

Attachment A

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

SCHEDULE 1

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

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

(1) FINAL STRUCTURAL DRAWINGS

- (a) Structural works related to the existing retained buildings is to be consistent with the TTW Structural report titled Structural Engineering Clarifications for DA dated 2 December 2022.
 - (b) The final detailed structural drawings including all strengthening works proposed for existing retained fabric must be submitted.
 - (c) The final detailed services (electrical, air-conditioning, plumbing, fire) layout that has been coordinated with architectural drawings must be submitted.
 - (d) Confirmation of the thickness of the concrete slabs of Levels 3 and 4 must be submitted. Any change in thickness of these concrete slabs due to any structural design changes must not result in these slabs moving any closer to the heritage ceiling fabric.
 - (e) A Demolition, Excavation and Construction Methodology Report that includes methodology for both demolition and construction for the subject site must be submitted. The report is to provide evidence that satisfactorily instructs how to support and maintain the retained structure and it's footings in a detailed and systematic form.
 - (f) A Final Geotechnical Report with additional cored borehole information and confirmation of the size and location of existing footings must be submitted (for any investigative works a relevant exemption should be obtained).
 - (g) The above solutions are to minimise the impact upon, and interference of, significant heritage fabric, enable significant ceilings and structural elements to be exposed to view and conserve the historic character of the interiors.
 - (h) A consolidated set of coordinated architectural, structural, and services drawings must be submitted.
- (B) 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*.
- (C) 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.

- (D) 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 Section B Conditions of Consent (Once the Consent is Operation) of the subject Notice of Determination.

SECTION B – CONDITIONS OF CONSENT

PART A - GENERAL

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2021/893 dated 05/08/2021 and the following drawings prepared by Tonkin Zulaikha Greer:

Drawing Number	Drawing Name	Date	Rev
A-000	Cover Page	1/03/2023	E
A-002	Site Analysis	1/03/2023	-
A-051	Basement 2 Demolition Plan	1/03/2023	B
A-052	Basement 1 Demolition Plan	1/03/2023	B
A-053	Ground Demolition Plan	1/03/2023	C
A-054	Level 1 Demolition Plan	1/03/2023	C
A-055	Level 2 Demolition Plan	1/03/2023	-
A-056	Level 3 Demolition Plan	1/03/2023	A
A-057	Level 4 Demolition Plan	1/03/2023	A
A-058	Level 5 Demolition Plan	1/03/2023	A
A-059	Roof Demolition Plan	1/03/2023	-
A-060	Ground RCP Demolition	1/03/2023	A
A-061	Level 1 RCP Demolition	1/03/2023	-
A-062	Level 3 RCP Demolition	1/03/2023	A
A-070	Demolition South Elevation	1/03/2023	B
A-071	Demolition North Elevation	1/05/2023	C
A-072	Demolition East Elevation	1/03/2023	C
A-073	Demolition West Elevation	1/03/2023	C
A-080	Long Section Demolition	1/03/2023	D
A-081	Cross Section A Demolition	1/03/2023	D
A-102	Basement 2 Floor Plan	1/03/2023	E

Drawing Number	Drawing Name	Date	Rev
A-103	Basement 1 Floor Plan	1/03/2023	D
A-104	Ground Floor Plan	1/03/2023	H
A-105	Level 1 Plan	1/03/2023	F
A-106	Level 2 Plan	1/03/2023	F
A-107	Level 3 Plan	1/03/2023	C
A-108	Level 4 Plan	1/03/2023	D
A-109	Level 5 Plan	1/03/2023	E
A-110	Level 6 Plan	1/03/2023	D
A-111	Roof Plan	1/03/2023	C
A-121	Auditorium RCP Proposed Ground Floor – Level 3	1/03/2023	D
A-200	South Elevation	1/03/2023	D
A-201	South Elevation Fly Tower Facade	1/03/2023	E
A-202	North Elevation	1/03/2023	D
A-203	North Elevation Fly Tower Facade	1/03/2023	E
A-204	East Elevation	1/03/2023	D
A-205	East Elevation Fly Tower Facade	1/03/2023	D
A-206	West Elevation	1/03/2023	C
A-207	West Elevation Fly Tower Facade	1/03/2023	C
A-208	West Elevation Inner Façade	1/03/2023	D
A-300	Longitudinal Section 1	1/03/2023	E
A-301	Cross Section 1	1/03/2023	E
A-302	Cross Section 2	1/03/2023	E
A-303	Longitudinal Section 2	1/03/2023	E

Drawing Number	Drawing Name	Date	Rev
A-304	Longitudinal Section 3	1/03/2023	E
A-305	Cross Section 3	1/03/2023	E
A-601	Materials Board	1/03/2023	C
A-602	Flytower Window Schedule	1/03/2023	D

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) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The lightwell must be increased in width from Level 2 to Level 6 so that it is 1.92 metres wide from the hotel room facade to the inner face of the flytower wall.
- (b) The new roller door must be re-designed so that it is sympathetic to the aesthetic values of the building.
- (c) An airlock must be provided at the main ground floor entry doors to Orwell Street and must be designed to satisfy the performance criteria outlined in the Noise Impact Assessment prepared by Pulse White Noise Acoustic dated 13 June 2023 ref 210050 Rev 9, titled Metro Theatre Hotel, Council Ref: 2023/377647. Design details are to be submitted at a scale of 1:10.
- (d) The original steel framed windows on the south and east facade of the main foyer area of exceptional significance must be retained. New internal glazed windows construction must be provided to these windows that satisfies the performance criteria outlined in the Noise Impact Assessment prepared by Pulse White Noise Acoustic dated 13 June 2023 ref 210050 Rev 9, titled Metro Theatre Hotel, Council Ref: 2023/377647. Design details are to be submitted at a scale of 1:10.
- (e) A wall and door are located between the 'Equipment store' and the gymnasium located on basement level 2, so that the 'Equipment store' is designed as a storeroom.
- (f) The number of accessible hotel rooms is to be increased from 3 rooms to 4 rooms.

- (g) The ground floor cafe service counter is to be shown the plans and must not abut any windows.

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

Reason

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

(3) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 24.92 (AHD) to the top of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(4) SECTION 60 APPLICATION

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

Reason

To meet legislative requirements.

(5) COMPLIANCE WITH APPROVAL GRANTED UNDER THE HERITAGE ACT 1977

The development must be carried out in accordance with the terms of the Section 60 approval issued by the Heritage Council of NSW (or delegate).

Reason

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

(6) CEILING

- (a) The number of penetrations to the ceiling must be minimised, and penetrations must be repaired once temporary structures are removed. Details of the size and number of holes to the ceiling, and the method of repair work are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.
- (b) The final locations and fixing methodology for sprinklers and associated plumbing system are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

- (c) There must be no other attachments to the ceiling or on top of the ceiling to ensure that the ceiling fabric remains protected. Speakers must not be located within the ceiling.

Reason

To ensure the ceiling is adequately protected.

(7) GRAND STAIRCASE UPGRADE

Details of any upgrade works to the grand staircase, including the handrail upgrade, are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. Drawings are to be submitted at a scale of 1:5 or 1:10 and include materials details and specifications, with dimensioned drawings.

Reason

To ensure a suitable design outcome.

(8) DRESS CIRCLE BOXES AND MOULDING

- (a) The semi-circular Dress Circle boxes and connecting moulded balustrade in the auditorium are to be retained and conserved.
- (b) The support and protection system to retain the Dress Circle boxes and connecting moulded balustrade on Level 1 during demolition and construction works are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To ensure the semi-circular Dress Circle boxes and connecting moulded balustrade are adequately protected.

(9) PROTECTION OF OPENINGS

The final methods of protection to openings for fire separation are to be designed so that they are consistent and compatible with the heritage significance of the building and are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To ensure the design of the methods to protect openings are appropriate for the design of the building.

(10) FLYTOWER WALLS

- (a) Details of the waterproofing treatment to the flytower walls that are to be exposed in the lightwell are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.
- (b) Details are to be submitted of the connection of the new structure, including beams, columns and slabs, to the existing flytower walls.

Reason

To ensure the existing flytower walls are adequately protected.

(11) 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 building 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) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
 - (i) New services must use existing service runs;
 - (ii) Where this is not possible, details of an alternative solution must be shown on drawings at a suitable scale and submitted and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The new windows and doors on the existing building must match the original material.
- (g) Where internal partitions meet external walls they must not abut windows.

