

Attachment A

Recommended Conditions of Consent

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2012/939 dated 22 June 2012 and the Statement of Environmental Effects prepared by Robinson Urban Planning, dated 19 June 2012 and the following drawings:

Drawing Number	Architect	Date
<i>A0001/C Site and Context</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0002/C Basement 2</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0003/C Basement 1</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0004/C Ground Floor</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0055/C Level 01</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0006/C Level 02</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0007/C Level 03</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0008/C Level 04</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0009/C Level 05</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0010/C Level 06</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0011/C Level 07</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0012 Level 07 Pool</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0013 Sections</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0014/C Sections Details 01</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0015/A Sections Details 02</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0016/C Elevations</i>	<i>PTW Architects</i>	<i>17 October 2012</i>
<i>A0020/C Elevations</i>	<i>PTW Architects</i>	<i>17 October 2012</i>

Drawing Number	Architect	Date
A0001/E Site and Context A0001, Rev B – Site Plan A0001, Rev C – Site Plan	PTW Architects Antoniades Architects	23 November 2013 15 November 2013 25 January 2023 6 November 2023
A0002/F Basement 2 A0002, Rev C- Basement 2 A0002, Rev D, Basement 2	PTW Architects Antoniades Architects	23 November 2013 15 November 2013 25 January 2023 13 December 2023
A0003/F Basement 1 A0003, Rev E- Basement 1 A0003, Rev F – Basement 1	PTW Architects Antoniades Architects	23 November 2013 15 November 2013 31 May 2023 13 December 2023
A0004/F Ground Floor A0004, Rev F – Ground Floor A0004, Rev I – Ground Floor	PTW Architects Antoniades Architects	23 November 2013 15 November 2013 24 July 2023 21 February 2024
A0005/F Level 01 A0005, Rev C – Level 1 A0005, Rev E – Level 1	PTW Architects Antoniades Architects	23 November 2013 15 November 2013 25 January 2023 21 February 2024
A0006/F Level 02 A0006, Rev C – Level 2	PTW Architects Antoniades Architects	23 November 2013 15 November 2013 25 January 2023
A0007/F Level 03 A0007, Rev C – Level 3	PTW Architects Antoniades Architects	23 November 2013 15 November 2013 25 January 2023
A0008/F Level 04 A0008, Rev C – Level 4	PTW Architects Antoniades Architects	23 November 2013 15 November 2013 25 January 2023
A0009/F Level 05 A0009, Rev C – Level 5 A0009, Rev D – Level 5	PTW Architects Antoniades Architects	23 November 2013 15 November 2013 25 January 2023 6 November 2023
A0010/F Level 06 A0010, Rev C – Level 6 A0010 Rev D – Level 6	PTW Architects Antoniades Architects	23 November 2013 15 November 2013 25 January 2023 6 November 2023
A0011/F Level 07 A011, Rev C – Level 7 A0011, Rev D – Level 7	PTW Architects Antoniades Architects	23 November 2013 15 November 2013 25 January 2023 6 November 2023

Drawing Number	Architect	Date
A0012/F Level 07 Pool A0012, Rev C – Pool Deck	PTW Architects Antoniades Architects	23 November 2013 15 November 2013 25 January 2023
A0013/F Sections A0014, Rev C – Sections A0014, Rev E - Sections	PTW Architects Antoniades Architects	23 November 2013 15 November 2013 25 January 2023 21 February 2024
A0014/F Sections Details 01	PTW Architects	23 November 2013 15 November 2013
A0015/F Sections Details 02	PTW Architects	23 November 2013 15 November 2013
A0016/F Elevations A0015, Rev E – Elevations A0015, Rev H - Elevations	PTW Architects Antoniades Architects	23 November 2013 15 November 2013 24 July 2023 21 February 2024
A0020/C Elevations	PTW Architects	23 November 2013 15 November 2013
A0015.1, Rev C – Detail Elevation & Section	Antoniades Architects	24 July 2023
A14.1, Rev A – Roof Section	Antoniades Architects	21 February 2024

and the following landscape drawings prepared by 360 Degrees Landscape Architect:

Drawing Number	Drawing Name	Date
L-DA-00, Rev F Rev H	Cover Page & Drawing Schedule	26/6/2023 6/11/2023
L-DA-01, Rev F Rev H	Design Statement and Character	26/6/2023 6/11/2023
L-DA-02, Rev F Rev H	Tree Protection & Removal Plan	26/6/2023 6/11/2023

Drawing Number	Drawing Name	Date
<i>L-DA-03, Rev-F Rev H</i>	<i>Landscape Plan - Basement</i>	<i>26/6/2023 6/11/2023</i>
<i>L-DA-04, Rev-G Rev L</i>	<i>Landscape Plan – Ground Floor</i>	<i>26/6/2023 29/02/2024</i>
<i>L-DA-05, Rev-G Rev I</i>	<i>Landscape Plan – Level 2</i>	<i>26/6/2023 6/11/2023</i>
<i>L-DA-06, Rev-G Rev J</i>	<i>Landscape Plan – Level 5, 6, 7, and Pool Deck</i>	<i>26/6/2023 6/11/2023</i>
<i>L-DA-07, Rev-F Rev H</i>	<i>Landscape Elevations</i>	<i>26/6/2023 6/11/2023</i>
<i>L-DA-08, Rev-F Rev I</i>	<i>Landscape Sections</i>	<i>26/6/2023 27/02/2024</i>
<i>L-DA-09, Rev-F Rev H</i>	<i>Planting Palette</i>	<i>26/6/2023 6/11/2023</i>

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.

