

Attachment A

Recommended Conditions of Consent

SCHEDULE 1

CONDITIONS OF CONSENT

PART A - GENERAL

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application Number D/2022/1363 dated 3 January 2023 and the following architectural drawings prepared by SJB Architecture (NSW) Pty Ltd:

Drawing Number	Drawing Name	Date
DA-0101 Revision 14	Demolition Plan - Ground Floor	12.10.23
DA-0102 Revision 15	Demolition Plan - Level 1	12.10.23
DA-0103 Revision 15	Demolition Plan - Level 2	12.10.23
DA-0104 Revision 16	Demolition Plan - Roof	04.03.24
DA-0105 Revision 3	Demolition Section A	27.02.24
DA-0106 Revision 4	Demolition Section B	04.03.24
DA-0107 Revision 4	Demolition Section C	04.03.24
DA-0201 Revision 18	Floor Plan - Basement	27.02.24
DA-0202 Revision 20	Floor Plan - Ground	27.02.24
DA-0203 Revision 19	Floor Plan - Level 1	27.02.24
DA-0204 Revision 18	Floor Plan - Level 2	27.02.24
DA-0205 Revision 19	Floor Plan - Level 3	04.03.24
DA-0206 Revision 19	Floor Plan - Level 4	04.03.24
DA-0207 Revision 20	Floor Plan - Roof	04.03.24
DA-0501 Revision 19	Elevation - East	27.02.24
DA-0502 Revision 18	Elevation - South	27.02.24
DA-0503 Revision 2	Elevation - West	27.02.24
DA-0504 Revision 3	Elevation - North	04.03.24
DA-0601 Revision 19	Section A - East-West	27.02.24
DA-0602 Revision 18	Section B - North-South	27.02.24

Drawing Number	Drawing Name	Date
DA-0603 Revision 18	Section C - East-West	27.02.24
DA-0700 Revision 1	Landscape - Green Wall Details	27.02.24

and the following landscape drawings prepared by Black Beetle Pty Ltd:

Drawing Number	Drawing Name	Date
LA LP 01 Issue 02	Landscape Plan - Ground Level / Notes / Plant Schedule	28.02.24
LA LP 02 Issue 02	Landscape Plan - Level 01 / Level 02 / Level 03 / Level 04	28.02.24
LA LP 03 Issue 02	Typical Sections and Details	27.02.24

and the following structural and fire engineering documents prepared by M & G Consulting Engineers Pty Ltd and For Design Confidence (Sydney) Pty Ltd respectively:

Document Number	Document Name	Date
5477	Re. 61-63 Macleay St Potts Point - Proposed Green Wall Support Structure	20 February 2024
P222_102	61-63 Macleay Street, Potts Point Response to Council - DA Submission – DA/2022/1363	27 February 2024

and as amended by the conditions of this consent.

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

Reason

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

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

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

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$140,936.84
Community Facilities	-\$10,284.87
Traffic and Transport	\$6,680.07
Stormwater Drainage	\$0.00
Total	\$137,332.04

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

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

Where:

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

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

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

CPI_{consent} = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 136.4 for the December 2023 quarter.

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

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

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

Reason

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

(3) AFFORDABLE HOUSING CONTRIBUTION – RESIDUAL LAND – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- (b) The contribution is \$56,696.96 (indexed at 1 March 2024). This is calculated by establishing the sum of the equivalent monetary contribution \$11,176.22 multiplied by 1% of the total floor area for non-residential development (507.3 square metres).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2024 to 28 February 2025, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment = $C \times \text{MDP2} / \text{MDP1}$, where:
 - (i) C is the original total contribution amount payable to the City of Sydney as shown above;
 - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
 - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being 1 March 2024 to 28 February 2025.

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

Reason

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

(4) APPROVED DESIGN ROOFTOP PLANT

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

Reason

To ensure the constructed development complies with the approved height.

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 46.13 (AHD) to the top of the kitchen exhaust stack, and RL 45.91 (AHD) to the top of the roof of level 4.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(6) FLOOR SPACE RATIO

The following applies to Floor Space Ratio (FSR):

- (a) The FSR for the development must not exceed 2.73:1, calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area (GFA) of the development is 908.29 square metres and the site area is 332.5 square metres.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the GFA (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Reason

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

(7) NO CONSENT FOR ANY WORKS ON ADJOINING PROPERTIES

No consent is granted or implied for any work on the adjoining properties at 57-59 Macleay Street, Potts Point and 12-16 Challis Avenue, Potts Point.

Reason

To clarify the scope of the development consent and to protect neighbouring properties.

(8) DESIGN MODIFICATIONS

The following amendments must be made to the architectural and landscape drawings referred to in condition (1) of this development consent:

- (a) The eastern portion of the new basement level labelled 'Garbage Store' shown located beyond the blue dashed line labelled 'Original Line of Heritage Building Over' must be deleted. A new basement wall to the 'Garbage Store' space must be shown within the blue dashed line labelled 'Original Line of Heritage Building Over' and the green hatched area labelled '600mm Zone of Basement Wall Construction' must be shown to be extended adjacent to this new wall.
- (b) The doors to, and internal walls between the rooms labelled 'Garbage Store' and 'Bulky Waste' must be deleted and the two rooms and the space labelled 'BOH Passage' must be amalgamated as a 'Garbage and Bulky Waste Store', with at least a minimum 4 square metre area designated to accommodate bulky waste, and new locations designated for a glass crusher, baler machine, cardboard bale, 2 120L glass bins, 2 120L FOGO bins, 1 660L Landfill bin and 1 660L Recycling bin. A new door to the amalgamated space must be provided at the junction of the wall to the adjacent space labelled 'Store' and adjacent space labelled 'Kitchen Prep'.
- (c) The green hatched area labelled '600mm Zone of Basement Wall Construction' must be shown to be extended along the full length of the new northern basement wall of both of the spaces labelled 'Kitchen Prep' and 'Store'.
- (d) A note 'to reinstate open balcony' must be added to the note 'Windows to be removed' on the drawing titled 'Demolition Plan - Level 1', numbered DA-0102, revision 15 and dated 12 October 2023, and a note 'to reinstate open balcony' must be added to the note 'Reinstated original railing details' on the drawing titled 'Floor Plan - Level 1', numbered DA-0203, revision 19 and dated 27 February 2024.
- (e) The windows within the ground level walls of the existing turret must match the original timber double hung design and have equal sash sizes.
- (f) The portion of the green wall located within 900mm of operable hotel room windows at level 1, level 2 and level 3 must be deleted.
- (g) The space labelled 'Terrace' at level 4, including the two adjacent spaces labelled 'Planter', and the glazed sliding doors to the adjacent space labelled 'Lounge' must be deleted. The existing roof must be depicted as being retained for the full extent of the deleted 'Terrace' and 'Planters', with operable glazed windows shown to the eastern elevation of the 'Lounge' and box gutter provided adjacent.
- (h) The pelmet between level 2 and level 3 must be deleted and the existing level 2 ceiling to wall junction must be retained. The new ceiling below the existing level 2 ceiling must be set a minimum 1 metre away from the inside face of the external wall, with a pelmet width of 1 metre.
- (i) Lead or zinc capping must be shown to be applied to the top surfaces of all parapets and ledges of the existing building to protect the building facades from water ingress, and noted as such on all relevant elevation drawings.