Reason

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

(12) 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.

(13) APPROVED DESIGN ROOFTOP PLANT

All rooftop plant and associated equipment must be located within the approved building envelope.

Reason

To ensure the constructed development complies with the approved height.

(14) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications reference number A-601, Revision C prepared by Tonkin Zulaikha Greer and dated 1 March 2023.

Reason

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

(15) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio must not exceed 3.49:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is 4,416.75 square metres.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under 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.

(16) DESIGN QUALITY EXCELLENCE

- (a) In order to ensure the design quality excellence of the development is retained to completion:
 - (i) The design architect comprising Tonkin Zulaikha Greer is to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at Development Application, Section 4.55 Modification Applications, Construction Certificate and Occupation Certificate stages;
 - (ii) The design architect must have full access to the site and is to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;
 - (iii) Evidence of the design architect's commission must be provided to the Council prior to release of the Construction Certificate.

- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director Planning, Development and Transport.

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

Reason

To ensure the development maintains design quality excellence throughout all phases of the development.

(17) FOOTWAY SEATING NOT APPROVED

No outdoor seating is approved as part of this application. A separate footway (outdoor dining) approval under the *Roads Act, 1993* (NSW) is required.

Reason

To ensure outdoor dining areas are appropriately assessed and determined.

(18) 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.

(19) 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	\$593,827.05
Community Facilities	-\$13,574.81
Traffic and Transport	\$16,808.39
Stormwater Drainage	\$0.00
Total	\$597,060.63

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_{payment} = Is the contribution at time of payment;

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

CPI_{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_{consent} = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 132.7 for the March 2023 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 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.

(20) AFFORDABLE HOUSING CONTRIBUTION – RESIDUAL LAND – 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 \$344,391.86 (indexed at 19 July 2023). This is calculated by establishing the sum of the equivalent monetary contribution \$10,611.53 multiplied by 0.5% of the total floor area for non-residential development, being 6,490.9 square metres.
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2023 to 29 February 2024, 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; and
 - (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 2023 to 29 February 2024.

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

Reason

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

(21) EXTERNAL LIGHTING

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

Reason

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

(22) FIRE HYDRANT DOOR

- (a) The fire hydrant doors are to be of a high-quality design, and the design details must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.
- (b) The doors must not swing over public land.

Reason

To ensure an appropriate streetscape outcome.

(23) 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.

(24) PUBLIC ART

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

- (a) Public art is to be prepared that is consistent with the preliminary public art plan and be provided in a location visible from the public domain.
- (b) The public artwork must be in accordance with the Sydney DCP 2012, the City of Sydney Public Art Policy, and the City of Sydney Interim guidelines: public art in private developments.
- (c) A shortlist of artists is to be submitted to the City's Public Art Team prior to the selection of final artists. Public art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>
- (d) Final details of both proposed public artworks must be submitted to and approved by Council's Area Planning Manager to issue of any Construction Certificate for above ground works.
- (e) Both public art works must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.

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

Reason

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

(25) SIGNAGE STRATEGY

- (a) The signage strategy prepared by Tonkin Zulaikha Greer drawing numbers A-210 Revision C, and A-211 Revision D, and dated 01/03/2023 is not approved.
- (b) The signage strategy must be amended as follows:
 - (i) Delete signage zone 5 from the flytower addition.
 - (ii) Delete the three display panels (signage zones 4) from the Orwell Lane frontage (noting that the two southern zones can be used for public art and/or heritage interpretation).
- (c) The amended signage strategy must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

Reason

To require further approval to be obtained for a signage strategy.

(26) ERECTION OF SIGN

- (a) The approved corner sign 'Minerva' is to be erected in a secure manner to ensure safety and its installation is not to involve measures that would cause irreversible damage to the building.
- (b) The approved corner sign 'Minerva' must not be illuminated.

Reason

To ensure signage installed does not cause irreversible damage to the building.

(27) SIGNS - SEPARATE DEVELOPMENT APPLICATION REQUIRED

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

Reason

To require separate consent to be obtained for any additional signs.

(28) SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason

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

(29) 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.

(30) 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.

(31) 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 Area Traffic Engineer to discuss the proposal before making a submission.

Reason

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

(32) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 6.4 metres.

Reason

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

(33) TREES THAT MUST BE RETAINED

The existing trees detailed in Table 1 below be retained and protected in accordance with the conditions throughout construction and development.

Table 1 – Tree Retention:

Tree No	Species:	Location
1	Syzygium species (Lilly Pilly)	Orwell Street tree
2	Syzygium species (Lilly Pilly)	Orwell Street tree
3	Syzygium species (Lilly Pilly)	Orwell Street tree

Reason

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

(34) 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.

(35) 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.

(36) 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.

(37) 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.

Reason

To ensure that approval under the Roads Act is obtained.

(38) LAND SUBDIVISION

Any proposal to subdivide the site, including any stratum subdivision of the building, will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act, 1979*.

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

Reason

To ensure separate development consent is sought for land subdivision.

(39) LOT CONSOLIDATION

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

Reason

To ensure the various allotments on the development site are consolidated.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(40) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area 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.

(41) NATIONAL CONSTRUCTION CODE COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED

- (a) Pursuant to Clause 64 of the *Environmental Planning and Assessment Regulation, 2021*, where currently non-compliant, the whole building must comply with the performance requirements relating to the following parts of the *National Construction Code (previously known as Building Code of Australia)* (NCC) including:
- (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;
 - (ix) Sanitary and other facilities – Part F2;
 - (x) Light and ventilation – Part F4;
 - (xi) Sound Transmission and Insulation – Part F5;

Prior to a construction certificate being issued, the Certifier must ensure that the proposed works and other upgrading works required by this condition satisfy the NCC by complying with Clause A2.1 of the NCC.

- (b) If compliance with the conditions listed in (a) above cannot be achieved through the deemed-to-satisfy pathway, a performance solution in accordance with Part A2 of the NCC (previously known as BCA) must be prepared and submitted to the Registered Certifier illustrating how the relevant performance provisions are to be satisfied, and must form part of the approval prior to a Construction Certificate being issued.

Reason

To ensure the works comply with relevant regulations.

(42) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS

A qualified practising registered structural engineer must provide structural certification to the 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) of the *National Construction Code (previously known as Building Code of Australia)* prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building.

Reason

To ensure the existing structure can support the new loads.

(43) 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*. Prior to the issue of a Construction Certificate and Occupation Certificate the Registered 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 BCA; and
- (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.

(44) ALLOCATION OF CAR PARKING

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Hotel and venue parking	2
Service vehicle spaces (Australian Standard AS2890 SRV size vehicle)	1

Reason

To ensure the allocation of parking is in accordance with the Sydney Development Control Plan 2012.

(45) CAR PARKING DESIGN

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

Reason

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

(46) 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/ Guest	14	Spaces must be Class 2 bicycle facilities
Visitor	10	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	14	

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

Reason

To ensure the allocation of bicycle parking is in accordance with Australian Standards and the Sydney Development Control Plan 2012.

(47) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

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

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

Reason

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

(48) MECHANICAL PARKING FACILITIES (VEHICLE TURNTABLE)

The following details must be submitted to an approved by the Principal Certifier prior to the issue of the issue of a Construction Certificate:

- (a) A review of the proposed installation by the manufacturer and its suitability for implementation in accordance with the manufacturer's specifications including but not limited to compliance with AS/NZS 2890.1 2004 and its references to AS/NZS 28590.6.
- (b) Implementation of mechanisms addressing potential safety concerns including but not limited to:
 - (i) Queuing potential and the need for onsite waiting space/s
 - (ii) The potential trip hazard posed by the platforms to pedestrians walking within the car parking areas, and
- (c) Any further information requested by the Principal Certifier.

Reason

To ensure that the impacts of traffic movements are appropriately managed.

(49) BOUNDARY WINDOWS COVENANT

- (a) All windows on to the northern boundary of the site must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. Should the windows to hotel room G.01 be sealed, bricked up or otherwise enclosed, it must cease to be used as a hotel room.
- (b) Windows and openings to the western boundary of the site may be blocked in future by the construction of a building abutting, adjoining or adjacent to those windows and openings.
- (c) A positive covenant is to be registered on the Titles and is to be created appurtenant to Council, containing terms reasonably required by Council and will be drafted by Council's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges. Evidence of the registration of the positive covenant is to be submitted to and acknowledged by Council prior to the issue of any Construction Certificate.

