTION**

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

**Reason**

To ensure approval of connection into the Council's drainage system is sought.

**(139) PROTECTION OF NATIVE WILDLIFE**

- (a) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself. In regards to tree pruning, works may only proceed if the animals will not come into direct harm.
- (b) In the event that the tree has nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

**Reason**

To ensure that wildlife is adequately protected during tree removal/pruning works.

**(140) 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 excavation and trenching which has been approved by Council within the TPZ of any tree to be retained.
- (iv) During the planting of any new tree as conditioned in this consent.
- (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) Quarterly 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 ensure that the protection of trees is appropriately supervised.

**(141) STREET TREE PROTECTION**

All street trees located 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 (including demolition). The protection must be installed and certified by a qualified Arborist (AQR Level 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.
  - (ii) Tree trunk/s and/or major branches, must be protected by wrapped thick underlay carpet or similar padding 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 thick underlay carpet or similar padding material 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) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
  - (i) Around or under the tree canopy.
  - (ii) Within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within 5 metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during 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 the erection of any 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 any construction activities may result in prosecution under the *Local Government Act, 1993* and the *Environmental Planning and Assessment Act, 1979*.

**Reason**

To ensure the protection and ongoing health of the street trees.

**(142) TREE PROTECTION DURING CONSTRUCTION**

All trees that will be affected by the development within the property and on any adjoining land, must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and as follows:

- (a) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5 metres of the trunk of any tree to be retained (including trees within adjoining properties).

- (b) Excavation (except for localised siting of piers or demolition of existing concrete slabs) must not occur within 2 metres of the trunk of any tree to be retained (including trees within adjoining properties). If excavation is proposed within this zone, Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.
- (c) Excavations for the footings where they are within (insert distance) metres of any tree (including trees in adjoining properties) must be undertaken using non-destructive methods (such as by hand) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.
- (d) Footings must be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance must be provided between the tree root and footing.
- (e) Tree trunk and major branch protection must be undertaken prior to the commencement of any works. The protection must be installed and certified by a qualified Arborist (minimum AQF 3) and must include:
  - (i) Tree trunk/s and/or major branches must be protected by wrapped thick carpet underlay or similar padding material to limit damage.
  - (ii) Timber planks (50mm x 100mm 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.
  - (iii) 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.
- (f) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council.

**Reason**

To ensure the protection and ongoing health of trees.

**(143) TREE PRUNING – FURTHER APPROVAL REQUIRED**

The consent from Council's Tree Management Officer must be obtained prior to the any tree pruning work being undertaken, including tree roots greater than 40mm in diameter, for any trees to be retained located within or adjacent to the site. Only minor pruning works will be approved by Council.

**Reason**

To ensure that pruning works to trees are carried out in an appropriate manner.

#### **(144) TREE TRUNK PROTECTION**

Any tree/s to be retained located within the site must be protected in accordance with the Australian Standard AS4970 Protection of Trees on Development Sites. All trees must be protected during the construction works as follows:

- (a) Tree trunk and major branch protection must be undertaken prior to the issuing of the Construction Certificate. The installation of trunk protection must be supervised and certified by the Project Arborist (minimum AQF 5) and must include:
  - (i) Tree trunk/s and/or major branches must be protected by wrapped thick carpet underlay or similar padding material to limit damage.
  - (ii) 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 thick carpet underlay or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
  - (iii) 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.

#### **Reason**

To ensure the protection and ongoing health of trees.

#### **(145) SYDNEY WATER CERTIFICATE**

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

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

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

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

#### **Reason**

To ensure the requirements of Sydney Water are met.

#### **(146) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

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

##### **Reason**

To allow adequate vehicular access to the site.

#### **(147) 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.

#### **(148) 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 under any circumstances. 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.

#### **(149) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993*.

**Reason**

To ensure mobile cranes are used appropriately.