- (j) Individual, secure, lockable storage facilities must have a minimum capacity of 0.6 cubic metres per person in each room.
- (k) The new western wall of the basement level must be clearly located within the allotment boundary of the site.
- (l) The new northern wall of the rear ground floor level addition must be clearly located within the allotment boundary of the site.
- (m) The new northern wall to the bathroom of the hotel room at the first floor level noted as being 30.7 square metres in area must be clearly located within the allotment boundary of the site.
- (n) The new northern wall to the hotel room at level 3 noted as being 26.2 square metres in area must be clearly located within the allotment boundary of the site.

A consolidated set of architectural drawings and demolition drawings (including elevation demolition drawings) must be submitted, which address all of the design modification and other relevant conditions of this development consent.

The consolidated drawing set must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate, or commencement of any demolition works on the site, whichever is the earlier.

Reason

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

(9) DESIGN DETAILS

The following design details must be provided, drawn at a 1:20 scale:

- (a) The Macleay Street glazed shopfront, including an elevation.
- (b) The Challis Avenue shopfront and awning.
- (c) The glass entry door to the ground floor level Reception space, including the integrated business identification sign.
- (d) The level 1 balcony railings and verandah details, including decorative columns, railing, and floor level trims.
- (e) The gas and water meter enclosure, including an elevation.
- (f) The wall mounted metal-framed glass lamps.
- (g) The fire hydrant booster pump assembly.
- (h) The dome wind vane.

- (i) The flashing between the junction of the retained roof form and new roof structures behind (including skylights) which must not be visible over the existing ridge tile.
- (j) Structural interventions relative to the heritage fabric of the building, including but not limited to:
 - (i) Lift and fire stair cores relative to existing timber beams and floor joists.
 - (ii) New lintels to supported existing walls.
 - (iii) All localised penetrations to existing footings, floors and ceilings to install new columns, bracing frames and connections (with all such penetrations minimised).

The details must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To require additional design details to be provided following assessment of the development.

(10) CONSTRUCTION DETAILS

The following construction details must be provided, drawn at a 1:20 scale:

- (a) The proposed roof junction with existing retained roof ridges.
- (b) The copper dome reinstatement.

The details must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To require construction details to be provided following assessment of the development.

(11) SURRENDER OF CONSENTS

In accordance with Section 4.17(1)(b) and Section 4.17(5) of the *Environmental Planning and Assessment Act, 1979*, a notice of surrender of the following development consents must be provided to Council in writing by the owner of the land in accordance with Section 67 of the *Environmental Planning and Assessment Regulation, 2021*, prior to the issue of any Construction Certificate:

- (a) Development consent Z88/302;
- (b) Development consent DU/2001/439, as modified by DU/2001/439/B;

- (c) Development consent DU/2002/872, as modified by DU/2002/872/A; and
- (d) Development consent D/2011/1972, as modified by D/2011/1972/A and D/2011/1972/C.

Reason

To ensure that previous development consents are surrendered in accordance with legislation.

(12) FOOTWAY SEATING NOT APPROVED

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

Reason

To ensure outdoor dining areas are appropriately assessed and determined.

(13) CARE OF BUILDING SURROUNDS

In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building must ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

Reason

To maintain the amenity of the surrounding public domain.

(14) ASSOCIATED ROADWAY COSTS

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

Reason

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

(15) CHANGES TO KERB SIDE PARKING RESTRICTIONS

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

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

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

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

Reason

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

(16) COST OF SIGNPOSTING

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

Reason

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

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

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

Reason

To ensure that approval under the *Roads Act, 1993* is obtained.

(18) EXTERNAL ATTACHMENTS

All existing non-original attachments to the external walls and roofs such as gutters, downpipes, metal supports, brackets, antennas, building services, external lighting and signage, must be removed and the substrate made good.

No sanitary drainage components, building services plant, installation and reticulation components must be attached to the external facades of the heritage listed building, and must be reticulated internally, the exception being low voltage wiring associated with external lighting, security and fire warning systems, or reticulation of water to fire drenchers.

Reason

To ensure an appropriate heritage/streetscape outcome.

(19) GENERAL HERITAGE

- (a) The approved works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
 - (i) New services must use existing service runs;
 - (ii) Where this is not possible, details of an alternative solution must be shown on drawings at a suitable scale and submitted and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to the issue of any Construction Certificate.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the approved scope of works.
- (f) The new windows and doors on the existing building must match the original material, which is timber joinery.
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

Reason

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

(20) FIRE HYDRANT BOOSTER PUMP ASSEMBLY

No consent is granted or implied for any enclosure of the fire hydrant booster pump assembly along the Challis Avenue frontage of the site.

Reason

To ensure an appropriate heritage/streetscape outcome.

(21) FLUSH FITTING OF NEW ROOF STRUCTURES

Skylights and solar panels must be fitted flush to the roof slope and not intrude the ridge lines or damage the flashings.

Reason

To minimise the visual impact of new roof structures.

(22) MACLEAY STREET SHOPFRONT GLAZING

- (a) The new Macleay Street shopfront must remain fully glazed, with all shop front glazing being clear and untinted and not obscured by blinds, curtains or the like.
- (b) The approved shopfront layout must not be altered, without the prior approval of Council's Area Planning Manager, where it would result in the shopfront being obscured in any way.
- (c) Any proposed shelving along the glass shopfronts must be of an open framed, see through construction and the combined height of shelving and any goods displayed must not exceed 1200mm above the finished floor level.
- (d) All shelving, shop fittings, refrigeration equipment and the like which are placed in front of windows, must be kept a minimum of 1 metre from the inside face of the window.
- (e) No consent is granted or implied for any air intake grills to the Macleay Street shopfront, or any flashing signage visible from the public way to be installed.

Reason

To ensure an appropriate heritage/streetscape outcome.

(23) MATERIALS FOR MAKING GOOD

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

Reason

To ensure appropriate materials and finishes are used.

(24) NO STRUCTURES ON STREET-FACING ROOF PLANES

No solar hot water heater storage tanks, ventilators, air conditioning units, satellite dishes and antennae, or the like, are to be placed on the street-facing roof planes of the building.

Reason

To ensure an appropriate heritage/streetscape outcome.

(25) REMOVAL OF PAINTWORK

Paintwork must be removed from all facades visible from the public domain in order to expose original face brickwork and stonework components. Should any early/historic signage be discovered during the removal of paintwork from the facades of the building, such signage must be retained and stabilised.

Reason

To ensure an appropriate heritage/streetscape outcome.

(26) RETENTION OF INTERNAL AND EXTERNAL FEATURES

The following internal and external features of the existing building at 61-63 Macleay Street, Potts Point, must be retained and conserved:

- (a) All existing fireplaces and associated components.
- (b) All existing internal timber staircase and associated elements.
- (c) All original and early ceilings, ceiling roses, cornices, skirtings, architraves, decorative plasterwork, arched doorways, floor tiling, terrazzo, except where affected by approved demolition.
- (d) All original and early window and door joinery.
- (e) All original and early floorboards and timber floor joists supporting the floors in situ.