Reason

To ensure the constructed development does not inhibit the future redevelopment of adjoining sites.

(50) ARCHIVAL DOCUMENTATION (MEASURED DRAWINGS)

The archival recording of the subject heritage item must include and a laser point survey of the entire building and the ceilings, as well as 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 ceilings, balustrades, joinery details, shop fronts, timber catwalks, roof structure, ceiling structure, other significant details such as rainwater heads and indicate 1:10 or 1:5 scale.

Measured drawings must 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 Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To ensure appropriate archival documentation of the building.

(51) BUILDING WORKS TO COMPLY WITH NATIONAL CONSTRUCTION CODE – HERITAGE BUILDINGS

Any building works required to ensure compliance with the NCC (previously known as BCA) or new building standards not specified in the submitted/approved plan 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 Planning Manager prior to issue of any Construction Certificate.

Reason

To ensure an appropriate heritage outcome.

(52) CONSTRUCTION AND PROTECTION MANAGEMENT PLAN - HERITAGE LISTED BUILDINGS

- (a) The proposed works must be carried out in a manner that minimises potential damage to the significant fabric of the existing buildings which are listed as Heritage Items in Sydney Local Environmental Plan 2012.
- (b) Similarly, the proposed works must avoid detrimental impacts upon adjacent buildings which are also listed as Heritage Items in Sydney Local Environmental Plan 2012.
- (c) The fabric and features of the heritage listed buildings must be properly protected throughout the duration of the works. The buildings must be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water or liquid runoff, air borne particles, sprayed substances, vibration or structural disturbance or damage.
- (d) The works must be fully supervised by the Contractor at all times and all personnel must be fully inducted as to the requirements of the project to avoid any accidental loss or damage and to ensure an appropriate quality of workmanship.
- (e) Details of the protection measures proposed throughout the duration of the works, and how any potential detrimental impacts arising out of the works must be avoided, must be specified in the construction and protection management plan.
- (f) The details must include, but are not limited to, the following:
 - (i) Induction of contractors and subcontractors as to the detail requirements of the project.
 - (ii) Weather protection, security, temporary fire control and fire warning systems, storage of flammable materials on site, and control measures during processes that create dust, utilise liquids or sprays such as the pouring of concrete, application of fire rating, painting, and cleaning processes.

- (iii) A geotechnical report detailing the investigation of the depth of the existing footings of the buildings, and addressing details of lateral ground movement, advice on the suitability of structural engineer's proposals for underpinning or other support to footings adjacent to the work zone.
 - (iv) Reporting and certification from a practicing structural engineer experienced in dealing with heritage buildings explaining how the buildings must be supported and stabilised throughout the duration of the works including through processes involving demolition, temporary loading, temporary openings. The report is to provide details of any protective intervention, retrofitting, temporary bracing and propping needed, and advice related to demolition techniques, use of equipment to control vibrations, and recommend a cycle of regular inspections. The report is also to include details of how all openings must be cut including into existing footings, rock, or masonry walls which must be initially saw cut to minimise vibrations.
 - (v) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled into the property.
 - (vi) Details of progressive cleaning processes throughout the duration of the works.
 - (vii) Protection methodologies detailing how vulnerable components such as glazing, wall and floor tiling, terrazzo, floorboards, ceilings, timber structural components and internal and external joinery will be protected throughout the duration of the works from accidental damage, loss, ingress of liquids or airborne particles, or from vibrations.
 - (viii) A list of all heritage components to be temporarily dismantled or displaced by the works, recording and methodologies for dismantling procedures and details of the proposed storage of these components, whether on site or offsite.
- (g) The above construction and protection management plan must be submitted for approval by Council's Area Planning Manager prior to the issue of the any Construction Certificate.

(53) HERITAGE CONSERVATION WORKS

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works must be submitted to Council's Area Planning Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having heritage significance including but not limited to fabric of exceptional, high and moderate significance.
- (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 must incorporate any structural and/or building services design for the building.

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

Reason

To ensure the carrying out of appropriate heritage conservation works.

(54) HERITAGE INTERPRETATION PLAN

The Heritage Interpretation Strategy submitted with the development application is not approved. A revised Heritage Interpretation Strategy must be submitted which includes external, highly prominent locations along Orwell Lane and Orwell Street for heritage interpretation that also can serve as public art.

- (a) An interpretation plan for the subject heritage item, and Orwell House archaeological features must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the heritage item and Orwell House archaeological features 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. Locations must be external, highly visible and publicly accessible.
- (d) Prior to an Occupation Certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Area Planning Manager.

Reason

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

(55) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the Orwell House footings and the subject heritage item are 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.

This copy to be lodged with Council is in addition to that required by the Heritage Division of the Department of Environment and Heritage of NSW under the terms of the Conditions of Consent in Schedule 3.

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 must be confirmed with Council's Area Planning Manager.

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

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

(56) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS – MAJOR DEVELOPMENT

Stone, bricks, timber structure and decorative architectural elements to be demolished, which include balustrade, windows and doors 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.

The four existing southern ground level windows along Orwell Street to be removed must be salvaged and stored on site for reuse as replacements for other windows.

Documentation of the salvage methodology must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To ensure the salvaging and reuse of traditional building materials.

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

- (a) A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate. The Strategy must detail how the proposed works will ensure that the buildings at 26 Orwell Street, 32-34 Orwell Street, 1 Orwell Lane, 23, 25 and 27 Hughes Street, 101-103 and 113-115 Macleay Street are 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 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.

Reason

To ensure the protection of adjacent/nearby heritage items.

(58) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT

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

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

- (v) 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) The builder is to prepare Heritage Work Methodologies for works associated with heritage fabric for approval by the experienced heritage consultant prior to those works proceeding, as recommended in the Heritage Impact Statement.
- (e) Upon completion of the works, the final report is to be submitted for approval by Council's Area Planning Manager prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

Reason

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

(59) 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 at the following link:

www.cityofsydney.nsw.gov.au

Reason

To ensure water systems comply with relevant standards.

(60) 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 Pulse White Noise Acoustic dated 13 June 2023 ref 210050 Rev 9, titled Metro Theatre Hotel, Council Ref: 2023/377647 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.

(61) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site-specific noise and vibration 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 must also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 7.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) must be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that 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.
- (c) Outlining vibration monitoring during the demolition and construction phases, including that the interior of the Subject Site, and all neighbours within two building sites of the Subject Site, are to be monitored by both vibration and survey mark monitoring.

Reason

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

(62) CONSTRUCTION AND FITOUT OF FOOD PREMISES

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

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

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

Reason

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

(63) COOLROOMS

Coolrooms, refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the *National Construction Code (previously known as Building Code of Australia)*, and:(a) The floor of the coolrooms must be graded to the door and a floor trapped waste outlet must be located outside the coolrooms as near as possible to the door opening.

- (b) All proposed shelving in the coolrooms 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 coolrooms 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 coolrooms but controllable only from within the coolrooms and must be able to achieve a sound pressure level outside the chamber or coolrooms of 90 dB(A) when measured 3 metres from a sounding device.

Reason

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

(64) FOOD PREMISES – DETAILED PLANS

- (a) Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the *Australia New Zealand Food Standards Code – 3.2.3 – Food Premises and Equipment* under the *Food Act 2003* and *AS 4674 - Design, Construction and Fit-out of Food Premises*.
- (b) Prior to the issue of a Construction Certificate the plans required by (a) of this condition must be submitted to and approved in writing by the Accredited Certifier.

Reason

To ensure all areas associated with the food business comply with relevant standards.

(65) GREASE AND LIQUID WASTE TRAPS

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

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

Reason

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

(66) PERSONAL LOCKERS

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

Reason

To ensure appropriate personal lockers are provided for staff.

(67) SANITARY FACILITIES – FOOD PREMISES

The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the *National Construction Code (previously known as 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.

(68) TOILETS FOR FOOD HANDLERS

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

Reason

To ensure food handlers have access to adequate toilet facilities.