## **PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

### **(150) CONSERVATION MANAGEMENT PLAN TO BE AMENDED**

The Conservation Management Plan (CMP) prepared by Urbis and dated 2 June 2021 must be amended to correct inconsistencies between the grading of fabric significance and policy and to reflect additional documentary research and information on the building fabric discovered on site during this project. The amended CMP is to be submitted for the approval of Council's Urban Design and Heritage Manager prior to the issue of the Occupation Certificate.

#### **Reason**

To ensure that the Conservation Management Plan is corrected in an appropriate manner.

### **(151) PRODUCTS BANNED UNDER THE BUILDING PRODUCTS (SAFETY) ACT 2017**

- (a) No building products that are banned, or products that are subject to a ban if used in a particular way, under the *Building Products (Safety) Act, 2017* are to be used in the construction of the development approved in this development consent.
- (b) Prior to the issue of any Occupation Certificate, the principal certifier is to confirm that none of the building products used on the building are subject to a building product use ban under the *Building Products (Safety) Act, 2017* or, if a product is only subject to a ban if used in a particular way that it is not used in any way contrary to the *Building Products (Safety) Act, 2017*.

#### **Reason**

To ensure that banned building products are not used in the construction of the development.

### **(152) LOADING AND SERVICING MANAGEMENT PLAN**

A Loading and Servicing Management Plan must be submitted to and approved by Council's Area Planning Manager, prior to the Occupation Certificate for the site/use being granted.

The Loading and Servicing Management Plan must include the strategy for the management of all servicing of the site including coordination with the neighbouring sites for managing kerbside loading zone use, 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 management of the plan needs to be able to respond to changes in the surrounding road environment and be updated accordingly.

The Plan should be generally in accordance with the GTA Traffic Report 22 July 2021 (ref: N211090) submitted as part of the application.

Once approved, this management plan must be provided to all tenants and external users.

**Reason**

To ensure that loading and servicing associated with the development is managed appropriately.

**(153) TRANSPORT ACCESS GUIDE**

A Transport Access Guide, including a strategy for the future distribution of the Guide to staff, clients, customers and visitors to the site, must be submitted to and approved by Council's Area Planning Manager, prior to the Occupation Certificate for the site/use being issued.

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

- (a) Suitable nearby drop-off/pick-up locations.
- (b) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas.
- (c) Suitable nearby Taxi Zones.
- (d) Public Transport options adjacent to the site.
- (e) Pedestrian access to the site.
- (f) Bicycle Parking and cycleway networks to the site.

**Reason**

To ensure that a Transport Access Guide is prepared for the development.

**(154) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT**

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

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

**Reason**

To ensure that hazardous materials on the site are appropriately managed.

### **(155) VISITOR AND TOURIST ACCOMMODATION - PLAN OF MANAGEMENT**

A plan of management must be submitted and approved by Council's Health and Building Unit for the hotel accommodation use prior to any Occupation Certificate being issued. The plan of management must address all minimum criteria as stipulated in Section 4.4.8 of the Sydney Development Control Plan 2012.

#### **Reason**

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

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

#### **Reason**

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

### **(157) 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 or 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 the following link:

<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.

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

- (a) Any food and drink premises uses must not commence until food businesses have 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 at the following link:

[www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

#### **Reason**

To ensure Council is notified of food business details.

### **(159) 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.

### **(160) COSTED HERITAGE ASSET MAINTENANCE PLAN**

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

### **Reason**

To ensure the continued protection of the heritage significance of the heritage item and to guide the future maintenance of heritage fabric.

### **(161) CONSTRUCTED FLOOR LEVELS**

A certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the report titled 169-173 Victoria Street & 92-98 Brougham Street, Potts Point Stormwater Management Plan, prepared by Renata Tracey of Stantec Australia Pty Ltd, dated 18 June 2021.

### **Reason**

To ensure the development achieves the required floor levels.

### **(162) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION**

Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably

qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

**Reason**

To ensure Council receives works-as-executed documentation for public domain works.