Where internal joinery features are to be conserved, any components replaced or reinstated are to match the existing in profile and section size. Replacement of non-original joinery must be consistent with original joinery.

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

Reason

To protect the heritage of the building.

(27) LICENSED PREMISES – PRIMARY PURPOSE

The primary purpose of the ground floor level food and drink premises is as a restaurant, with the kitchen to be open and substantial food service to be available to patrons at all times during the approved hours of operation. The sale and supply of liquor must cease when the kitchen ceases to operate. All patrons are to have an allocated seat and the number and location of tables and chairs provided for seated dining must be in accordance with the approved floor plan at all times.

Reason

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

(28) NO CHARCOAL OR SOLID FUEL COOKING

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

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

Reason

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

(29) AIR CONDITIONERS GENERALLY

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

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

Reason

To ensure the visual impact of air conditioners is minimised.

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

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

Reason

To clarify the scope of the consent.

(31) SWINGING DOORS OVER PUBLIC WAY

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

Reason

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

(32) NO OBSTRUCTIONS

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

Reason

To ensure there are no obstructions on public footways and paths of travel.

(33) PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of areas of the site directly adjacent to the public domain along Macleay Street and Challis Avenue which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

Reason

To ensure appropriate and safe paving materials are used.

(34) CONTROL OF LIGHT INTO THE ENVIRONMENT

Lighting installed in the open and/or public spaces must comply with AS1158 series-lighting for roads and public spaces. The design and placement must be so that lighting does not create a nuisance or negatively affect the amenity of the surrounding neighbourhood, for that purpose lighting must comply with AS/NZS 4828.

Reason

To ensure external illumination is designed in accordance with the Australian Standards.

(35) SIGNAGE - SIGNAGE STRATEGY AND SEPARATE DEVELOPMENT APPLICATION REQUIRED

- (a) A signage strategy, including wayfinding signage, prepared in accordance with the provisions in Section 3.16.1 of the Sydney Development Control Plan 2012, must be submitted to and approved by the City's Area Planning Manager, prior to the issue of any Construction Certificate.
- (b) A separate development application for any proposed signage additional to those required as part of this consent (other than exempt or complying signage) must be submitted to and approved by Council prior to the erection or display of any such signage.

- (c) Any future signage proposed under a separate development application must be consistent with the signage strategy referred to in part (a) of this condition which has been approved by Council.

Reason

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

(36) ERECTION OF SIGN

The business identification sign to the front entry door to Challis Avenue is to be erected in a secure manner to ensure safety and its installation is not to involve measures that would cause irreversible damage to the building.

Reason

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

(37) SIGN GENERAL REQUIREMENTS

The design of the approved business identification sign to the front entry door to Challis Avenue must comply with the following requirements:

- (a) The signage is not to contain highly reflective materials, colours and finishes.
- (b) The signage is not to incorporate illumination, sound, vibration, odour and other emissions.

Reason

To ensure signage is designed in accordance with Section 3.16 of the Sydney Development Control Plan 2012.

(38) SIGNS/GOODS IN THE PUBLIC WAY

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

Reason

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

(39) LAND SUBDIVISION – SEPARATE DEVELOPMENT APPLICATION REQUIRED

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

Reason

To ensure separate development consent is sought for land subdivision.

(40) LAND SUBDIVISION – SUBDIVISION CERTIFICATE

A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

Reason

To ensure separate development consent is sought for the plan of subdivision and issue of a Subdivision Certificate.

(41) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

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

Reason

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

(42) TREES THAT MUST BE RETAINED AND PROTECTED

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

No development consent is granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

Table 1 – Tree Retention and Protection:

Tree No	Botanical (Common Name)	Location
1	<i>Platanus x acerifolia</i> (London Plane)	Street tree - Macleay Street frontage
2	<i>Elaeocarpus reticulatus</i> (Blueberry Ash)	Street tree - Macleay Street frontage
3	<i>Platanus x acerifolia</i> (London Plane)	Street tree - Macleay Street frontage
4	<i>Liriodendron tulipifera</i> (Tulip Tree)	Street tree - Challis Avenue frontage
5	<i>Magnolia grandiflora</i> (Southern Magnolia)	Street tree - Challis Avenue frontage

6 and 7	<i>Magnolia grandiflora</i> (Southern Magnolia)	Street tree - Challis Avenue frontage
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Reason

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

(43) WASTE AND RECYCLING MANAGEMENT - GENERAL

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

Reason

To ensure that waste and recycling is appropriately managed.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(44) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

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

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

Reason

To ensure that appropriate access and facilities are provided.

(45) EXTERNAL WALLS AND CLADDING FLAMMABILITY

The external walls of the building including attachments must comply with the relevant requirements of the Building Code of Australia (BCA). Prior to the issue of a Construction Certificate and Occupation Certificate the Accredited Certifier and the Principal Certifier must:

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

Reason

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

(46) FINAL STRUCTURAL DESIGN AND SOLUTIONS PERTAINING TO FLOOR UPGRADE REQUIREMENTS

(a) Prior to the issue of a Construction Certificate, or commencement of any demolition work, whichever is the earlier, final structural design solutions and construction methodology must be resolved to the satisfaction of Council's Area Planning Manager including floor upgrade requirements in relation to Fire Resistance, Seismic Stability and Vertical Load Capacity within the heritage listed building at 61-63 Macleay Street, Potts Point as follows:

- (i) Structural drawings: The structural drawing set by M+G Consulting, job number 5477, dated October 2023, must be further developed as a final design solution to retain as much heritage fabric as possible.

- (ii) Fire Resistance: The proposed approach to providing supplementary fire protection to the floors to increase the fire separation capacity of the floor structures of the heritage buildings, to achieve required Fire Resistance Levels (FRLs).
 - (iii) Seismic Stability: The proposed method to achieving seismic strengthening of existing floor structures to overcome the shortfalls for Seismic Stability.
 - (iv) Vertical Load Capacity: The proposed methods to strengthening of existing floor structures to resolve the shortfalls for Vertical Loads based on further investigation and assessment of both the capacity of the existing floor structure and the impact of the weight of addition of fire protection or acoustic treatment. Should any strengthening of original or early floors be required, new joists must be placed alongside the existing joists, except where this is not feasible. The structural drawings must clearly indicate the locations of any new joists and the associated conservation actions.
- (b) The above solutions must minimise the impact upon and interference with significant heritage fabric, enable significant ceilings and structural elements to be exposed to view and conserve the historic character of the interiors. The construction methodology must show how existing retained fabric will be supported during demolition, excavation and construction work, including how any required machinery will be installed on site under all retained walls.

Reason

To ensure that the final structural design has acceptable heritage impacts.

(47) STRUCTURAL CERTIFICATION FOR DESIGN – BUILDING CODE OF AUSTRALIA (ALL BUILDING CLASSES)

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

Reason

To ensure structural certification is undertaken.

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

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

Reason

To ensure the existing structure can support the new loads.