(69) WASTE STORAGE AREA – FOOD PREMISES

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

- (vi) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
- (vii) Appropriately managed to Council's satisfaction so that it does not attract pests or create litter.

Note: Fitted with appropriate interventions to meet fire safety standards in accordance with the *National Construction Code (previously known as Building Code of Australia)*.

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

Reason

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

(70) 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

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 City's 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's Area Planning Manager in accordance with this condition.

Reason

To ensure that the site is appropriately remediated.

(71) DESIGN FOR ENVIRONMENTAL PERFORMANCE

- (a) Prior to the issue of a Construction Certificate, the Design for Environmental Performance Report prepared by Grace Hunt, Central Element dated 11 April 2023 (Council Ref: 2023/234200) must be amended as follows:
 - (i) Section 4 – Energy Efficiency and Greenhouse Gas Abatement
 - a. Section J JV3 report is to be updated and clearly identify how the development achieves its self-proposed target “Exceeding NCC 2019 Section J compliance by 10%, meaning that the development’s operational carbon footprint is reduced further than is required by legislation”. This is to be reflected in emissions or energy calculations when compared to a standard reference building.
 - (ii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
 - a. Schedules outlining material construction of walls, windows, floors, ceilings, roofs and other building elements forming the conditioned envelope are to be provided in updated architectural plan set. Calculation of Total R-Value and Thermal U-Value are to be in line NCC Section J and AS/NZS 4859.2. Calculation of insulation totals are to demonstrate how total R-Values assumed in modelling have been achieved, with full consideration of thermal bridging and any thermal breaks or other mitigating elements.
 - (iii) Section 6 – On site Renewable Energy Generation and Storage
 - a. Architectural plans are to include clear markups and annotations around area requirements and output capacity for PV systems. To maintain consistency with sustainability reporting in the development application; annotations are required to clearly identify a photovoltaic system, totalling a peak capacity in line with previously reported 40-45 kWp.
- (b) 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 are incorporated into the relevant construction plans and accompanying documentation:
 - (ii) Section 4 – Energy Efficiency and Greenhouse Gas Abatement
 - (iii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
 - (iv) Section 6 – On site Renewable Energy Generation and Storage
 - (v) Section 7 – Design for Resilience to Climate Change
 - (vi) Section 8 – Designing for mains potable water savings and water efficiency

(vii) Section 9 – Storm water quality

- (c) Changes to any commitments including those required by part (a) of this condition and as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager or Area Coordinator prior to the issue of any relevant Construction Certificate.

Reason

To ensure the environmental performance of the development.

(72) 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.

(73) 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.

(74) 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.

(75) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) A Waste and Recycling Management Plan, which meets the requirements as set out in Council's *Guidelines for Waste Management in New Developments 2018*, is to be approved by the Principal Certifier prior to a Construction Certificate being issued.

- (b) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
- (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.
 - (ii) Collection points for waste and recycling must be wholly located within the boundary of the development.
 - (iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments 2018*.
 - (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.
 - (v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading.
 - (vi) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14.

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

UPON COMPLETION OF THE DEVELOPMENT

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

Reason

To ensure that waste and recycling is appropriately managed.

(76) STREET TREES AND DETAILED DESIGN APPLICATION

- (a) All detailed architectural, building, engineering (structural, stormwater and drainage services) and landscape documentation submitted for the Construction Certificate shall clearly show on all drawings the retention of street trees as required by these conditions of consent, the position of their trunks, full diameter of their canopies, Structural Root Zones (SRZs) and Tree Protection Zones (TPZs).
- (b) Any design elements (awnings, street furniture, footpath upgrades etc) within the public domain must ensure appropriate setbacks are provided from the street trees to allow maturity of the tree to be achieved.

Reason

To ensure that existing street trees are protected.

(77) 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 to and approved 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.

(78) 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 or Area Coordinator. This evidence must include either:

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

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

Reason

To ensure the preservation of existing survey infrastructure.

(79) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

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.

(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:

- (a) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (b) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (c) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (d) Council's Stormwater Drainage Manual; and
- (e) 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

City of Sydney (City) has adopted MUSIC-link for assessing Water Sensitive Urban Design (WSUD) compliance for developments. Prior to the issue of any Construction Certificate other than demolition, a stormwater quality assessment for the proposed development, prepared by a suitably qualified practicing civil engineer (NER), and complying with the City's specific modelling parameters as adopted in MUSIC-link, must be submitted for review and approval. A certificate and/or report from MUSIC-link and the electronic copy of the MUSIC Model must accompany the assessment report. The MUSIC-Link report must be complete, show no failing parameters, or provide a valid explanation for failures.

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

Reason

To ensure appropriate stormwater quality on the site.

(83) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Figure 01 of the report titled Basement Driveway Flood Protection, Metro Minerva Theatre 211457CAAB prepared by TTW dated 3 May 2023.

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.

(84) 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 Orwell Street and Orwell Lane and shall be designed to include the following requirements:

- (a) Orwell Street (Between 20 Orwell Street to Macleay Street):
 - (i) Provide lighting plan/simulation which shows existing lighting levels achieved.
 - (ii) If applicable, upgrade Ausgrid street lighting using network standard LED luminaires.
 - (iii) Lighting compliance with requirements of AS1158 under Category PR1 on the roadway and PP1 (+ minimum 2 lux vertical illuminance) on the footway (both sides) is required.
- (b) Orwell Lane (along the development site):
 - (i) City of Sydney standard wall mount lights shall be supplied and installed. Electricity shall be supplied from nearest City of Sydney MSB in the vicinity.
 - (ii) Provide a discovery and investigation report on the City of Sydney MSB from a certified electrical contractor.
 - (iii) The report should include power calculations as well as any required upgrades on MSB.
 - (iv) Any upgrades that are necessary must be provided by the developer. (Developer must confirm location and final supply arrangement with the City prior to construction).
 - (v) Lighting compliance of AS1158 Category PR1 is required.
 - (vi) Installation must be accessible for maintenance and upgrade by City of Sydney-authorized technicians/contractors along the entire length. All cabling shall be installed on the building surface within galvanised steel conduits.
 - (vii) Establish an access easement in favour of City of Sydney for ongoing maintenance and upgrade of wall-mounted council lighting.

(viii) Provide electrical reticulation plan and design certificate.

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.

(85) NEW CONTINUOUS FOOTWAY TREATMENT TO ORWELL LANE

A new continuous footway treatment is required along Orwell Street, crossing Orwell Lane, generally in accordance with typical detail C2.8.1. Preparation of the detailed design and construction documentation for the footway treatment must include all necessary liaison with, and requirements of, all relevant public utility authorities, Roads and Maritime Services, the City of Sydney, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance.

Submission of the design package shall be prepared based on the requirements outlined in City's *Public Domain Manual* and will be submitted for approval with the Public Domain Plan Detailed Documentation for Construction package. All engineering plans and calculations shall be checked, signed and certified by a suitably qualified practicing professional engineer and included in the report. The design package, inclusive of construction documentation, and report shall be submitted to and approved by City's Public Domain Manager prior to the construction of the footway treatment.

Reason

To enhance pedestrian safety and to ensure the new footway treatment complies with Council's policies, standards and specifications and those of all other relevant authorities.

(86) 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.

(87) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 128 square metres of asphalt 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) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Orwell Street and Orwell Lane frontages 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.

(89) 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.

(90) REFLECTIVITY

Prior to issue of the Construction Certificate the Registered 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.

(91) INACCESSIBLE GREEN ROOFS

- (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 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.

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.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

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

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993* must be made to Council to obtain approval.

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

Reason

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

(93) OTHER APPROVALS

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

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

Reason

To ensure use of a public place is managed appropriately.

(94) 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.

(95) GEOTECHNICAL INVESTIGATION REPORT

The recommendations of the approved Final Geotechnical Investigation report submitted to satisfy the deferred commencement condition are to be carried out prior to and during construction.

Reason

To ensure that the recommendations of the Geotechnical report are implemented.

(96) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of the subject site 28-30 Orwell Street, and neighbouring sites 24 Orwell Street, 26 Orwell Street, 32-34 Orwell Street, 1 Orwell Lane, 21 Hughes Street, 23 Hughes Street, 25 Hughes Street, 27 Hughes Street, 101-103 Macleay Street, 113-115 Macleay Street (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer with heritage experience prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs of archival quality 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.

(97) 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.