(Amended 21 March 2014)

(Amended 17 March 2014)

(Amended 1 August 2023 – Modification J)

(Amended 10 April 2024 – Modification K)

(1A) STAGING OF CONSENT

- (a) *The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate for each stage as follows:*

Stage	Works	Conditions to be satisfied where applicable
CC1A	<i>Works to the internal retail areas</i>	<i>44, 51, 52, 59, 60, 70, 78, 87, 88, 89, 95, 96, 99</i>
CC1B	<i>Remainder of the retail works (comprising the retail shopfronts and retail external works)</i>	<i>34, 37, 44, 51, 52, 58, 59, 60, 70, 78b, 86, 87, 88, 89, 90, 91, 94, 95, 99</i>
CC2	<i>Internal strip out and demolition works including permanent strengthening works as required to complete hard demolition Remainder of the works (comprising basement levels, residential levels and plant levels)</i>	<i>3, 3A, 10, 13, 23, 32, 34, 44, 51, 52, 58, 59, 60, 70, 72, 76, 77, 78, 85, 86, 87, 90, 91, 94, 95, 96, 98a, 99b, 100</i>
CC3	<i>Structural works</i>	<i>3A, 3B, 34, 51, 52, 58, 59, 60, 72, 76, 85, 95, 96, 98b, 99b1, 100b</i>
CC4	<i>Building services and internal fitout</i>	<i>10b, 13, 32, 34, 51, 52, 58, 59, 60, 72, 78, 95, 98b</i>
CC5	<i>Upgrade of architectural facade</i>	<i>34, 51, 52, 58, 59, 60, 95, 98b</i>
CC6	<i>Remainder of the works (including external works and public domain works)</i>	<i>23, 34, 51, 52, 58, 59, 60, 76, 77, 85, 88, 89, 95, 98b</i>

- (b) *In addition to those conditions identified in the above table, other conditions may be required to be satisfied prior to the issue of a construction certificate at the each stage of construction.*
- (c) *Any reference to ‘A Construction Certificate’ or ‘An Occupation Certificate’ relates to the first Construction Certificate and/or Occupation Certificate unless a Stage is nominated elsewhere in that particular condition. In all other cases, conditions are to be satisfied with the relevant stage detailed in the condition, including as specified in the table above. ~~specifically stated at either Stage 1A, Stage 1B or Stage 2.~~*
- (d) *CC1B does not need to be completed prior to any of the Construction Certificate stages that follow given the work is standalone work.*

(Amended 29 July 2015) (Inserted 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(Condition amended – D/2012/939/G – 21 June 2022)

(Condition amended – D/2012/939/H – 30 June 2022)

(2) DESIGN DETAILS (MAJOR DEVELOPMENT)

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 prepared by James Mather Delaney Design dated June 2012 and by PTW Architects dated 4 June 2012 *as amended by the Material Sample Board prepared by Antoniadis Architects, drawing no. MSB-P1, Rev 1, dated 20 July 2023 (Council ref. 2023/441452).*

(Amended 1 August 2023 – Modification J)

(3) DESIGN MODIFICATIONS – DRIVEWAY CONTROLS

~~(a) The existing traffic control signals on the egress driveway at 100 Bayswater Road are to be removed and the works undertaken in accordance with RMS requirements, the relevant Austroads Guidelines and Australian standards.~~

~~(b) The current ingress and egress driveways for vehicles are to be reversed so that vehicles enter the site at the driveway where the traffic lights are currently provided. A detailed plan showing the switching of the entry and exit driveways, including information about what additional works will be required at the porte-cochere to allow for a safe exit into the kerb side lane, must be submitted to and approved by Council Officers prior to the issue of a Construction Certificate.~~

(a) The existing signalised vehicle exit on Bayswater Road is to be upgraded to comply with Roads and Maritime Services' Technical Direction for Signalised Entries to Private Developments prior to the issue of any Occupation Certificate (including any interim Occupation Certificate).

(b) Prior to the commencement of the signal and civil works at the exit driveway on Bayswater Road, the developer shall enter into a 'Work Authorisation Deed' with Roads and Maritime Services.

(c) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

(d) All traffic control during construction must be carried out by accredited RMS approved traffic controllers.

(e) All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

(f) Any modifications which might be required to facilitate the works to driveways are to be submitted to and approved by Council Officers prior to a Construction Certificate CC2 being issued.

(g) The applicant is to construct/carry out (at their cost) any works which are required as a result of this condition.

Note: Any proposed temporary/partial road closures will require the applicant to apply for a Road Occupancy Licence (Form C & D) by contacting the Transport Management Centre's Planned Incidents Unit on (02) 8396 1513 during office hours (8am-4pm) or 131 700 after hours.

The applicant will be required to submit the Road Occupancy Licence form/traffic management plan at least 10 working days prior to the start of works. Plans should be forwarded to Rohit Autar, Supervisor Planned Incidents Unit, Transport Operations, Transport Management Centre or on facsimile (02) 8396 1530.

In the event that a Road Opening Licence is required, details can be obtained from RMS Sydney Project Services on 8849 2496.

(Amended 5 May 2015)

(3A) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) As per the applicant's written request dated 10 February 2014, the accessible roof top areas bordered in red on plan A0011/F are not approved and do not form part of this consent. These areas must not be made accessible to residents (except for maintenance).*
- (b) The proposed structures and landscaping of the site adjacent to Clement Place must not contravene the Right of Access to the benefit of Lot 100 (Marina One) under DP 1006908. The landscaping and structures within this location are not to negatively impact on the visibility of pedestrians along Clement Place. The landscaping and structures are not to provide spaces in which a person could conceal themselves.*

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate CC3-CC2 being issued.