(49) STRUCTURAL CERTIFICATION FOR PARTY WALLS

- (a) Prior to a Construction Certificate being issued, a certificate from a qualified practising structural engineer in accordance with Clause A5.2(1)(e) of the *Building Code of Australia* must be submitted to the satisfaction of the Accredited Certifier. The Certificate must verify the structural integrity of the existing 'Party Wall(s)' as consequence of the additional loads imposed thereon by the proposal.
- (b) Prior to any partial demolition of the building at 61-63 Macleay Street, Potts Point, the registered proprietor of the Lot will, at their own expense, engage a professional Structural Engineer listed with the National Engineering Register (NER) in Australia to assess the structural integrity of the building and party wall, and if necessary, carry out appropriate design work, and inspect and oversee its construction and implementation, to ensure that the structural integrity of the building erected upon any Lot is not adversely affected in any way by the proposed demolition or construction works.
- (c) The work to the building and party wall immediately after demolition must include the application of a suitable waterproof membrane, or other appropriate waterproofing system to the satisfaction of Council and the supervising structural engineer referred to above, in the event that any part of the party wall is exposed at any time during the demolition works. The said waterproof membrane must be applied as soon as possible on the day of the exposure of the Party Wall referred to in the Plan. Where possible, temporary or permanent cladding must also be fixed to the outside of the exposed Party Wall when the waterproofing is complete to ensure the security of the remaining residence.
- (d) Any party wall extension will require a Request (Form 11R) be lodged at LRSNSW to create the new cross easements. A sketch plan should be annexed to the Request depicting the vertical limits of the new wall by reference to Reduced Levels AHD and related to suitable benchmarks in accordance with cls.13 and 62 of the *Surveying and Spatial Information Regulation, 2012*. The sketch plan should comply with the normal requirements for plans annexed to dealings, but as the horizontal site of the wall remains the same a new plan of survey is not required.
- (e) Any removal of an entire party wall within the site will require that the notification on the titles relating to the cross easements be deleted by an appropriate Request Form 11R accompanied by suitable evidence (statutory declaration etc.) confirming the status of the wall (demolished, non-supporting, etc).

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

Reason

To ensure the orderly development of land and that the structural integrity of the existing party wall/s is verified.

(50) STRUCTURAL DETAILS - TIMBER DECK

Prior to a Construction Certificate being issued, structural detail drawings prepared by a qualified practising structural engineer verifying the method by which the level 1 front timber deck on the Macleay Street frontage will be supported must be submitted to the satisfaction of Council's Area Planning Manager. The timber column at the ground floor may be reinstated as per original design of the building.

Reason

To ensure the structural integrity of level 1 front timber deck.

(51) BICYCLE PARKING FACILITIES

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

Bicycle Parking Type	Number	Requirements
Staff / Employee	4	Spaces must be Class 2 bicycle facilities
Customer/Visitor/Hotel Guest	6	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	5	

Note:

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

Reason

To ensure the allocation of bicycle parking is in accordance with Australian Standards and Section 3.11.3 of the Sydney Development Control Plan 2012.

(52) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan (CTMP) must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued, or any demolition works commencing on the site, whichever is the earlier.
- (b) The CTMP must be prepared in accordance with Council's requirements, located at the following website:

<https://www.cityofsydney.nsw.gov.au/construction-permits-approvals/prepare-construction-traffic-management-plan>
- (c) The approved CTMP must be complied with during any demolition, excavation and/or construction work.

Reason

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

(53) CONSTRUCTION AND FITOUT OF FOOD PREMISES

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

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

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

Reason

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

(54) COOKING EQUIPMENT – NO MECHANICAL VENTILATION

- (a) Cooking must not commence until an air handling system, which complies with the requirements of Part F4.12 of the *National Construction Code (previously known as Building Code of Australia)* and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings* is approved, installed and operational.

Cooking is defined as the process of changing any food from raw to cooked by applying heat, and also includes the preparation of food using heat.

- (b) Use of a microwave, a sandwich press, a toaster or similar is permitted in accordance with the exemptions contained within *AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*.
- (c) The use of such equipment in (b) of this condition must not generate heated air, smoke, fumes, steam or grease vapours that is deemed by an enforcement and/or authorised officer of Council to be:
 - (i) Causing a nuisance to persons within or nearby the premises and/or building;
 - (ii) Causing air pollution as defined under the *Protection of the Environment Operations Act 1997* or,
 - (iii) Not effectively removed from the food premises in accordance with the requirements of the *Australia New Zealand Food Standards Code*.

Reason

To ensure the cooking equipment complies with relevant standards and does not cause a nuisance or air pollution affecting neighbouring properties.

(55) COOLROOMS

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

- (b) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (c) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (d) Must be fitted with a door that can be opened at all times from inside without a key.
- (e) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 dB(A) when measured 3 metres from a sounding device.

Reason

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

(56) FOOD PREMISES – DETAILED PLANS

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

Reason

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

(57) GREASE AND LIQUID WASTE TRAPS

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

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

Reason

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

(58) PERSONAL LOCKERS

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

Reason

To ensure appropriate personal lockers are provided for staff.

(59) SANITARY FACILITIES – FOOD PREMISES

The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the *National Construction Code (previously known as Building Code of Australia)*, Part F 3.1, 4.8 and 4.9.

Reason

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

(60) TOILETS FOR FOOD HANDLERS

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

Reason

To ensure food handlers have access to adequate toilet facilities.

(61) WASTE STORAGE AREA

- (a) To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with *AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment* and comply with the *Council Policy for Waste Minimisation in New Developments*, and must be:
 - (i) Provided with a hose tap connected to the water supply.
 - (ii) Paved with impervious floor materials.
 - (iii) Coved at the intersection of the floor and walls.

- (iv) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
 - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the *Protection of the Environment Operations Act 1997* or a nuisance.
 - (vi) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
 - (vii) Appropriately managed to Council's satisfaction so that it does not attract pests or create litter.
 - (viii) Fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*.
 - (ix) An adequate lighting system must be provided (natural or artificial) to the waste room to aid with cleaning and the detection of pest activity.
- (b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Registered Certifier prior to the issue of the Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issuance of any Occupation Certificate.

Reason

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

(62) DETAILED MATERIALS AND SAMPLES BOARD

A detailed physical material sample board, based upon the materials depicted upon the elevation drawings referenced in condition (1) of this development consent, which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services, paving, lightweight floors, walls, door infills, and roof structures) keyed to each building elevation must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to a Construction Certificate being issued. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

Reason

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

(63) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the building facade, including all external finishes, colours and glazing must be in accordance with the approved materials schedule and sample board, and specifications approved under the 'Materials and Samples Board' condition of this development consent.

Reason

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

(64) ACOUSTIC UPGRADE OF EXISTING ORIGINAL DOORS AND WINDOWS

No consent is granted or implied for the replacement of existing original doors or existing glazing in retained original windows within the building at 61-63 Macleay Street, Potts Point.

Detailed drawings and specifications for any alternative acoustic options for those doors and windows that does not involve replacement of original fabric must be included with a report detailing the appropriateness of any replacement door material, window glazing or alternatives which must be prepared and submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to a Construction Certificate being issued, or any demolition works, whichever is the earlier.

Reason

To ensure an appropriate heritage outcome.