(98) ROAD OPENING APPLICATION

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

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

Reason

To ensure that approval under the Roads Act is obtained.

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

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

Reason

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

(100) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council's Area Planning Manager. The report must explain how the retained building elements, such as building facades and ceilings 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.

(101) DECOMMISSIONING OF UNDERGROUND PETROLEUM STORAGE TANKS

The removal of underground petroleum storage tanks must be undertaken in accordance with Safework NSW requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed and all relevant NSW Environmental Protection Authority/Office of the Environment and Heritage Guidelines and Australian Standards including following;

- (a) NSW EPA Technical Note: *Decommissioning, Abandonment and Removal of UPSS* (January 2010),
- (b) NSW EPA Technical Note: *Investigation of Service Station Sites* (April 2014),
- (c) *AS 1940–2004: Storage and handling of flammable and combustible liquids*,
- (d) *AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks*.

A site contamination assessment must be conducted in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* (NSW Office of the Environment and Heritage 2011) and the *Sampling Design Guidelines* (NSW Environmental Protection Authority September 1995) to determine whether petroleum has contaminated soil and groundwater in the vicinity of the storage system and whether remediation is required to ensure the land remains suitable for the continued approved land use.

Subsequent remediation of the site must be undertaken in accordance with the *Managing Land Contamination – Planning Guidelines* (Department of Urban Affairs and Planning 1998) and the *State Environmental Planning Policy (Resilience and Hazards 2021)* including notification to Council’s Area Planning Manager at the start and completion of land remediation.

The removal or in-situ decommissioning of the underground petroleum storage system and any subsequent contamination assessment, preparation of a remediation strategy and final decommissioning reporting must be carried out by a duly qualified person, who has competencies and experience in relation to this area of work that are recognised as appropriate by the relevant industry and the NSW Environmental Protection Authority.

Reason

To ensure the removal of underground petroleum storage tanks is appropriately managed.

(102) 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 prior to any works commencing on site.

Reason

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

(103) STREET TREE PRUNING AND REMOVAL

- (a) The consent from Council’s Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 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, or removal of, street trees and that such works are carried out in an appropriate manner.

(104) 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.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

(105) ASBESTOS REMOVAL WORKS

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

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

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation, 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

Reason

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

(106) LAND REMEDIATION

The site is to be remediated and validated in accordance with the recommendations set out within the Remedial Action Plan, prepared by EI Australia dated 6 June 2022 reference E24938.E06_Rev0.

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 and the Principal Certifier.

Reason

To ensure that the site is appropriately remediated.

(107) HOURS OF WORK AND NOISE – OUTSIDE SYDNEY CENTRAL BUSINESS DISTRICT

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.

(108) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of:
 - (i) Monday to Friday – 8:00am to 12:00pm and 1:30pm to 4:30pm;
 - (ii) Saturday – 8:30am to 12:00pm; and 1:30pm to 3:30pm; and
 - (iii) Sunday and Public Holidays – No works.
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Reason

To protect the amenity of the surrounding area.

(109) 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.

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

All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise and Vibration Management Plan prepared in accordance with the Demolition, Excavation and Construction Noise and Vibration Management Plan condition.

Reason

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

(111) CEILING MONITORING

The condition of the existing heritage ceiling must be photographed and monitored from above and below by the appointed heritage consultant every month when demolition, excavation, and construction works are carried out.

Reason

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

(112) 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's Guidelines for Hoardings and Scaffolding.

Reason

Prescribed condition under Clause 70 of the *Environmental Planning and Assessment Regulation, 2021*.

(113) 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.

(114) 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.

(115) NO OBSTRUCTION OF PUBLIC WAY

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

Reason

To protect the amenity of the public domain.

(116) 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.

(117) 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.

(118) 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.

(119) 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; or
 - (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 3 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.

(120) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain plan and all relevant documentation must be submitted to and approved by the City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights Design Code* 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 the following link:

<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.

(121) 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.

(122) 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.

(123) PUBLIC DOMAIN LIGHTING RETICULATION

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 the following link:

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

If applicable, 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.

(124) 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.

(125) 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.

(126) SYDNEY WATER CERTIFICATE

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

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

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

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

Reason

To ensure the requirements of Sydney Water are met.

(127) 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.

(128) 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.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

(129) WAYFINDING PLAN

Signage directing guests of the hotel to the lifts, foyer and exits are to be installed before the issue of any Occupation Certificate.

Reason

To ensure an adequate wayfinding for hotel guests.

(130) ACCOMMODATION - REGISTRATION

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

Reason

To provide Council with adequate details of the hotel use prior to operation.

(131) 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:

<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements>

Council's Modelling staff must 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.

(132) 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:

<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements>

Council's modellers must be consulted prior to construction of the model.

- (ii) The models are to comply with all of the conditions of the development consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act, 1979*) that affect the external appearance of the building.

Reason

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

(133) RESTRICTION ON STRATA SUBDIVISION

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

Reason

To ensure that the individual hotel rooms are not strata subdivided.

(134) 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.

(135) 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.

(136) CYCLICAL MAINTENANCE PLAN

A cyclical maintenance plan specifying frequency and methodologies to conduct building inspections and maintenance works to building elements and services (including sprinkler system and associated plumbing to avoid water damage to the ceiling) must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate. The maintenance plan is to be prepared by a suitably qualified heritage consultant and endorsed by the building owner.

Reason

To ensure appropriate ongoing maintenance of the building.

(137) TRANSPORT ACCESS GUIDE

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

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

- (a) A Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes.
- (b) Information regarding lack of off-street car parking and passenger pick-up and set-down areas at the development site.
- (c) Suitable nearby drop-off/pick-up locations.
- (d) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas.
- (e) Suitable nearby Taxi Zones.
- (f) Public Transport options adjacent to the site.
- (g) Pedestrian access to the site.
- (h) Bicycle Parking and cycleway networks to the site.
- (i) Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

Note: Transport Access Guide requirements are detailed in Schedule 7.7 of the Sydney Development Control Plan 2012.

Reason

To ensure appropriate transport planning for the site.

(138) PICK-UP AND DROP-OFF MANAGEMENT

A Hotel/Guest Pick-Up and Drop-off Management Plan is to be submitted to and approved by the Area Planning Manager prior to the issue of an Occupation Certificate. The Management Plan is to outline the management of all vehicles associated with guest arrivals, departures and tours and its potential impacts on surrounding streets. The Management Plan is to include the following:

- (a) An outline of the quantity and frequency of visits per day, including time of day, of vehicles likely to be received for guest drop-off and pick-up and tour groups/services
- (b) Details of coach/vehicle sizes likely to be used to accommodate guest arrivals, departures and tours
- (c) Details of the valet parking for VIP guests

- (d) Details of how guest arrivals and departures would be managed if changes to street parking restrictions are not supported
- (e) Management of guests, luggage and/or trolleys to ensure the public footpath remains unobstructed for use of pedestrians.

Reason

To ensure appropriate transport planning.

(139) LOADING AND SERVICE MANAGEMENT PLAN

A Loading Management Plan demonstrating the management of all delivery and servicing activities and vehicles and its impact on surrounding streets is required to be submitted to and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate. The Loading Management Plan is to include the following:

- (a) A detailed outline all delivery and servicing activities to be carried out for all uses onsite (hotel, entertainment facility, small bar, cafe).
- (b) A detailed outline of vehicle types required to conduct activities in point (a) above.
- (c) A detailed outline of the frequency of visits per day and/or week of vehicles outlined in point (b) above.
- (d) Details of how activities and vehicles outlined in points (a), (b) and (c) above will be managed to optimise use of the onsite loading dock and minimise use of public streets for loading, parking or circulating while waiting to access on the onsite loading dock. Both inhouse consolidation and consolidation with the neighbouring sites/business to get deliveries will help to reduce traffic on road and such practice is highly encouraged.
- (e) The proposed SRV loading dock must not be reserved for the hotel, or any other single tenancy, and must be available to all users within the site. A management plan, loading dock manager, loading schedule or similar must be prepared so all users are aware of their entitlements and to avoid too many deliveries being at the dock at any one time.

The approved Loading Management Plan must be provided to all tenants and external users.

Reason

To ensure appropriate transport planning.

(140) 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 Work 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.

(141) 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.

(142) 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 system.