**(163) PUBLIC DOMAIN WORKS COMPLETION**

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

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

**Reason**

To ensure the public domain works are completed in accordance with the approved documents and Council's requirements.

**(164) RAINWATER HARVESTING & RAINWATER TANKS**

(a) A rainwater harvesting system must be provided in accordance with any applicable BASIX minimum requirements.

(b) Use

Rainwater is only to be collected from roof catchments and its use is restricted to toilet flushing, washing cars, garden use and for washing machines only.

(c) Installation requirements

All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500:2003. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.

Rainwater tanks must be designed to include, but not be limited to the following:

- (i) Rainwater tanks must be fixed to structurally adequate bases or walls in accordance with manufactures specifications or engineers details.
- (ii) Must not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without prior approval be adjacent land owners.
- (iii) All roof gutter downpipes must be fitted with a first flush device in accordance with the manufacturer's recommendations.

- (iv) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
- (v) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
- (vi) Must have an overflow device being fitted to the rainwater tank which directs water into an existing stormwater drainage system and must have a suitable drainage plug/tap fitted and positioned in a manner that facilitates flushing and cleaning.
- (vii) The water supply system from a rainwater tank must be clearly marked at intervals not exceeding 500 mm with the word 'RAINWATER' in contrasting colour, in accordance with AS 1345. Water outlets must be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.
- (viii) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.

Rainwater tanks that are not directly connected with the potable supply, the indirect connection must be by means of a visible "air gap" external to the rainwater tank, in accordance with the provisions of the National Plumbing Code AS /NZS 3500 - Minimum air gap requirements.

Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device must be provided at the meter location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.

- (ix) Water pumps are to be located so as not causing an "offensive noise" as defined by the *Protection of the Environment Operations Act, 1997* to any affected receiver.

(d) Proximity to other services

All rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe

(e) Marking and labelling

- (i) Above ground distribution pipes must be continuously marked 'RAINWATER' in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled 'RAINWATER' made in accordance with AS 1345 can be used.
- (ii) Below ground distribution pipes must be continuously marked 'RAINWATER' at intervals not exceeding 500mm in accordance with

AS1345. Alternatively, identification tape/pipe sleeve continuously marked 'RAINWATER' made in accordance with AS 2648 can be used.

- (iii) All rainwater tank outlets, taps, valves and tank apertures must be identified as 'RAINWATER' with a sign complying with AS1319 or a green coloured indicator with the letters 'RW'. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.

(f) Maintenance

- (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" and any other local water utility requirements.
- (ii) The rainwater collection system must be constantly maintained in accordance to the manufacturer's instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms.

**Reason**

To ensure that rainwater tanks are installed in an appropriate manner.

**(165) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate:

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

**Reason**

To protect underground drainage systems.

**(166) SURVEY INFRASTRUCTURE – RESTORATION**

- (a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered

Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:

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

**Reason**

To ensure all requirements for survey mark removal are complied with.

**(167) LOT CONSOLIDATION**

All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with NSW Land Registry Services, prior to any Occupation Certificate being issued.

**Reason**

To ensure that all allotments within the site are appropriately consolidated.

**(168) STREET NUMBERING**

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

**Reason**

To ensure that appropriate street numbering is displayed on the site frontages.

**(169) ADVANCE 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 any Occupation Certificate.

- (a) All new trees must be grown in accordance with the Australian Standard 2303 'Trees stock for landscape use'.

- (b) New trees must be planted in natural ground with adequate soil volumes to allow healthy tree maturity to be achieved. Planter boxes will not be accepted for tree planting.
- (c) New trees must be appropriately located away from existing buildings and structures to allow healthy tree maturity to be achieved without restrictions.
- (d) The new trees must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (e) The 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.
- (f) Prior to the issue of any Occupation Certificate, suitable documentation (including a written statement and photographic evidence) is to be submitted to Council for review and written confirmation is to be obtained from Council's Area Planning Coordinator or Area Planning Manager confirming all trees have been planted to Council's satisfaction (excluding tree maintenance).
- (g) 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 provision and maintenance of adequate tree planting on site.