(65) ARCHIVAL DOCUMENTATION (MEASURED DRAWINGS)

The archival recording of the existing building at 61-63 Macleay Street, Potts Point, should include accurate measured drawings of the following:

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

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

The measured drawings are to be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of a Construction Certificate, or any demolition works commencing on site, whichever is the earlier.

Reason

To ensure appropriate archival documentation of the building.

(66) BUILDING WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA

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

Reason

To ensure an appropriate heritage outcome.

(67) CEILINGS

- (a) Any new ceilings must be set at the original levels for the ground and first floor levels.
- (b) No consent is granted or implied for any new ceilings to be inserted below the original ceiling levels at the ground and first floor levels.
- (c) Any required mechanical ventilation ducting and the like must be redesigned to ensure compliance with the requirements in (a) and (b) above.
- (d) Mechanical ventilation ducting and the like must be restricted to the hallway areas as far as possible.
- (e) Where sections of plaster ceiling systems have been previously removed, or are in poor condition, new components must be fabricated in fibrous plaster, in patterns to match the original components, and must be installed to complete the ceiling systems.

- (f) Reflected ceiling plan drawings addressing the requirements of this condition must be prepared and submitted to the Council's Urban Design and Heritage Manager for approval prior to the issue of a Construction Certificate, or any demolition works commencing on site, whichever is the earlier.

Reason

To ensure an appropriate heritage outcome.

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

- (a) The approved works must be carried out in a manner that minimises potential damage to the significant fabric of the existing building which is listed as a Heritage Item in the Sydney Local Environmental Plan 2012.
- (b) Similarly, the approved works must avoid detrimental impacts upon adjacent and nearby buildings at 55 and 57-59 Macleay Street, Potts Point, which are also listed as Heritage Items in the Sydney Local Environmental Plan 2012.
- (c) The fabric and features of the heritage listed buildings must be properly protected throughout the duration of the works. The buildings must be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water or liquid runoff, air borne particles, sprayed substances, vibration or structural disturbance or damage.
- (d) The works must be fully supervised by the building contractor at all times and all personnel must be fully inducted as to the requirements of the project to avoid any accidental loss or damage and to ensure an appropriate quality of workmanship.
- (e) Details of the protection measures proposed throughout the duration of the works, and how any potential detrimental impacts arising out of the works must be avoided, must be specified in the construction and protection management plan.
- (f) The details must include, but are not limited to, the following:
 - (i) Induction of contractors and subcontractors as to the detail requirements of the project.
 - (ii) Weather protection, security, temporary fire control and fire warning systems, storage of flammable materials on site, and control measures during processes that create dust, utilise liquids or sprays such as the pouring of concrete, application of fire rating, painting, and cleaning processes.

- (iii) A geotechnical report detailing the investigation of the depth of the existing footings of the buildings, and addressing details of lateral ground movement, advice on the suitability of structural engineer's proposals for underpinning or other support to footings adjacent to the work zone.
- (iv) Reporting and certification from a practicing structural engineer experienced in dealing with heritage buildings explaining how the buildings must be supported and stabilised throughout the duration of the works including through processes involving demolition, temporary loading, temporary openings. Details of any protective intervention, retrofitting, temporary bracing and propping needed, and advice related to demolition techniques, use of equipment to control vibrations, and recommend a cycle of regular inspections. The report is also to include details of how all openings must be cut including into existing footings, rock, or masonry walls which must be initially saw cut to minimise vibrations to maximum 3.00mm/seconds.
- (v) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled into the property.
- (vi) Details of progressive cleaning processes throughout the duration of the works.
- (vii) Protection methodologies detailing how vulnerable components such as glazing, wall and floor tiling, terrazzo, floorboards, ceilings, timber structural components and internal and external joinery will be protected throughout the duration of the works from accidental damage, loss, ingress of liquids or airborne particles, or from vibrations.
- (viii) A list of all heritage components to be temporarily dismantled or displaced by the works, recording and methodologies for dismantling procedures and details of the proposed storage of these components, whether on site or offsite.
- (g) The above construction and protection management plan must be submitted for approval by Council's Area Planning Manager prior to the issue of any Construction Certificate, or the commencement of any demolition work, whichever is the earlier.

Reason

To protect the subject and adjacent/nearby heritage items.

(69) DOOR AND WINDOW SCHEDULE

- (a) Original internal door openings approved to be infilled must be infilled in lightweight materials and be reversible.

- (b) Any replacement of original and early door and window joinery is only to occur where the condition has deteriorated beyond reasonable repair and must be consistent with original joinery in respect of the design, size, detailing, proportions, cross sectional size and profile of components and timber species.
- (c) Any required mechanical ventilation ducting and the like must be designed in such a manner to retain existing doors and windows unaltered.
- (d) A detailed schedule of existing, infilled and new doors and windows, which includes details addressing the requirements of parts (a), (b), and (c) of this condition, must be prepared and submitted to Council's Urban Design and Heritage Manager for approval prior to the issue of a Construction Certificate, or the commencement of any demolition work, whichever is the earlier.

Reason

To ensure an appropriate heritage outcome.

(70) EXTERNAL COLOUR SCHEME

The external colour scheme of the building at 61-63 Macleay Street, Potts Point, must be sympathetic to the architectural style and period of the building and the surrounding Heritage Conservation Area. A schedule of colours is to be submitted to and approved by Council's Urban Design and Heritage Manager or Area Coordinator Planning Assessments / Area Planning Manager, along with the detailed materials and finishes schedule required under the 'Detailed Materials and Samples Board' condition of this development consent, prior to the issue of any Construction Certificate.

Reason

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

(71) HERITAGE CONSERVATION WORKS

- (a) Prior to the issue of the Construction Certificate, or any demolition works commencing on site, whichever is the earlier, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Urban Design and Heritage Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage significance including but not limited to the following elements such as stonework, brickwork, door and window joinery, skirtings, fireplaces, timber flooring, glazing, hardware, pavements, tiling, roof plumbing, roofing and painting.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.

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

Reason

To ensure the carrying out of appropriate heritage conservation works.

(72) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan for the site must be submitted to and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (d) Prior to an Occupation Certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager / Area Planning Manager.

Reason

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

(73) HERITAGE ITEMS - WORKS TO BE CONSISTENT WITH HERITAGE IMPACT STATEMENT

A conservation work schedule detailing methodologies for implementation of the recommendations of the 'Heritage Impact Statement', revision C, prepared by Paul Davies Pty Ltd, dated 5 December 2012, and the 'Report - Roof Structure Inspection', revision A, prepared by Paul Davies Pty Ltd, dated 31 March 2023, must be submitted to and approved by Council's Urban Design and Heritage Manager, prior to a Construction Certificate being issued.

The work schedule must be implemented to the satisfaction of Council's Urban Design and Heritage Manager prior to the issue of any Occupation Certificate.

Reason

To ensure the works are carried out in an appropriate manner that protects the heritage of the site/building.

(74) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

Prior to a Construction Certificate being issued, or the commencement of any demolition work, whichever is the earlier, an archival photographic recording of the existing building at 61-63 Macleay Street, Potts Point, is to be prepared to Council's satisfaction. The recording is to be in digital form, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

Procedure

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

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

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

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

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

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

Reason

To ensure appropriate archival documentation of the building.