(Amended 5 May 2015) (Inserted 17 March 2014)

(Condition amended – D/2012/939/E – 14 February 2022)

(3B) LANDSCAPE DESIGN MODIFICATIONS

- (a) Adaptive reuse of building and change of use from hotel to residential flat building. The location and feasibility of proposed landscaping on structure makes allowance for structural design and hydraulic connections must be confirmed.*
- (b) A concept landscape design including plans, sections and details drawn to scale, by a registered landscape architect, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of Construction Certificate 3. These documents must include:
 - (i) Location of existing and proposed planting on the site including existing and proposed trees and planting in natural ground.**

- (ii) *Confirm the location of all planting on structure and in raised planters on structure to make allowance for minimum soil depths for planting as advised by the registered landscape architect. Coordinated planting plan and soil depth plan to be issued by registered landscape architect.*
- (iii) *Location and details of proposed accessible and inaccessible green roofs on the site including green roof profile depths*
- (iv) *Location of existing and proposed structures on the site including, but not limited to, paving, walls, services, furniture, shade structures, lighting and other features*
- (v) *Engineers report confirming structural capacity of building for proposed roof terrace loads.*
- (vi) *Engineers hydraulic penetration design confirming the planter drainage design is coordinated with structure, for all planting on structure and green roofs.*

(Condition added – D/2012/939/G – 21 June 2022)

(3C) AWNING DESIGN MODIFICATIONS

The design of the terrace awnings must include drainage details. The design modifications are to be submitted to and approved by Council's Manager – Planning Assessments prior to the issue of the relevant construction certificate.

(Condition added – D/2012/939/K – 10 April 2024)

(4) OVERHANGING BALCONY

The bay windows on the facade of the building facing Bayswater Road, shown as overhanging the Bayswater Road alignment shall not overhang that alignment by more than 0.45m.

(5) LANDSCAPING

- (a) The landscaped area at the rear of the site adjacent to the boundary with the Marina One Apartments and the fire escape easement is to be accessed only for maintenance purposes. The landscaping and vegetation is to be provided prior to the issue an Occupation Certificate and retained and maintained thereafter.
- (b) The existing wall which is located 2.3 metres from the northern boundary of the Marina One Apartments is to be retained at its current height *with the wall over the northern pedestrian arch maintained. In the event of damage or demolition the wall is to be repaired and reconstructed to its height at the time of this approval.*

(Amended 17 March 2014)

(6) WINTER GARDENS

- (a) Any light source from the ~~winter gardens ground floor terraces~~ which Council deems to be adversely impacting on the amenity of adjoining properties is to be removed from the ~~winter gardens ground floor terraces~~.
- (b) The landscaped area at the rear of the site is to be accessed only for maintenance purposes.

(Condition amended – D/2012/939/K – 10 April 2024)

(7) ALLOCATION FOR CAR WASH BAYS

If car wash bays are provided, spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by all tenants.

(8) ALLOCATION FOR VISITOR PARKING

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

(9) ALLOCATION OF PARKING

The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate or the use commencing, whichever is earlier. If the development is to be strata subdivided, the car park layout must respect the required allocation:

- (a) ~~84~~ 90 residential parking spaces.
- (b) ~~24~~ 10 visitor parking spaces.
- (c) 2 car share spaces

(Amended 17 March 2014)

(10) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

- (a) For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

- (b) The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. An amended plan must be submitted to the City and approved to show how this can be complied with prior to the relevant ~~a~~ Construction Certificate ~~CC2~~ being issued *for this work*. The plan must be accompanied by an Accessibility Report, prepared by a qualified person to outline any non-compliance and provide an argument as to why they are acceptable.

Note: As the car parking is in an existing basement with structural elements some spaces may not be able to fully comply.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(11) ASSOCIATED ROADWAY COSTS

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

(12) BICYCLE PARKING

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

- (a) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers, and
- (b) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
- (c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

(13) CAR PARKING SPACES AND DIMENSIONS

A maximum of 102 off-street car parking spaces must be provided. 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 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to *the relevant* ~~a~~ Construction Certificate ~~CC2~~ being issued.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(14) 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.

(15) INTERCOM FOR VISITORS

Where a boomgate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The intercom must comply with '*Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23*'.

(16) LOCATION OF ACCESSIBLE CAR PARKING SPACES

Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover.

(17) LOCATION OF VISITOR PARKING

All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance. All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

(18) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME APPLICATION OF CITY OF SYDNEY PERMIT PARKING POLICY - INELIGIBILITY FOR RESIDENT PARKING PERMITS

All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.

(19) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 10 metres.

(20) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be permanently displayed and located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times by the Owners Corporation.

(21) SIGNS AT EGRESS

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

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

(22) STACKED PARKING EMPLOYEES OR TENANTS ONLY

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to an Occupation Certificate being issued. The moving of stacked vehicles must occur wholly within the property.

(23) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RTA Technical Directives and must be referred to and agreed to by the Sydney Traffic Committee prior to ~~the relevant stage construction stage CC2~~ any work commencing on site.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(24) VEHICLE ACCESS

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

(25) DRIVEWAY CROSSOVERS

Vehicles are not to cross or encroach into the footway of the public domain except at designated driveway crossovers. Details are to be submitted and approved by Council demonstrating how vehicle movements will be restricted to the driveway crossovers. Details are to be submitted with the landscaping of the site submission.

(26) REMOVAL OF GRAFFITI

The owner of the site must be responsible for the removal of all graffiti from the building within 48 hours of its application.

(27) USE - SEPARATE DA REQUIRED

A separate development application for the fit-out and use of the retail premise on the ground floor must be submitted to and approved by Council prior to that fit-out or use commencing.

(28) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs (other than exempt or complying signs under Council's exempt and complying DCPs) must be submitted to and approved by Council prior to the erection or display of any such signs.

(29) ALCOVE LIGHTING

The communal garden on the ground level adjacent to Clement Street, and the driveway entrance shall be fitted with sensor-activated vandal proof security lights. The lights shall be maintained in good working order to Council's satisfaction. The intensity, colour, and illumination must be varied if, at any time in the opinion of the consent authority, adverse impact is being caused to the amenity of the area.