(143) SURVEY INFRASTRUCTURE – RESTORATION

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

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

Reason

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

(144) 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 Basement Driveway Flood Protection, Metro Minerva Theatre 211457CAAB prepared by TTW dated 3 May 2023.

Reason

To ensure the development achieves the required floor levels.

(145) FLOOD RISK MANAGEMENT

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

Reason

To ensure flood risk management measures are complied with.

(146) 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.

(147) NOTIFICATION OF CONDUCT OF FOOD BUSINESS

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

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

Reason

To ensure Council is notified of food business details.

(148) 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 no banned products are used in the development.

PART F – OCCUPATION AND ONGOING USE

(149) 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.

(150) ENTERTAINMENT FACILITY – APPROVED USE

- (a) The approved use of the part of the building shown on the drawings as 'venue' located on the ground floor, Level 1 and Level 2, is as an entertainment facility as defined by the Sydney Local Environmental Plan 2012, and is to include the provision of entertainment at all times. The consumption of food and drink must be ancillary to the provision of entertainment.
- (b) The part of the building shown on the drawings as 'venue' located on the ground floor, Level 1 and Level 2, must not be used as a function centre or restaurant at any time, including at times when it is available for hire.

Reason

To ensure the premises operates as the approved use.

(151) SMALL BAR – APPROVED USE

- (a) The approved use of the part of the building shown on the drawings as 'speakeasy bar' located on Basement Level 1 is as a small bar as defined by the Sydney Local Environmental Plan 2012.

Reason

To ensure the premises operates as the approved use.

(152) HOURS OF OPERATION – ENTERTAINMENT FACILITY

The hours of operation hours of the entertainment facility are regulated as follows:

- (a) The hours of operation must be restricted to between 7.00am and 11.00pm Monday to Sunday.
- (b) Notwithstanding (a) above, the use may operate between 11.00pm and 12.00am midnight for a trial period of one year from the date of the issue of the Occupation Certificate. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to liquor@cityofsydney.nsw.gov.au

- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

Reason

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

(153) HOURS OF OPERATION – SMALL BAR

The hours of operation hours of the basement small bar are regulated as follows:

- (a) The hours of operation must be restricted to between 7.00am and 11.00pm Monday to Sunday.
- (b) Notwithstanding (a) above, the use may operate between 11.00pm and 12.00am midnight for a trial period of one year from the date of the issue of the Occupation Certificate. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to liquor@cityofsydney.nsw.gov.au
- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

Reason

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

(154) HOURS OF OPERATION – HOTEL ACCOMMODATION

The hours of operation of the hotel accommodation are restricted to 24 hours per day Monday to Sunday.

Reason

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

(155) HOURS OF OPERATION - CAFE

The hours of operation hours of the ground floor cafe are regulated as follows:

- (a) The hours of operation must be restricted to between 7.00am and 11.00pm Monday to Sunday.

- (b) Notwithstanding (a) above, the use may operate between 11.00pm and 12.00am midnight for a trial period of one year from the date of the issue of the Occupation Certificate. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to liquor@cityofsydney.nsw.gov.au
- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

Reason

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

(156) MAXIMUM CAPACITY OF PERSONS

- (a) The maximum number of persons (including staff, patrons and performers) permitted in the premises at any one time is:
 - (i) Entertainment Facility – 250 persons
 - (ii) Small Bar – 110 persons
 - (iii) Cafe – 30 persons
- (b) The capacity for each area must not exceed the maximum numbers at any given time.
- (c) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- (d) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details are to be provided to the satisfaction of the Accredited Certifier prior to issue of a Construction Certificate and the Principal Certifier is to confirm compliance prior to the issue of an Occupation Certificate.

Note: Clause 73 of the *Environmental Planning and Assessment Regulation, 2021* requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

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

- (v) restaurant.

Reason

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

(157) PLAN OF MANAGEMENT

- (a) The Plan of Management 'Operational and Security Plan of Management' prepared by Central Element dated 14 June 2023 is to be amended as follows:
 - (i) To ensure that it is consistent with all conditions of consent including those related to hours of operation and capacity.
- (b) The amended Plan of Management is to be submitted to and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate.
- (c) The use must always be operated / managed in accordance with the Plan of Management that satisfies this condition.
- (d) 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.

(158) SMALL BAR ACCESS

Access and egress from the small bar must be via the main entry to Orwell Street only, and not via the doors to Orwell Lane.

Reason

To ensure the pedestrian safety of patrons to the small bar.

(159) 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.

(160) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION

The use and operation of the hotel accommodation must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the *Local Government (General) Regulation, 2005* under the *Local Government Act, 1993*, the *Public Health Act, 2010* and regulations thereunder and *Sydney Development Control Plan 2012 – 4.4.8*.

Reason

To ensure the development operates as a tourist and visitor accommodation use.

(161) OPERATIONAL CONDITIONS – HOTEL ACCOMMODATION

The following operational conditions apply to the use of the hotel accommodation at all times:

- (a) The maximum number of occupants permitted to stay at the premises is 126 occupants at any one time.
- (b) The capacity of each bedroom must not be increased at any time.
- (c) The maximum permitted length of stay for each guest is 3 months.
- (d) The premises are to have a manager on-site 24-hours per day with their contact phone number made available to guests, local residents, police and local council via the website, on-site signage and/or letters.
- (e) Lockable storage of a minimum of 1.2 cubic metres per room is to be provided.

Reason

To ensure adequate amenity for the guests of the tourist and visitor accommodation use and of surrounding residential uses.

(162) USE OF ROOF TERRACE

The roof terrace accessed from the stairs to Hotel Room 3.09 must only be used by guests staying in Room 3.09 and must not be used by other guests or visitors.

Reason

To ensure that the use of the roof terrace does not result in amenity impacts to surrounding residential uses.

(163) SECURITY AND QUEUING

- (a) Security guards are to be provided at all times the entertainment facility is in operation at a minimum ratio of 1 security staff member to 100 patrons or part thereof.
- (b) Security personnel must remain at the premises for at least 30 minutes after closing and must assist in ensuring that patrons leave quietly.

- (c) All licensed security officers whilst employed at the premises are to wear clearly identifiable security attire at all times, with the word "SECURITY" clearly identifiable in bold print at least 100mm high, on the front and back.
- (d) Management staff at the venue must ensure that a clear footway width of 2 metres is maintained at all times along all footpaths immediately adjoining the premises. Patrons waiting to enter the premises must queue along the immediate frontage of the premises. The queue must not obstruct any fire exit of any building or entrance to any other premises.
- (e) When more than one security guard is on duty, security officers and management must communicate by hand held radios at all times.

Reason

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

(164) 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.

(165) 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; and
 - (iv) the area within a 10m radius external to the public entrance(s) to the premise.
- (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.

(166) 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.

(167) 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.

(168) 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.

(169) NEIGHBOURHOOD AMENITY

- (a) Signs must be placed in clearly visible positions within the licensed 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. In this regard the management must be responsible for the control of noise, loitering and litter generated by patrons of the premises and must ensure that people leave the premises and area in an orderly manner.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(170) CAR PARK VENTILATION

The car park must be ventilated in accordance with the *National Construction Code (previously known as Building Code of Australia)* and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

Reason

To ensure car park ventilation complies with relevant standards.

(171) 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 12.00am 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 12.00am 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 7.00am and 12.00am 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 12.00am midnight and 7.00am 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.