(75) REPLACEMENT SLATE ROOFING

- (a) Replacement slate roofing must be traditionally detailed, laid and flashed using lead flashing.
- (b) The proposed stormwater downpipes and gutters must be installed in a high quality metal such as zinc, stainless steel, or copper.

- (c) New gutters and downpipes required to service the additions must be reticulated internally.
- (d) Details demonstrating compliance with the requirements set out above under parts (a), (b) and (c) of this condition must be prepared and submitted to Council's Urban Design and Heritage Manager for approval prior to the issue of a Construction Certificate.

Reason

To ensure an appropriate heritage outcome.

(76) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS

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

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

Documentation of the salvage methodology must be submitted to and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to the issue of a Construction Certificate, or the commencement of any demolition work, whichever is the earlier.

Reason

To ensure the salvaging and reuse of traditional building materials.

(77) SERVICES RETICULATION

Prior to the issue of a Construction Certificate, final details for the reticulation of all proposed bathroom plumbing and other services, including but not limited to mechanical ventilation and the like, installation methodology and reversibility without damage to retained heritage building fabric must be prepared and submitted to Council's Urban Design and Heritage Manager for approval.

Note: It is strongly recommended that false walls are constructed along existing brick masonry to install all plumbing work.

Reason

To ensure an appropriate heritage outcome.

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

The approved works must ensure that the building at 12-16 Challis Avenue, Potts Point, is to be suitably protected during the demolition, excavation and/or construction process. The contractor or developer must conduct consultations with the stakeholders of the neighbouring site, record and monitor the conditions of the adjoining building and take suitable measures to control and minimize any risks to its building fabric during construction. The protection measures must be incorporated into the construction management plan. Details of the protection plan must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate, or the commencement of any demolition work, whichever is the earlier.

Reason

To ensure the protection of adjacent/nearby buildings within heritage conservation areas.

(79) SITES IN THE VICINITY OF HERITAGE ITEMS

- (a) A protection strategy for the duration of the demolition, excavation and/or construction works, is to be submitted to and approved by Council's Urban Design and Heritage Manager or Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of any Construction Certificate, or the commencement of any demolition work, whichever is the earlier. The Strategy is to detail how the approved works will ensure that the adjoining and nearby buildings at 55 and 57-59 Macleay Street, Potts Point are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) Additionally the protection strategy is to include:
 - (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
 - (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
 - (iii) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. The report must address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.
 - (iv) Details of the protection of party walls from damp and water ingress during the works.

Reason

To ensure the protection of adjacent/nearby heritage items.

(80) USE OF HERITAGE CONSULTANT

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation, demolition, excavation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of any Construction Certificate, or commencement of any work on site, whichever is the earlier.
- (c) Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:
 - (i) Undertake site inspections of not less than fortnightly intervals.
 - (ii) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
 - (iii) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.
- (d) Upon completion of the works, the final report is to be submitted for approval by Council's Urban Design and Heritage Manager / Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

Reason

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

(81) GREEN WALLS

This condition relates to the inaccessible green wall.

- (a) Detailed green wall design including plans and details drawn to scale, and technical specification must be submitted to and approved by Council's Area Planning Manager/Area Coordinator Planning Assessments prior to the issue of any Construction Certificate for any above ground works. These documents must be in accordance with the approved landscape drawings in condition (1) of this consent and be prepared by Black Beetle Landscape Architects.
- (b) The drawing set must demonstrate full coordination with plans prepared by the architect, engineers and specialist experts. These documents must include:
 - (i) Amended drawings that pull the green wall back a minimum 900mm from operable windows on Levels 1 to 3 inclusive;
 - (ii) Details of the proposed growing medium, including soil depth and type;
 - (iii) Location, numbers, type and size of plant species selected on the basis of the site conditions, and species that contribute to habitat and biodiversity;
 - (iv) Details of drainage, irrigation and waterproofing;
 - (v) Details of ongoing maintenance, including methodology for safe working at height, access requirements, location of raptor rails, any anchor points, gates, and transport of materials such as green waste removal, and a detailed planting maintenance schedule; and
 - (vi) A plan outlining the intended strategy for decommissioning and rectification if planting works fail. This is to ensure green wall is maintained is throughout its life.
- (c) Submit evidence that the design meets all relevant fire regulations to the Principal Certifier for approval prior to the issue of any Construction Certificate.

Reason

To ensure that the green wall is designed to accommodate suitable landscaping and with an understanding of the specific site conditions, and to ensure that adequate maintenance procedures are put in place.

(82) DEWATERING - APPROVAL NSW OFFICE OF WATER

If any dewatering of the site is to be undertaken, a bore licence may be required from Water NSW under the relevant provisions of the *Water Management Act, 2000*. Water NSW licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

Note: Water NSW's instructions to Council are that they will not endorse the extraction of groundwater in perpetuity i.e. permanent dewatering around a development site, because it considers such development to be unsuitable. For this reason any proposed basement or other area that requires dewatering on an on-going basis may need to be fully tanked.

Reason

To ensure dewatering is undertaken appropriately.

(83) MECHANICAL VENTILATION

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

Reason

To ensure the ventilation of the premises complies with relevant standards.

(84) MICROBIAL CONTROL IN WATER SYSTEMS

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

- (a) AS/NZS 3666:1:2011 - Air-handling and water systems of buildings-Microbial Control Part 1: Design, installation and commissioning.
- (b) AS/NZS 3666:2:2011 - Air-handling and water systems of building-Microbial Control Part 2: Operation and maintenance.
- (c) AS/NZS 3666:3:2011 - Air-handling and water systems of buildings-Microbial Control Part 3: Performance based maintenance of cooling water systems.
- (d) AS/NZS 3666:4:2011 – Air-handling and water stems of buildings-Microbial Control Part 4: Performance – based maintenance of air – handling systems (ducts and components).

- (e) Prior to the issue of an Occupation Certificate associated with the Cooling Water System the occupier of the premise at which the system is installed, must notify the Council in writing on the prescribed form, of the installation of all water-cooling tower systems within the premises under the *Public Health Act, 2010*. Warm water systems other than hospitals (hospitals (which also includes nursing homes, declared mental health facilities, private health facilities) are exempt from notifying Council.

Notification forms are available on Council's website at the following link:

www.cityofsydney.nsw.gov.au

Reason

To ensure water systems comply with relevant standards.

(85) REFLECTIVITY

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

Reason

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

(86) 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 "Acoustic Logic", dated 19 December 2022, reference 20220939.1/1912A/R1/ANP, revision 1, titled '61-63 Macleay Street, Potts Point DA Acoustic Assessment', Council reference TRIM 2023/000990, must be implemented in the development prior to the commencement of its use, subject to requirements of the 'Acoustic Upgrade Of Existing Original Doors And Windows' condition of this consent.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the accredited certifier.

- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

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

Reason

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

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

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

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 7.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.

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

Reason

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

(88) DILAPIDATION REPORT - PUBLIC DOMAIN

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

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Reason

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

(89) LETTERBOXES

- (a) Details of the location and design of any letterbox(es) are to be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate.
- (b) Letterboxes are to be discreetly located, must not obstruct and/or dominate the public way and must be of a type and specification that minimises opportunities for mail theft.
- (c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

Note: The applicant is strongly advised to contact Australia Post to discuss how the letterboxes within the lobby will be accessed.