**(170) 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.

**(171) 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 Council prior to an Occupation Certificate being issued.

**UPON COMPLETION OF THE DEVELOPMENT**

- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan approved by Council; 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.



## **PART F – OCCUPATION AND ONGOING USE**

### **(172) 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.

#### **Reason**

To ensure the site is authorised for occupation.

### **(173) EMISSIONS**

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

#### **Reason**

To protect the amenity of the surrounding area.

### **(174) ANNUAL FIRE SAFETY STATEMENT FORM**

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

#### **Reason**

To ensure annual checks on fire safety measures.

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

No portion of the development shall encroach onto the adjoining properties.

#### **Reason**

To protect neighbouring properties.

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

No portion of the development, including gates and doors during opening and closing operations, with the exception of the approved awning overhanging Victoria Street, shall encroach upon Council's footpath area.

**Reason**

To protect the public way.

**(177) 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.

**(178) UNDER AWNING LIGHTING**

Under awning lighting must be fitted with LED lighting technology (or other technology with an improved lighting power density – watts per square metre). Batten type fluorescent lighting is not approved. Illumination from the under awning lighting, when measured from any place in the public domain, must be designed and certified to comply with the following:

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

**Reason**

To ensure the provision of an appropriate level of illumination and to protect the amenity of the public domain.

**(179) HOURS OF OPERATION – HOTEL ACCOMMODATION**

The hours of operation of the hotel accommodation use are 24 hours per day, Monday to Sunday inclusive.

Note: No consent is granted or implied for functions or for the hours of operation of the indicative food and drink premises depicted on the drawings referenced in condition (1) of this development consent.

**Reason**

To ensure the hotel accommodation use operates within the approved hours of operation.

**(180) VISITOR AND TOURIST ACCOMMODATION - MAXIMUM LENGTH OF STAY**

- (a) The maximum permitted length of stay in the approved hotel accommodation use is 3 months.
- (b) Where hotel accommodation is provided for more than 28 consecutive days, no more than two adults and one child are permitted per room.

**Reason**

To ensure that the maximum length of stay is not exceeded.

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

The use and operation of the hotel accommodation use must comply with plan of management approved by Council's Health and Building Unit referenced in the 'Visitor and Tourist Accommodation - Plan of Management' condition of this development consent, the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the *Local Government (General) Regulation, 2005* under the *Local Government Act, 1993*, the *Public Health Act, 2010* and regulations thereunder and Section 4.4.8 of the Sydney Development Control Plan 2012.

**Reason**

To ensure the hotel accommodation use is operated in accordance with the approved plan of management and relevant legislation.

**(182) COPIES OF CONSENTS AND MANAGEMENT PLANS**

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

**Reason**

To ensure all relevant approved documents are available on-site upon request.

**(183) GLASS CRUSHER**

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

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

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

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

**Reason**

To safeguard the amenity of staff, patrons and the surrounding neighbourhood.

**(185) NEIGHBOURHOOD AMENITY**

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

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

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

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

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

**(187) NO SPRUICKING NOISE**

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

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

### **(188) NOISE FROM GLASS REMOVAL**

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

#### **Reason**

To safeguard the amenity of the surrounding neighbourhood.

### **(189) PLAN OF MANAGEMENT TO BE SUBMITTED AND APPROVED**

- (a) The Plan of Management (POM) accompanying this Development Application has not been approved by this consent.
- (b) A Plan of Management must be prepared to address all operational and management procedures to be employed, to ensure that the premises can operate without disturbance to the surrounding locality. The plan must address the whole of the premises operations and reflect all relevant matters contained in the Schedule 3 of the Sydney Development Control Plan 2012.
- (c) The plan must include but not be restricted to; compliance with all other operational conditions of this consent; hours of operation; noise; security management; and handling complaints.
- (d) The plan must be submitted to and approved by Council's Area Planning Manager prior to any Occupation Certificate being issued.