(30) EXTERNAL LIGHTING

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

(31) SECURITY GATES

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

(32) CAR PARK SECURITY

Details of the car park access and security, including access procedures and systems for residents, workers and visitors, are to be approved by Council prior to the release of ~~the relevant~~ Construction Certificate ~~for this work~~. CC2.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(33) SURVEILLANCE CAMERAS

(a) CCTV surveillance cameras shall be strategically installed, operated and maintained ~~throughout the premises~~ with particular coverage to:

(i) principal entrance/s and exits;

(ii) corridors;

(iii) lifts; and

(iv) basement car parking.

~~(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) A quality visual monitor shall be installed on each level of the premise to display clear live security CCTV footage of that area, to staff.~~

- ~~(e) A quality visual monitor shall be located at the principal entrance alerting patrons to the use of CCTV facilities.~~
- ~~(d)(b)~~ Suitable and clearly visible signage shall 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".~~
- ~~(e)(c)~~ All CCTV recording equipment and cameras shall 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 shall be capable of recording a minimum rate of 10 frames per second and at high resolution.
- ~~(f)(d)~~ CCTV recording discs or hard drive recordings shall be retained for 30 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD 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. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.
- ~~(g)(e)~~ All CCTV recording devices and cameras shall be checked daily ~~to ensure the equipment is operating correctly. The Licensee shall 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.
- ~~(h)(f)~~ All CCTV recording devices and cameras shall 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.~~
- ~~(i) The CCTV recording device shall 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.~~
- ~~(j)(g)~~ Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

(Amended 1 August 2023 – Modification J)

(34) DESIGN QUALITY EXCELLENCE

- (a) In order to ensure the design quality excellence of the development is retained:
- (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages *CC1B, CC3, CC4, CC5 and CC6 and CC2* of the project;
 - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout *stages CC1B, CC3, CC4, CC5 and CC6 and CC2 the life* of the project;
 - (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of ~~the~~ Construction Certificate *CC1B, CC3, CC4, CC5 and CC6. and CC2.*
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(35) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the site must not exceed ~~3.2:1~~ ~~3.23:1~~ **3.22:1** in accordance with the definition of Gross Floor Area pursuant to the South Sydney Local Environmental Plan 1998.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the South Sydney Local Environmental Plan 1998, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(Amended 1 August 2023 – Modification J)

(Amended 10 April 2024 – Modification K)

(36) USE OF COMMON AREAS AND FACILITIES

The roof top swimming pool and communal garden on the ground floor adjacent to Clement Street must be available for the use all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(37) SHOP FRONTS

- (a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.

- (b) Security roller shutters must not be installed on the outside of the shop front. Any security grill is to be a dark recessive colour, located on the inside of the shop front, must be an open grille / see through and not a solid metal type. Details are to be submitted to and approved by Council or the Certifying Authority prior to a Construction Certificate CC1B being issued.

(Amended 5 May 2015)

(38) INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation, 2008* under the *Protection of the Environment Operations Act, 1997*.

(39) INTERCOM FOR VISITORS

Where a boomgate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The intercom must comply with 'Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23'.

(40) NOISE - MECHANICAL PLANT AND EQUIPMENT

Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act, 1997* to any affected receiver.
- (b) A sound pressure level at the boundary of any affected receiver that exceeds the background ($L_{A90, 15\text{minutes}}$) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

Note: The method of measurement of vibration being carried out in accordance with "assessing Vibration; Technical Guidelines" - DEC (EPA) AS1055 for sound level measurements.

(41) COMPLIANCE WITH ACOUSTIC REPORT

- (a) All recommendations prepared by Arup Pty Limited, Vibe Hotel, Residential: Acoustic Development, Application Report referenced REP/221669-00/R01, Issue and dated 14 June 2012, as amended by the advice prepared by Marshall Day Acoustics dated 16 August 2013 (reference Lt 001 2013292SY SM S96 - Removal of barrier), and as amended by the Noise Impact Assessment prepared by E-Lab Consulting, dated 23 December 2022 (Council ref. 2023/109832) must be implemented during construction and use of the premises.

- (b) The Principal Certifying Authority (PCA) shall obtain a statement from appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated report and Councils noise criterion have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to issue of Occupational Certificate.

(Amended 17 March 2014)

(Amended 1 August 2023 – Modification J)

(41A) 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 Brandon Notaras, E-LAB Consulting dated 16 October 2023, ref Project No: P00043, titled 100 Bayswater Road, Rushcutters Bay NSW 2011 Acoustics – Section 4.55 Acoustic Assessment, Council Ref 2023/683590 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 Registered 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.

(Condition added – D/2012/939/K – 10 April 2024)

(42) NOISE - GENERAL

General Criteria

- (a) The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:
 - (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
 - (ii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with *Australian Standard AS 1055.1-1997-Description and measurement of environmental noise*.
 - (iii) The LAeq,15minute noise level shall be adjusted to account for any applicable modifying factors in accordance with Part 4 of the EPA NSW Industrial Noise Policy.
 - (iv) In this clause, the term “noise level emitted from the use” means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq, 15minute when the use is not in operation.
 - (v) In circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15minute noise level measured in the absence of all noise from the site.

Internal to internal noise transmission - residential amenity

- (b) An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that;
 - (i) Where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of *International Standard ISO 226 - Normal Equal-Loudness-Level Contours* then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (excluding air-conditioning equipment) normally servicing the affected residence operating.

Internal to internal noise transmission – commercial amenity

- (c) An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any commercial premises provided that;
 - (i) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the commercial premises closed;
 - (ii) The LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including air-conditioning equipment) normally servicing the commercial premises operating.

(43) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS

The air conditioner/s must comply with the requirements of *Protection of the Environment Operations (Noise Control) Regulation, 2008* and shall not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day; or
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those *specified* in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(44) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

A site specific noise management plan shall be submitted to the Council for comment and approval prior to the issue of CC1B or CC2, whichever is earlier. ~~the CC for each stage. The noise management plan shall relate to the scope of works for all remaining stages of development. to be completed within each stage.~~

The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site.

- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement (LA90, 15min) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has is and will be undertaken with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(45) USE OF INTRUSIVE APPLIANCES – NOT APPROVED

This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or 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” .

A separate section 96 Development Application must be submitted to the Council for the use of any equipment of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or 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”.

(46) WATER POLLUTION

No waste water, chemicals or other substances harmful to the environment such as from washing garbage bins or communal garbage areas shall be permitted to discharge to Council's stormwater system. Only clean, unpolluted water is permitted to discharge into the stormwater system.

(47) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the South Sydney Local Environmental Plan 1998.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile as defined in the South Sydney Local Environmental Plan 1998. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) No more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (d) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.
- (e) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (f) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building.
- (g) Car parking spaces may only be used for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

(48) RESTRICTION ON USE OF CAR SPACES - MIXED USE

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.

- (b) Prior to an Occupation Certificate being issued, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to section 88E of the *Conveyancing Act, 1919*, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the *Strata Titles (Freehold Development) Act, 1973*, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the *Conveyancing Act, 1919* burdening all car parking part - lots in the strata scheme.

(49) PARKING ON COMMON AREAS

No part of any common areas, apart from visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. Any strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act, 1919*, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

(50) STRATA SUBDIVISION

Strata subdivision requires development consent and therefore the lodgment of a separate development application or complying development application, and subsequent approval from Council, or an accredited certifier, of the strata plan and issue of the Strata Certificate under the *Strata Schemes (Freehold Development) Act, 1973*.

SCHEDULE 1B

Prior to Construction Certification/Commencement of Work/Health and Building

Note: Prior to the issue of the *relevant* Construction Certificates, ~~for each of the three stages,~~ sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificates.

(Amended 5 May 2015)

(Note amended – D/2012/939/E – 14 February 2022)

(51) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED - BCA REPORT HAS BEEN PROVIDED AND BCA VARIATIONS ARE SOUGHT (CC REQUIRED)

(a) Pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation, 2000*, the whole building must comply with the Building Code of Australia (BCA) including:

- (i) Fire resistance and stability - Part C1;
- (ii) Compartmentation and separation - Part C2;
- (iii) Protection of openings - Part C3;
- (iv) Provision for escape (access and egress) - Part D1;
- (v) Construction of exits - Part D2;
- (vi) Access for people with disabilities - Part D3;

Note: Compliance with the access provisions of Part D3 of the BCA, and the Disability (Access to Premises-Buildings) Standards 2010, may necessitate design modifications prior to *the relevant a* Construction Certificates being issued.

- (vii) Fire fighting equipment - Part E1;
- (viii) Smoke hazard management - Part E2;
- (ix) Lift installation - Part E3;
- (x) Emergency lighting, exit signs and warning systems - Part E4;
- (xi) Damp and weatherproofing - Part F1;
- (xii) Sanitary and other facilities - Part F2;
- (xiii) Sound transmission and insulation - Part F5;
- (xiv) Energy Efficiency - Building sealing - Part J3;

- (xv) Energy Efficiency - Air-conditioning and ventilation systems - Part J5;
- (xvi) Energy Efficiency - Artificial lighting and power - Part J6;
- (xvii) Energy Efficiency - Access for maintenance - Part J8;

Prior to ~~the relevant a~~ Construction Certificate being issued, ~~for each of the three stages~~ the certifying authority must ensure that the proposed works and other upgrading works required by this condition satisfy the Building Code of Australia by complying with Clause A0.4 of the BCA.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(52) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS

(a) Pursuant to Clause 98 of the *Environmental Planning and Assessment Regulation, 2000*, the proposed building work must comply with the Building Code of Australia (BCA) including:

- (i) Structural provisions - Part B1;
- (ii) Fire resistance and stability - Part C1;
- (iii) Compartmentation and separation - Part C2;
- (iv) Protection of openings - Part C3;
- (v) Provision for escape (access and egress) - Part D1;
- (vi) Construction of exits - Part D2;
- (vii) Access for people with disabilities - Part D3;

Note: All new works must fully comply with the requirements of the BCA, Assess to Premises Code, 2010 and all relevant Australian Standards applicable to the provision and maintenance of access and facilities for persons with a disability.

- (viii) Fire fighting equipment - Part E1;
- (ix) Smoke hazard management - Part E2;
- (x) Lift installation - Part E3;
- (xi) Emergency lighting, exit signs and warning systems - Part E4;
- (xii) Damp and weatherproofing - Part F1;
- (xiii) Sanitary and other facilities - Part F2;

Note: For restaurants, cafes, bars and the like, sanitary facilities (including accessible facilities for persons with disabilities complying with AS 1248.1) must be provided for staff and customers where more than 20 seats are provided, including seating for any future footway dining facilities.

- (xiv) Light and ventilation - Part F4;
 - (xv) Sound transmission and insulation - Part F5;
 - (xvi) Energy Efficiency - External glazing - Part J2;
 - (xvii) Energy Efficiency - Building sealing - Part J3;
 - (xviii) Energy Efficiency - Air-conditioning and ventilation systems - Part J5;
 - (xix) Energy Efficiency - Artificial lighting and power - Part J6;
 - (xx) Energy Efficiency - Hot water supply and swimming pool plant - Part J7;
 - (xxi) Energy Efficiency - Access for maintenance - Part J8;
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to *the relevant* a Construction Certificate being issued ~~for each of the three stages~~, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 96 of the Act to be lodged with Council to amend this consent.

Note: The provisions of Clause 94 of the *Environmental Planning and Assessment Regulation, 2000* have been considered in the assessment of the proposed development.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(53) BASIX CERTIFICATE - DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

Note: Any requirement detailed in the accompanying BASIX Certificate, must be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the *Environmental Planning and Assessment Regulation, 2000*.