Reason

To ensure letterboxes are located in an appropriate location on the site to prevent mail theft.

(90) PUBLIC DOMAIN LEVELS AND GRADIENTS

Where ground floor levels of existing buildings are being retained, public domain levels and gradients for the buildings and site frontages of those buildings must be submitted to and approved by City's Public Domain Unit prior to any Construction Certificate being issued for above ground building works. The submission must be prepared by a Registered Surveyor or suitably qualified engineer and must be submitted with a completed Public Domain Levels and Gradients Approval Application form (available on the City's website).

If changes are proposed to any site entrance, driveway or floor levels once an approval has been issued, an amended Public Domain levels and gradients submission must be submitted to and approved by City's Public Domain Unit to reflect these changes prior to the issue of any Construction Certificate for above ground works.

Reason

To ensure the public domain levels and gradients are approved by Council.

(91) STORMWATER DRAINAGE DESIGN

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

- (a) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (b) Council's Sydney Streets Technical Specifications, Standard Drawings;

- (c) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (d) Council's Stormwater Drainage Manual; and
- (e) All relevant Australian Standards.

This information is available for download from the City's website at the following link:

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

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

Reason

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

(92) TEMPORARY DEWATERING DURING CONSTRUCTION

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

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

Reason

To ensure dewatering is managed appropriately.

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

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

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

Reason

To minimise adverse visual impacts on the locality.

(94) PROTECTION OF STONE KERBS

- (a) Any existing stone kerbs on the Macleay Street and Challis Avenue frontages of the site are to be retained and properly protected during demolition, excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- (c) Note the following:
 - (i) all costs associated with the works are to be borne by the developer.
 - (ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
 - (iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
 - (iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
 - (v) Council approval is required before kerbs are removed.
 - (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
 - (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

Reason

To ensure the protection of stone kerbs.

(95) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 180 square metres of concrete unit paving site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. If rectification works are required the City will release 90% of the total Bond, with the remaining 10% balance to be held for the duration of a 6 months Defect Liability Period.

Reason

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

(96) INSTALLATION OF DUAL-FLUSH TOILETS

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

Reason

To ensure the provision of water efficient toilets.

(97) INSTALLATION OF WATER EFFICIENT TAPS

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

Reason

To ensure the provision of water efficient taps.

(98) INSTALLATION OF WATER EFFICIENT URINALS

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

Reason

To ensure the provision of water efficient urinals.

(99) INTERNAL LIGHTING SYSTEM

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

Reason

To ensure the provision of energy efficient lighting.

(100) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:
 - (i) The installation of tree protection measures prior to the commencement of any work.
 - (ii) During demolition of any ground surface materials (pavers, concrete etc.) within the Tree Protection Zone (TPZ) of any tree to be retained.
 - (iii) During any excavation and trenching which has been approved by Council within the TPZ of any tree to be retained.
 - (iv) During any Landscape works within the TPZ which has been approved by Council.
- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by Council's Area Planning Coordinator or Area Planning Manager at each hold point listed below:

- (i) Certification that tree protection measures have been installed in accordance with these consent conditions.
 - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion.
 - (iii) Details of any other works undertaken on any tree to be retained or within TPZ/s;
 - (iv) A final compliance report shall be submitted prior to the issuing of the Occupation Certificate.
- (c) A final compliance report must be submitted to and approved by Council's Area Planning Coordinator or Area Planning Manager prior to the issue of any Occupation Certificate.

Reason

To ensure the protection and ongoing health of trees adjacent to the site.

(101) PRUNING SPECIFICATION PLAN

A Pruning Specification Plan must be prepared by an arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework). Details of pruning must be provided (including marked up photographs) including hoarding and scaffold clearances. Only minor pruning with a maximum of 5% canopy removal and maximum of 50mm diameter branches will be permitted by Council. All proposed pruning works must be specified in accordance with Australian Standard 4373–2007, Pruning of Amenity Trees.

The plan must be submitted to the Council's Area Planning Manager for approval prior to the issue of any Construction Certificate.

Reason

To ensure the protection and ongoing health of trees adjacent to the site.

(102) AUSGRID REQUIREMENTS

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

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

Ausgrid's Network Standards can be sourced from Ausgrid's website at the following link:

www.ausgrid.com.au

Should you have any enquiries, please contact Ausgrid at the following email address:

Development@ausgrid.com.au

Reason

To ensure compliance with Ausgrid requirements.

(103) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

Reason

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

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

(104) HAZARDOUS MATERIALS SURVEY REQUIRED

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

Reason

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

(105) TRAFFIC WORKS

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

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

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

The Traffic Works Plan is to be submitted to the City's Public Domain Unit at publicdomain@cityofsydney.nsw.gov.au for approval.

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

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

Reason

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

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

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

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

Reason

To ensure appropriate approvals are sought for operating hoisting devices.

(107) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

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

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

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act, 2011* and Regulation; Council's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act, 2001*, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act, 2001*.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.
 - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.
 - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
 - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
 - (xv) Disconnection of utilities.

- (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act, 1997*).
 - (xx) Working hours, in accordance with this development consent.
 - (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.
 - (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

Reason

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

(108) DILAPIDATION REPORT

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of the following properties must be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works:
 - (i) 57-59 Macleay Street, Potts Point.
 - (ii) 12-16 Challis Avenue, Potts Point.
- (b) A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Accredited Certifier and the Council prior to the issue of a Construction Certificate, or any demolition works commencing on site, whichever is the earlier.

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

Reason

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

(109) EROSION AND SEDIMENT CONTROL

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

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act, 1997*.
- (b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads;
 - (ii) approximate grades and indications of direction(s) of fall;
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention;
 - (iv) location of site access, proposed roads and other impervious areas;
 - (v) existing and proposed drainage patterns with stormwater discharge points; and
 - (vi) north point and scale.
- (c) Specify how soil conservation measures will be conducted on site including:

- (i) timing of works;
- (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained;
- (iii) access protection measures;
- (iv) nature and extent of earthworks, including the amount of any cut and fill;
- (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas;
- (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology;
- (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s);
- (viii) frequency and nature of any maintenance program; and
- (ix) other site-specific soil or water conservation structures.

Reason

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

(110) ROAD OPENING APPLICATION

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

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

Reason

To ensure that approval under the *Roads Act, 1993* is obtained.

(111) EXCAVATION AND CONSTRUCTION METHODOLOGY

- (a) A Detailed Excavation and Construction Methodology is to be prepared by the builder engaged for the project. The methodology must be endorsed by the structural consultant engaged as per the 'Use of a Structural Engineer' condition of this development consent and submitted to the Principal Certifier prior to commencement of excavation or construction works whichever is the earlier.
- (b) Excavation is to be carried out in accordance with the methodology required by (a) above.

Reason

To ensure the structural stability integrity of the subject site and neighbouring buildings.