### **(190) COMPLIANCE WITH PLAN OF MANAGEMENT**

The food and drink premises use must always be operated / managed in accordance with the Plan of Management required under condition (189) of this development consent that has been approved by Council. 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.

### **(191) REMOVAL OF GLASS**

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

#### **Reason**

To reduce waste generation within the public domain and to safeguard the amenity of the surrounding neighbourhood.

## **(192) SURVEILLANCE CAMERAS**

- (a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:
  - (i) Principal entrance/s and exits.
  - (ii) All areas within the premise occupied by the public (excluding toilets).
  - (iii) Staircases in multilevel premises.
  - (iv) The area within a 10 metre radius external to the public entrance(s) to the premises.
- (b) Suitable and clearly visible signage must be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- (c) All CCTV recording equipment and cameras must be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera must be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be auto recorded on the disc or hard drive. The CCTV recording equipment must be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Stored digital copies of CCTV recordings must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras must be checked daily to ensure the equipment is operating correctly. The Licensee must record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.
- (f) All CCTV recording devices and cameras must be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- (g) The CCTV recording device must be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.

- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

**Reason**

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

**(193) AWNING MAINTENANCE**

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

**Reason**

To ensure that awnings are appropriately maintained.

**(194) 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.

## (195) NOISE - ENTERTAINMENT

- (a) The  $L_{Aeq, 15 \text{ minute}}$  noise level from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (b) The  $L_{Aeq, 15 \text{ minute}}$  noise level from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (c) Notwithstanding (a) above, the  $L_{Aeq, 15 \text{ minute}}$  noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:
  - (i) The existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
  - (ii) If the  $L_{Z90, 15 \text{ minute}}$  background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's  $L_{Zeq, 15 \text{ minute}}$  noise criteria level.
- (d) Notwithstanding (b) above, the  $L_{A1, 15 \text{ minute}}$  noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:
  - (i) The existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,
  - (ii) If the  $L_{Z90, 15 \text{ minute}}$  minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's  $L_{Z1, 15 \text{ minute}}$  noise criteria level.

Note:  $L_{eq}$ ,  $L_{01}$ , and  $L_{90}$ , metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal  $L_{A90}$  level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External  $L_{A90}$  levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfl unless otherwise agreed by the City's Area Planning Manager.

### Reason

To protect the acoustic amenity of surrounding properties.



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

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

##### **Reason**

To ensure all works to the City's public domain are protected under a liability period.

#### **(197) MAINTENANCE OF TREES ON SITE**

- (a) Tree maintenance must be implemented and complied with immediately following the tree plantings, and until the trees reach the required minimum height and canopy width.
- (b) The newly planted trees on site must be appropriately maintained on an on-going basis.
- (c) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.
- (d) If the newly planted trees fail to establish or does not reach the required height and canopy spread width, they must be replaced with trees of comparable qualities and container size.
- (e) The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

##### **Reason**

To ensure the ongoing maintenance of trees planted on the site.

#### **(198) RESTRICTION ON STRATA SUBDIVISION**

Any strata subdivision of the hotel to create individual lots for hotel rooms is not permitted.

##### **Reason**

To ensure that hotel rooms are not subdivided into individual lots.

#### **(199) WASTE/RECYCLING COLLECTION - COMMERCIAL**

- (a) Commercial waste storage and the service collections arrangements for 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 to avoid noise disruption to surrounding areas.

- (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.

**Reason**

To ensure that waste and recycling is appropriately managed.

## **SCHEDULE 2**

### **PRESCRIBED CONDITIONS**

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation, 2000* apply to the development.

Refer to the New South Wales 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>.