(172) NOISE – INSTALLATION, SETUP, TESTING AND CALIBRATION OF LIMITER/S, PRIOR TO AN OCCUPATION CERTIFICATE

Prior to the issue of an Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a Noise Limiter/s Verification Report to the written satisfaction of the Principal Certifier that the development complies with the requirements set out as follows, and any relevant requirement in the COMPLIANCE WITH THE ACOUSTIC REPORT CONDITION PRIOR TO CONSTRUCTION OR OCCUPATION CERTIFICATES condition:

- (a) All sound amplification equipment in the premises must be controlled by a Root Mean Square (RMS) noise limiter with an attack time constant not exceeding 0.5 seconds, release time constant not less than 1 second and a compression ratio equal of at least 20:1. The limiter shall be set by a suitably qualified acoustic consultant* as per the manufacturer's specification. The consultant must ensure that resultant amplified sound complies with the Council's criteria for entertainment noise.
- (b) All Limiters and all post-limiter equipment including power amplifiers must be tamper proof and only operable by the acoustic consultant, a licensee and business owner who must keep a completed report on the premises.
- (c) This report must certify that limiter/s were installed, tested and calibrated so amplified noise will comply with the NOISE – ENTERTAINMENT Condition. The report will be prepared in accordance with and provide detail on the following requirements:
 - (i) An initial calibration of the operation of the limiter with the sound amplification equipment is to be undertaken. This assessment must include setting of the amplification system in addition to a documented overview of the system so that compliance is achieved with the noise criteria as referenced in parts (a) to (c) above.
 - (ii) Limiter settings and subsequent equipment must be benchmarked at the time of the above operational assessment. Pink noise and a swept sine wave signal must be fed into the amplification system and the level of the noise increased until the limiter operates continuously to comply with criteria. The L_{Aeq} , L_{A1} , L_{Ceq} and L_{C1} (1/1 octave bands - 31.5 Hz to 8 kHz centre frequencies) levels must be measured at suitable relevant reference location/s in the premises, with the premises empty other than essential staff. Correlating L_{Aeq}/L_{A1} and L_{Ceq}/L_{C1} measurements must be taken at identified nearby noise sensitive receivers during this process.
 - (iii) Music must then be played through the sound system(s) with the limiter(s) in continuous operation to verify the limiters work correctly and meet noise criteria at the locations detailed above.
 - (iv) The report will address the limiter installed within the premises (including but not limited to its brand, type specifications and location) including the noise control levels the limiter was set to (including a copy of the software configuration file for any digital signal processing device used). Furthermore, all post limiter equipment will be photographed, documented and catalogued in the report including location on a layout drawing.

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).

Reason

To protect the acoustic amenity of surrounding properties.

(173) NOISE – AMPLIFIED SOUND AND THE UPKEEP AND OPERATION OF LIMITER/S

Following receipt of the report as per part (b) of the NOISE - INSTALLATION, SETUP, TESTING & CALIBRATION OF LIMITER/S, PRIOR TO AN OCCUPATION CERTIFICATE condition (and receipt of the relevant occupation certificate), the report is to be kept on the premises at all times, signed and dated by the licensee and business owner. From this point forward the licensee and business owner must ensure the following:

- (a) The limiter/s and sound amplification system must be maintained and not tampered with. That unauthorised modifications are not made which are contrary to the report. Repairs and replacements may be made to the system as necessary with any like component but must not be capable of increasing the permitted noise amplification levels outlined in the report.
- (b) That additional amplification equipment must not be brought onsite which if used could cause cumulative entertainment noise (including amplified sound) from the development to exceed controls in this consent. This does not apply to:
 - (i) Equipment that is only used when routed through and controlled by the limiter/s, i.e. the limiters and amplified sound system on the premises are capable of receiving and controlling that equipment, and
 - (ii) Such that use of the equipment must not cause amplified sound which exceeds the cumulative entertainment noise controls in this consent.

Reason

To protect the acoustic amenity of surrounding properties.

(174) 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 premises.
- (c) Corrections in [Fact Sheet C](#) of the NPfl 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.

(175) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE PREMISES OR TOURIST & VISITOR ACCOMMODATION

- (a) Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any relevant premises:
 - (i) $L_{A1, \text{ Slow } 15 \text{ minute}} \leq L_{A90, 15 \text{ minute}} + 0 \text{ dB(A)}$.
- (b) In this condition, a relevant premises means:
 - (i) The Tourist and visitor accommodation as part of this development consent, and
 - (ii) Any separate premises.

Reason

To protect the acoustic amenity of surrounding properties.

(176) VIBRATION

Operation of the use is not to result in the transmission of any perceptible vibration to an occupiable area within:

- (a) The Tourist and visitor accommodation as part of this development consent, and
- (b) Any separate premises.

Reason

To protect the amenity of surrounding properties.

(177) MUSIC ONLY PERMITTED IN THE AUDITORIUM AND SMALL BAR

The playing of music (amplified, acoustic or otherwise), is only permitted in the auditorium of the entertainment facility and in the basement small bar. No music is to be played on the premises for public entertainment in other areas, including the cafe, and ground and first level foyer and bar areas.

Reason

To protect the amenity of surrounding properties.

(178) EXTERNAL DOORS & WINDOWS TO REMAIN CLOSED AT CERTAIN TIMES AND DURING CERTAIN OPERATIONS

External doors and windows to the cafe and ground and first level foyer areas are to remain closed when the entertainment facility auditorium and the foyer bar areas (ground and or first level) are in use by the public and at any time after 10.00pm.

Reason

To protect the amenity of surrounding properties.

(179) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

(180) ENCROACHMENTS – PUBLIC WAY

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

Reason

To protect the public way.

(181) DELIVERY VEHICLES

Deliveries associated with the site that involve the movement of vehicles, must only occur between the hours of 7.00am and 10.00pm.

Reason

To ensure deliveries to the site do not adversely impact on local traffic movements.

(182) ON SITE LOADING AREAS AND OPERATION

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

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

Reason

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

(183) ALCOVE LIGHTING

The approved alcoves on the Orwell Street and Orwell Lane frontages must be fitted with a sensor-activated security light. The light must be maintained in good working order. The intensity, colour, and 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. LED lighting technology (or other technology with an improved lighting power density – watts per square metre) must be implemented.

Reason

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

(184) 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.

(185) WASTE/RECYCLING COLLECTION - COMMERCIAL

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

Reason

To ensure that waste and recycling is appropriately managed.

(186) 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.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation, 2021* apply:

- Clause 69 Compliance with *National Construction Code (previously known as Building Code of Australia)* and insurance requirements under the *Home Building Act, 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act, 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation, 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3

TERMS OF APPROVAL

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

APPROVED DEVELOPMENT

1. Development must be in accordance with:
 - a. Architectural drawings, prepared by Tonkin Zulaikha Greer as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: The Minerva			
A-000	Cover Page	1/03/2023	E
A-001	Site Plan	1/03/2023	-
A-002	Site Analysis	1/03/2023	-
A-050	Basement 3&4 Demolition Plan (BLANK)	1/03/2023	A
A-051	Basement 2 Demolition Plan	1/03/2023	B
A-052	Basement 1 Demolition Plan	1/03/2023	B
A-053	Ground Demolition Plan	1/03/2023	C
A-054	Level 1 Demolition Plan	1/03/2023	C
A-055	Level 2 Demolition Plan	1/03/2023	-
A-056	Level 3 Demolition Plan	1/03/2023	A
A-057	Level 4 Demolition Plan	1/03/2023	A
A-058	Level 5 Demolition Plan	1/03/2023	A
A-059	Roof Demolition Plan	1/03/2023	-
A-060	Ground RCP Demolition	1/03/2023	A
A-061	Level 1 RCP Demolition	1/03/2023	-
A-062	Level 3 RCP Demolition	1/03/2023	A
A-070	Demolition South Elevation	1/03/2023	B
A-071	Demolition North Elevation	1/05/2023	C

Dwg No	Dwg Title	Date	Rev
A-072	Demolition East Elevation	1/03/2023	C
A-073	Demolition West Elevation	1/03/2023	C
A-080	Long Section Demolition	1/03/2023	D
A-081	Cross Section A Demolition	1/03/2023	D
A-102	Basement 2 Floor Plan	1/03/2023	E
A-103	Basement 1 Floor Plan	1/03/2023	D
A-104	Ground Floor Plan	1/03/2023	H
A-105	Level 1 Plan	1/03/2023	F
A-106	Level 2 Plan	20/02/2023	F
A-107	Level 3 Plan	20/02/2023	C
A-108	Level 4 Plan	20/02/2023	D
A-109	Level 5 Plan	1/03/2023	E
A-110	Level 6 Plan	1/03/2023	D
A-111	Roof Plan	1/03/2023	C
A-121	Auditorium RCP Proposed Ground Floor – Level 3	1/03/2023	D
A-200	South Elevation	1/03/2023	D
A-201	South Elevation Fly Tower Façade	1/03/2023	E
A-202	North Elevation	1/03/2023	D
A-203	North Elevation Fly Tower Façade	1/03/2023	E
A-204	East Elevation	1/03/2023	D
A-205	East Elevation Fly Tower Facade	1/03/2023	D
A-206	West Elevation	1/03/2023	C
A-207	West Elevation Fly Tower Façade	1/03/2023	C
A-208	West Elevation Inner Façade	1/03/2023	D