(54) SPRINKLER & SMOKE DETECTION SYSTEM

The effective coverage and operation of any sprinkler system must not be impaired by the partitioning layout and/or the coverage and operation of any fire and smoke detection system must not be impaired by the proposed partitioning layout. Any alterations to the existing sprinkler installation must comply with the Building Code of Australia.

(55) GLAZING - COMPLIANCE WITH AUSTRALIAN STANDARD

All glazing materials must be selected and installed in accordance with the Building Code of Australia.

(56) ANNUAL FIRE SAFETY STATEMENT FORM

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

(57) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued. A copy of the Fire Safety Certificate must be submitted to Council if it is not the Principal Certifying Authority.

(58) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)

Prior to the issue of *the relevant a* Construction Certificates, ~~for each of the three stages,~~ structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

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

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

Note: Where a condition of consent has been imposed under the provisions of Clause 94 of the *Environmental Planning and Assessment Regulation, 2000*, the building (part or whole) may be required to comply fully with Part B1 of the of the Building Code of Australia including compliance with the earthquake loads standard, AS1170.4.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(60) VERIFICATION OF SUPPORT FOR NEW LOADS

For alterations and additions to an existing building, a certificate from a qualified practicing structural engineer (National Engineering Registration Board) must be submitted to the Certifying Authority prior to a Construction Certificate being issued *for any structural works to the building. each of the three stages.* The certificate must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia *for the scope of works to be completed within the relevant stage. each of the three stages.*

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(61) ASBESTOS REMOVAL

All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission (NOHSC): “Code of Practice for the Safe Removal of Asbestos” and the City of Sydney Asbestos Policy.

(62) ASBESTOS REMOVAL SIGNAGE

Standard commercially manufactured signs containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.

(63) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the *Protection of the Environment Operations Act, 1997* and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (April 2008)'. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act, 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(64) DISPOSAL OF ASBESTOS

Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.

(65) NOTIFICATION OF ASBESTOS REMOVAL

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 is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email address.

(66) PROHIBITION OF ASBESTOS RE-USE

No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).

(67) SIGNAGE LOCATION AND DETAILS

- (a) 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.
- (b) The site notice board must include the following:
 - (i) contact person for the site;
 - (ii) telephone and facsimile numbers and email address; and
- (c) site activities and time frames.

(68) SKIPS AND BINS

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

(69) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

The proposed work must comply with the Building Code of Australia (BCA).

(70) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate *CC1B or CC2* being issued, *whichever is earlier. for each of the three stages.*

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(71) ROAD OPENING PERMIT

A separate Road Opening Permit under Section 138 of the *Roads Act, 1993* must be obtained from 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).

(72) PUBLIC ART

High quality art work must be provided within the porte-cochere as proposed within the Design Verification Statement prepared by Andrew Andersons dated June 2012 and the Public Art Policy. ~~Details of the art work~~ *Public Art Strategy* must be submitted to and approved by Council prior to a Construction Certificate ~~CC4 CC3 CC2~~ being issued. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

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

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

Please contact the Public Art Team for further information at:

publicartreferrals@cityofsydney.nsw.gov.au.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(Condition amended – D/2012/939/G – 21 June 2022)

(Condition amended – D/2012/939/H – 30 June 2022)

(73) CONTAMINATED WASTE

The generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste must be in accordance with the requirements of the *Protection of the Environment Operations Act, 1997* and the NSW Department of Environment and Climate Change and Water (DECCW) waste tracking requirements.

The generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste must be in accordance with the requirements of the *Protection of the Environment Operations Act, 1997* and the NSW Department of Environment Climate Change and Water (DECCW) waste tracking requirements. For further information contact DECCW on 131 555.

(74) IMPORTED WASTE DERIVED FILL MATERIAL

The only waste derived fill material that may be received at the development site is:

- (a) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act, 1997*);
- (b) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the *Protection of the Environment Operations (Waste) Regulation, 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

(75) TREE PRUNING SPECIFICATIONS

The consent from Council must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council.

(76) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate ~~CC6~~ ~~CC3~~ ~~CC2~~. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage and watering systems.
- (b) Prior to the issue of a Construction Certificate ~~CC6~~ ~~CC3~~ ~~CC2~~, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(Condition amended – D/2012/939/G – 21 June 2022)

(77) STREET TREE PLANTING AND MAINTENANCE

- (a) A Landscape Plan indicating the location of the street trees to be planted in association with the development must be submitted to Council for approval prior to *the construction of any public domain works. ~~the issuing of the Construction Certificate CC2.~~*
- (b) The developer should install tree pits (in accordance with the specifications in the City's Street Tree Masterplan) at the completion of construction works.
- (c) The tree pits must be inspected by Council's Street Tree Contract Coordinator.
- (d) Council's Street Tree Contract Coordinator will then coordinate the new tree planting in accordance with the City's Street Tree Master Plan.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(78) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of *the relevant a Construction Certificate for the works for each of the three stages.*
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(79) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

The approved mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for all ground floor retail tenancies in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies are approved for future use by food premises or other uses which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

(80) CONTROL OF LEGIONNAIRES DISEASE

- (a) The *Public Health Act, 1991*, *Public Health (Microbial Control) Regulation 2000* and *NSW Health Code of Practice for the Control of Legionnaires Disease* include microbial control requirements for the installation, operation and maintenance of air handling, heated water systems and water cooling systems and must be complied with.
- (b) The owner or occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the *Public Health Act, 1991* and Regulation. Registration forms are available from Council.

(81) EMISSIONS

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

(82) RAINWATER TANKS

- (a) The installation and use of any rainwater tank(s) must comply with the following:
 - (i) be constructed of a non-reflective, structurally sound and non-corrosive material with a leaching resistant capability;
 - (ii) have all plumbing work carried out by a licensed plumber in accordance with the New South Wales Code of Practice- Plumbing and Drainage and AS3500 and Guidelines for rainwater tanks on residential properties- Plumbing requirements.
 - (iii) be installed by suitably qualified persons and be fixed to structurally adequate base or wall in accordance with manufacturer's specifications or engineer's details;
 - (iv) not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without the prior approval being obtained from the adjoining land owner/s;
 - (v) be fitted with a first flush device;

- (vi) have openings suitably sealed to prevent access by children and be fitted with a fine mesh screen to prevent penetration of contaminants and insects such as mosquitoes;
 - (vii) have an overflow device fitted to the rainwater tank which directs water to a complying stormwater drainage system;
 - (viii) have a suitable drainage plug/tap fitted and positioned to allow for easy flushing and cleaning of the tank/s;
 - (ix) where water pumps are installed, be located so as to not cause an offensive noise as defined by the *Protection of the Environment Operations Act, 1997*;
 - (x) have all taps, outlets and pipes coloured 'mauve' and marked "non-potable water - not for drinking" in accordance with the AS 1345.
 - (xi) the re-use of resources (including nutrients, organic matter and water)
 - (xii) the minimization of any adverse impacts on the amenity of the premises and surrounding lands if appropriate. Provision for the re-use of resources (including nutrients, organic matter and water).
- (b) Reference should also be made to the NSW Guidelines for Management of Private Recycled Water Schemes a copy of which is available from Water for Life www.waterforlife.nsw.gov.au
- (c) The installation may also be subject to a licence application under the *Water Industry Competition Act, 2006* to IPART (the independent Licensing and Regulatory Tribunal) and as such applicants are encouraged to contact the Council's Health Compliance Team for further advice prior to submitting a S68 Application. IPART may also be contacted for further advice on their licensing requirements at www.ipart.nsw.gov.au.

(83) CONTAMINATION

- (a) The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act, 1997* and the Department of Environment Climate Change and Water (DECC) *Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes*
- (b) 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 Certifying Authority.

(84) ACID SULFATE SOILS

- (a) If any new information comes to light during demolition or construction works which has the potential to alter previous conclusions about Acid Sulfate Soils then this must be immediately notified to the Council and the Principal Certifying Authority.

- (b) All works are to be in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 for works that are classified as being in an Acid Sulfate Soils zone Class 2.

(85) LANDSCAPED ~~(GREEN) ROOFS POOL DECK~~

- (a) A detailed plan of the **landscaped green-roof pool deck**, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate ~~CC6 CC3 CC2~~. The plan must include:
 - (i) A Design Statement that includes details of proposed use of the **landscaped green-roof pool deck**, general accessibility, a description of the environmental parameters it sets out to address, including noise and privacy treatment and performance specification.
 - (ii) Survey Plans showing existing and proposed services and engineering details of existing roofs proposed to be retrofitted.
 - (iii) Location of existing and proposed structures and hard landscaping on the rooftop, retaining walls, and roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species and those specified for use by the City of Sydney.
 - (v) Details of installation methodology including structural reinforcement or retention structures for sloping roofs, including details of prevention of slippage.
 - (vi) Details of accessible and inaccessible areas on the **landscaped green-roof pool deck**. Where proposed to be inaccessible, **landscaped green-roof pool deck** are required to remain such during occupation of the property.
 - (vii) Details of drainage and irrigation systems, including overflow provisions.
- (b) Prior to the issue of a Construction Certificate ~~CC6 CC3 CC2~~, a Maintenance Manual is to be submitted and approved by the Principal Certifying Authority. A copy of the Maintenance Manual is to be kept on site at all times during construction and shall be produced to Council on request. The Maintenance Manual shall include as a minimum:
 - (i) Frequency and methodology of different maintenance requirements.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification; and

- (v) Copies of warranties and guarantees relating to all materials and plant used in construction.
- (c) The owner of the premises shall at all times comply with the on-going maintenance requirements of the Maintenance Manual and shall promptly upon request produce a copy of the Manual to Council.
- (d) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.
- (e) Prior to the issue of a Construction Certificate ~~CC3~~, the certifying authority must assess and approve the proposed design of the waterproofing system against the relevant performance provisions of the Building Code of Australia as required by Clause A0.5 of the Code and ensure the following is satisfied:
 - (i) A report from a structural engineer confirming the adequacy of the structure to support the saturated weight-bearing capacity of the **landscaped green-roof pool deck**; and
 - (ii) A report from a hydraulic engineer certifying the drainage overflow provisions and water retention cells in the drainage layer used to facilitate self-watering for the plants.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(Condition amended – D/2012/939/G – 21 June 2022)

(Condition amended – D/2012/939/K – 10 April 2024)

(86) FOOTPATH DAMAGE BANK GUARANTEE

- (a) A Footpath Damage Bank Guarantee calculated on the basis of 70 lineal metres of the asphalt footpath site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The guarantee must be lodged with Council prior to issue of a Construction Certificate *CC1B or CC2, whichever is the earlier*.
- (c) The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

(Amended 29 July 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(87) ALIGNMENT LEVELS

- (a) Prior to a Construction Certificate ~~CC2 CC1B CC1A~~ being issued, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate ~~CC2 CC1B CC1A~~, excluding a Construction Certificate for approved preparatory, demolition or shoring work.
- (c) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently with the submission of a Public Domain Plan.

(Amended 29 July 2015) (Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(88) PUBLIC DOMAIN PLAN

- (a) ~~A Three copies of a detailed Public Domain Plan and all relevant documentation must be submitted to and approved by the City's prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Unit prior to the construction of any public domain works. Section and be approved by Council prior to a Construction Certificate CC1B CC1A being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition or shoring work. The Public Domain Plan is to identify the works to be undertaken to the public domain as part of each of the Construction Certificate stages.~~
- (b) The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate (or *Interim Occupation Certificate related for the relevant Construction Certificate Stage*) is issued in respect of the development or before the use commences, whichever is earlier.