Dwg No	Dwg Title	Date	Rev
A-210	Signage Strategy – South Elevation	1/03/2023	C
A-211	Signage Strategy – East Elevation	1/03/2023	D
A-300	Longitudinal Section 1	1/03/2023	E
A-301	Cross Section 1	1/03/2023	E
A-302	Cross Section 2	1/03/2023	E
A-303	Longitudinal Section 2	1/03/2023	E
A-304	Longitudinal Section 3	1/03/2023	E
A-305	Cross Section 3	1/03/2023	E
A-306	Section: Sun Shadow Analysis	1/03/2023	A
A-400	Perspective Images – 1	1/03/2023	B
A-401	Perspective Images – 2	1/03/2023	-
A-402	Perspective Images – 3	1/03/2023	-
A-403	Perspective Images – 4	1/03/2023	A
A-500	Shadow Diagrams – 21 June (1of 2)	1/03/2023	B
A-501	Shadow Diagrams – 21 June (2of 2)	1/03/2023	B
A-600	GFA Diagrams	1/03/2023	D
A-601	Materials Board	1/03/2023	C
A-602	Flytower Window Schedule	1/03/2023	D
A-603	Flytower Schedule Room Area Plans	1/03/2023	B

b. Fire Safety Sprinkler System Drawings, prepared by LCI as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: The Minerva			

Dwg No	Dwg Title	Date	Rev
220459-F100	Fire Services – Level 2 Sprinkler Layout	7/02/2023	A
220459-F100	Fire Services – Level 2 Sprinkler Layout	7/02/2023	A

- c. Public Domain Plan, prepared by Arcadia as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: The Minerva			
L-000	Cover page	18.11.22	B
L-101	Landscape Masterplan Public Domain	18.11.22	B
L-201	Setout + Grading Public Domain Plans	18.11.22	B

- d. *Statement of Heritage Impact- Rev 2*, prepared by Tonkin Zulaikha Greer, dated June 2022
- e. *Conservation Management Plan*, prepared by Tanner Kibble Denton, dated June 2020.
- f. *Statement of Environmental Effects*, prepared by Planning Lab, dated 29 July 2021
- g. *Heritage Interpretation Strategy*, prepared by Tonkin Zulaikha Greer, dated July 2021
- h. *Baseline Archaeological Assessment*, prepared by Archaeological Management & Consulting Group, dated 13 July 2021.
- i. *Archaeological Research Design & Excavation Methodology*, prepared by Archaeological Management & Consulting Group, dated November 2022
- j. *Historical Archaeology Test Excavation Report*, prepared by Archaeological Management & Consulting Group, dated May 2022
- k. Technical Memo Titled *Piling, vibration and impact on existing footing details*, prepared by Taylor Thomas Whitting, dated 20 July 2022.
- l. Technical Memo for *Additional information requested relating to locations of columns and shear walls*, prepared by Taylor Thomas Whitting, dated 18 April 2023
- m. *Structural Methodology & Construction Sequence*, prepared by Taylor Thomas Whitting
- n. *Auditorium Methodology Report*, prepared by Taylor Thomas Whitting, dated 24 May 2022
- o. *View Loss Assessment*, prepared by Urbaine Design Group, dated 17 February 2023
- p. *Visual Impact Assessment*, prepared by Urbaine Design Group, dated August 2022
- q. *Façade Study*, prepared by Tonkin Zulaikha Greer

- r. *Levels 1 & 2 Relationship to Façade*, prepared by Tonkin Zulaikha Greer, dated 13 April 2023
- s. *Section to Demonstrate Extent of Retained Existing Northern Wall*, prepared by Tonkin Zulaikha Greer, dated 13 April 2023
- t. *Structural Diagram 1 & 2*, prepared by Tonkin Zulaikha Greer, dated 14 April 2023

EXCEPT AS AMENDED by the following general terms of approval:

DETAILS TO BE SUBMITTED FOR APPROVAL

1. The following information is to be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate):
 - a. Revised construction methodology drawings and structural sequencing reflecting the updated proposal.
 - b. Structural adequacy report of the upper stalls/balcony and their ability to withstand additional load.
 - c. Detailed drawings providing further details on the facilities required to operate the entertainment venue including lighting, green rooms, backstage storage, sound, etc., to maintain as much of the original heritage fabric and form as possible.
 - d. Detailed drawings that consider compliance with building standards, safety and access.
 - e. Minimise the number of openings to reduce impact on eastern and western elevations. The openings should be articulated to be sympathetic to the style of the existing Interwar heritage facades.
 - f. Detailed inventory, condition and significance assessment of all existing fabric and a detailed schedule of conservation works.
 - g. Provide an inventory of significant fabric being salvaged for reuse within the building or used as part of interpretation.
 - h. An inventory of moveable heritage items associated to the significant historical occupancy of the building be recorded. The inventory should identify items, their storage (short and long term) and their eventual relocation within the site.

Reason: The details requested were not supplied during the assessment of the application. The subject site contains historical archaeological relics, which are protected under the Heritage Act 1977 and must be managed appropriately.

HERITAGE CONSULTANT

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

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

SPECIALIST TRADESPERSONS

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

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

SITE PROTECTION

4. Report outlining a program of monitoring and mitigation measures to be undertaken before, during and after construction. The report should address the following aspects:
 - a. Strict ring fencing of allowable demolition, and necessary conservation works, as the builder's value engineering may lead to further loss of existing building to save cost and enable construction.
 - b. The piles are very close to the existing structure. It is critical to set parameters to preserve the existing building from damage from vibration, and lateral and vertical movement of the existing foundation to be retained.
 - c. The vibration levels set by the German Standard are the minimum requirement for vibration and lateral movement of the retained ground behind the perimeter piles to be limited to 0.001% of the retained height. Furthermore, the loads affecting these movements are to be doubled of the normal design loads to provide some assurance against likely failure of the system.
 - d. The monitoring setup to remain permanently with the building (e.g., monitoring vibrations and relative movements) for future condition assessments.
 - e. These measures are to be monitored by an independent body.
5. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric is protected during construction.

HERITAGE INTERPRETATION PLAN

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

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

PHOTOGRAPHIC ARCHIVAL RECORDING

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

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

HISTORICAL ARCHAEOLOGY

10. SECTION 60 APPLICATION

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

11. As part of the section 60 application:
 - a. The applicant shall submit an Archaeological Research Design and Excavation Methodology prepared by a suitably qualified and experienced historical archaeologist to ensure that the salvage of any Orwell House remains for completeness of scientific knowledge.
 - b. The applicant shall nominate an Excavation Director(s) suitable to satisfy the Excavation Director Criteria of the Heritage Council of NSW for the proposed activity and significance level. The nomination(s) shall be supported by a response to the Excavation Director Criteria 2019.
 - c. Following the receipt of the Archaeological Research Design and Excavation Methodology as part of the section 60 application, the Heritage Council of NSW reserves the right to issue Archaeological Conditions as part of the section 60 approval to manage the archaeology. Matters such as (but not limited to) fieldwork methodology, artefact analysis, final reporting may be included as part of these archaeological conditions.

Reason: The subject site contains historical archaeological relics, which are protected under the Heritage Act 1977 and must be managed appropriately.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

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

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

COMPLIANCE

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

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

SECTION 60 APPLICATION

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

Reason: To meet legislative requirements.

SCHEDULE 4

TERMS OF APPROVAL

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

- GT0115-00001 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
- GT0116-00001 Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity
Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
- GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity.
Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
- GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

- GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- GT0121-00001 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
- GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

- GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering
- GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment.
Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval).
Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001.
Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

SCHEDULE 5

AGENCY CONDITIONS

The following conditions have been imposed by Ausgrid:

METHOD OF ELECTRICITY CONNECTION

The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.

SUPPLY OF ELECTRICITY

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

PROXIMITY TO EXISTING NETWORK ASSETS UNDERGROUND CABLES

There are existing underground electricity network assets in 28-30 ORWELL STREET.

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

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

SUBSTATION

There are proposal electricity substation assets within 28-30 ORWELL STREET POTTS POINT.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

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

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

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

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.

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

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