Note: A Public Domain Works Guarantee deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

- (c) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

- (d) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(Amended 29 July 2015) (Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(89) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to *the construction of any public domain works a ~~Construction Certificate being issued for a new building work, excluding approved preparatory, demolition and shoring work,~~* a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.
- (b) Completion and handover of the constructed public domain works is to be undertaken in accordance with the City's Public Domain Manual, including requirements for as-built documentation, certification and defects liability period.

(Amended 29 July 2015) (Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(90) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition being granted a Construction Certificate *CC1B or CC2* being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

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

The form of the recording is to be as follows:-

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

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

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(91) PRESERVATION OF SURVEY MARKS

- (a) All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.
- (b) Prior to the issue of a Construction Certificate ~~CC2~~ ~~CC1B~~, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.
- (c) At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.
- (d) A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(92) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Clement Place and Bayswater Rd frontages of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during construction and / or excavation 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 City officers) must be re-installed in accordance with the City's standard details and specifications after the construction and / or excavation works have been completed. Note:

A temporary concrete kerb will need to be constructed to retain the footpath and road access until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.

- (c) Damaged kerbs are to be replaced to match existing to the City's satisfaction or as otherwise advised by City officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.

(93) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(94) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (a) A separate application under Section 138 of the *Roads Act, 1993* is to be made to Council to erect a hoarding and/or scaffolding in a public place and such application is to include:-
 - (i) Architectural, construction and structural details of the design in accordance with the *Policy for the Design and Construction of Hoarding* (September 1997) and the *Guidelines for Temporary Protective Structures* (April 2001).
 - (ii) Structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or *external* construction works on site.

Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant is responsible for meeting any revenue loss experienced by Council as a result of the removal of street furniture. Costing details will be provided by Council.

The applicant must also seek permission from the telecommunications carrier (e.g. Telstra) for the removal of any public telephone.

- (b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant must relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (c) The hoarding must comply with the Council's policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

(Amended 5 May 2015)

(95) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work *for each stage of construction*. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(Amended 5 May 2015)

(96) ELECTRICITY SUBSTATION

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate ~~CC3~~ ~~CC2~~ ~~CC1A~~ being issued or the commencement of the use, whichever is earlier.

(Amended 29 July 2015) (Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(97) SYDNEY WATER CERTIFICATE (QUICK CHECK)

- (a) The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au, (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92.
- (b) The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of work.

(98) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate ~~CC2~~, ~~CC1B~~ 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 *for the relevant stages*, ~~Stage 1B and Stage 2~~ 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.

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(99) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) ~~The Waste Management Plan accompanying this Development Application has not been approved by this consent. The development must operate in accordance with the Operational Waste Management Plan prepared by Foresight Environmental, Revision 10, dated 24 July 2023 (Council ref. 2023/441444).~~
- (b) A Demolition Waste Management Plan is to be submitted to and approved by Council prior to a Construction Certificate CC2 being issued ~~for each of the three construction stages~~. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Demolition Waste Management Plan must be implemented during construction of the development.
- (b1) ~~A Construction and Operational Waste Management Plan is to be submitted to and approved by Council prior to Construction Certificate CC3 being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction and operation of the development~~
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must ~~obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council~~ ensure that waste handling works, waste vehicle

access and waste storage areas are built in accordance with the approved Operational Waste Management Plan.

(Amended 29 July 2015) (Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(Amended 1 August 2023 – Modification J)

(100) WASTE AND RECYCLING MANAGEMENT - REDESIGN

- (a) Prior to the issue of a Construction Certificate ~~CC2~~ for the development, the waste management and collection facilities are to be redesigned in accordance with *Council's Policy for Waste Minimisation in New Developments 2005* to provide a receptacle holding area capable of accommodating the amount of waste generated by the use of the building for each collection service and located to Council's satisfaction adjacent to and at the same level as the standing area for Council's waste collection vehicles. In order to accommodate Council's 9.5-metre garbage compaction vehicles, the residential garbage room is to be provided with an acceptable garbage compaction system. The proposal is to be incorporated into the above Residential *Construction and Operational Waste Management Plan* for approval by Council.
- (b) All driveways and paved areas accessed by Council's garbage collection vehicles must provide a minimum vertical unobstructed clearance of 3.9 metres, a maximum ramp grade of 1 in 6 with appropriate transitions and appropriate design turning circles for Council's 9.5 metre-long garbage compaction vehicle. Such design criteria are to be shown on the plans for Construction Certificate CC3 and approved by Council prior to issue thereof.
- (c) *In the event that compliance cannot be achieved as required under part (a) and (b) of this condition, an alternative collection arrangement design that achieves an equivalent level of collection service for residents as would be provided by Council must be proposed in the waste management plan and submitted to and approved by Council's Area Planning Manager.*

(Amended 5 May 2015)

(Condition amended – D/2012/939/E – 14 February 2022)

(Condition amended - D/2012/939/I - 9 December 2022)

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(101) BASIX – PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

(102) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (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 Building Sites Noise Code* and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

(103) HAZARDOUS AND INDUSTRIAL WASTE

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

- (a) *Protection of the Environment Operations Act, 1997.*
- (b) *Protection of the Environment Operations (Waste) Regulation, 1996.*
- (c) *Waste Avoidance and Recovery Act, 2001.*
- (d) *New South Wales Occupational Health & Safety Act, 2000.*
- (e) *New South Wales Construction Safety Act, 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement, 1983).*
- (f) *The Occupational Health & Safety Regulation, 2001.*
- (g) *The Occupational Health & Safety (Asbestos Removal Work) Regulation, 1996.*

(104) OCCUPATION CERTIFICATE TO BE SUBMITTED

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

(105) 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.

(106) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

(107) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

(108) USE OF MOBILE CRANES

The following requirements apply:

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

SCHEDULE 2

The prescribed conditions in accordance with Clause 98 of the *Environmental Planning and Assessment Regulation, 2000* apply to the development.