(112) USE OF A STRUCTURAL ENGINEER

A suitably qualified practising structural engineer is to be commissioned to work with the consultant team throughout the design development, contract documentation and excavation stages of the project. The engineer is to be involved in the resolution of all matters relating to the excavation of the basement. The structural engineer is to be provided with full access to the site and authorised by the applicant to respond directly to Council's Area Planning Manager where information or clarification is required regarding the resolution of demolition, excavation and/or construction issues throughout the project.

Reason

To ensure the structural stability integrity of the subject site and neighbouring buildings.

(113) USE OF GEOTECHNICAL ENGINEER

- (a) A suitably qualified geotechnical engineer is to be commissioned to work with the consultant team throughout the design development, contract documentation and excavation stages of the project. The engineer is to be involved in the resolution of all matters relating to the excavation to extend the existing basement. The geotechnical engineer is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of excavation issues throughout the project.
- (b) The recommendations of the Report on Geotechnical Investigation prepared by Douglas Partners numbered R.001.Rev0, revision 0, and dated 13 November 2023, must be implemented, and where relevant, be included in the Detailed Excavation and Construction Methodology required in the 'Demolition, Excavation and Construction Management' condition of this consent.

Reason

To ensure the structural stability integrity of the subject site and neighbouring buildings.

(114) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

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

Reason

To ensure wastewater is managed appropriately.

(115) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

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

Reason

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

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

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

Reason

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

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

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

Reason

To ensure relevant approvals for public domain work are obtained.

(118) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding* and the conditions of approval (Permit) granted including:
 - (i) Maintaining a current and valid approval for the full duration that the temporary structure/s is in place.
 - (ii) Maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1).
 - (iii) Bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2).
 - (iv) Maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3).
 - (v) Maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4).
 - (vi) Approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5).
 - (vii) Material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4).
 - (viii) Providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9).
 - (ix) Ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

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

Reason

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

(119) OTHER APPROVALS

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

- (a) Installation of construction-related temporary structures including hoardings/scaffolding.
- (b) Crane operation and other hoisting activities.
- (c) Temporary works (e.g. barricading, road openings, mobile hoisting devices).
- (d) Works zones (for loading and unloading from the roadway).
- (g) Temporary ground anchoring and shoring to support a roadway when excavating.
- (h) Any other structure or encroachment including facade elements/architectural features.

Reason

To ensure use of a public place is managed appropriately.

(120) STREET TREE PRUNING

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

Reason

To ensure that approval is obtained for any pruning works to street trees and that such works are carried out in an appropriate manner.

(121) SYDNEY WATER CERTIFICATE (TAP-IN)

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

Reason

To ensure the development satisfies Sydney Water's requirements.

(122) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) The Waste Management Plan & Operations Guide prepared by Low Impact Development Consulting and dated 12 December 2022 accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan, based upon the Waste Management Plan & Operations Guide prepared by Low Impact Development Consulting and dated 12 December 2022, and which meets the requirements as set out in Council's *Guidelines for Waste Management in New Developments 2018*, is to be approved by the Council's Area Planning Manager prior to a Construction Certificate being issued.
- (c) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
 - (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.
 - (ii) Collection points for waste and recycling must be wholly located within the boundary of the development.
 - (iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments 2018*.
 - (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.
 - (v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading.
 - (vi) Details on the purchase and use of various compacting equipment and any food digester machine.

- (vii) Clarification of any particular requirements (i.e. Sydney Water, NSW EPA) associated with the installation, use and discharge of waste product from a food digester machine.
- (viii) Operational contingency for if a food digester machine is not installed e.g. food waste bins located within the kitchen prep area during service and collected at the end of service, or an increased waste storage area.
- (ix) Commitment within the operational management plan that waste collection will be conducted as per collection times specified in the Waste Local Approvals Policy (2017) i.e. between 6am and 10pm on week days and 8am and 10pm on weekends to avoid noise impacts to surrounding properties.
- (x) Commitment that bins must not be left on the street and must be collected via wheel out wheel back service.
- (x) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

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

UPON COMPLETION OF THE DEVELOPMENT

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

Reason

To ensure that waste and recycling is appropriately managed.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

(123) HOURS OF WORK AND NOISE

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc.) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993*.

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

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act, 1979*.

Reason

To protect the amenity of the surrounding area.

(124) ASBESTOS REMOVAL WORKS

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

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

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining

properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

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

The site notice board must include the following:

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

Reason

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

(125) FLASHINGS TO BOUNDARY WALLS

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

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

Reason

To prevent water entering between the walls of adjoining properties.

(126) HAZARDOUS AND INDUSTRIAL WASTE

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

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

Reason

To ensure hazardous/ industrial waste is managed appropriately.

(127) CLASSIFICATION OF WASTE

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

Reason

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

(128) IMPORTED FILL MATERIALS

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

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

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

Reason

To ensure that imported fill is not contaminated.

(129) NOTIFICATION – NEW CONTAMINATION EVIDENCE

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

Reason

To ensure that the site is appropriately remediated.

(130) STOCKPILES

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

Reason

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

(131) SURVEY

- (a) All footings and walls adjacent to a boundary, including the basement boundary, must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature and extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.
- (b) Prior to any concrete pour of any main slab at each level, a survey shall be made by a surveyor registered under the *Surveying and Spatial Information Act, 2002*, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries and is in accordance with approved setbacks. This survey shall be provided to the Principal Certifier prior to the concrete pour. The concrete pour must not take place until the Principal Certifier receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site, and is compliant with the setbacks approved under this consent.

Reason

To ensure the development does not encroach onto neighbouring properties.

(132) COVERING OF LOADS

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

Reason

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

(133) VEHICLE CLEANSING

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

Reason

To ensure sediment is not tracked onto the roadway.

(134) EROSION AND SEDIMENT CONTROL

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

During the construction period:

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

Reason

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

(135) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the *Heritage Act, 1977*.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act, 1974*.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed immediately in writing.

Reason

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

(136) PROTECTION OF PUBLIC FEATURES IN HERITAGE CONSERVATION AREAS

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

Reason

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

(137) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

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

Reason

To protect the amenity of the surrounding area.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the Demolition, Excavation and Construction Management Plan, submitted to and approved by Council prior to the issue of any Construction Certificate.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

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

Reason

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

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

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

Reason

To protect the amenity of the surrounding area.

(140) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

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

Reason

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

(141) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of:

- (i) 9.00am-12.00pm and 1.00pm-4.00pm Mondays to Friday
 - (ii) 9.00am-1.00pm on Saturdays
 - (iii) No work is permitted on Sundays or Public Holidays
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Reason

To protect the amenity of the surrounding area.

(142) STORMWATER DRAINAGE CONNECTION

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

Reason

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

(143) PROTECTION OF NATIVE WILDLIFE

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

Reason

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

(144) STREET TREE PROTECTION

All street trees located directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.
 - (ii) Tree trunks and major branches to a height of two metres , must be protected by wrapped thick underlay carpet or similar padding material to limit damage.
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
 - (i) Around or under the tree canopy.
 - (ii) Within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within 5 metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.

- (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported by telephone to the Council's Tree Management Officer on (02) 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the *Local Government Act, 1993* and the *Environmental Planning and Assessment Act, 1979*.

Reason

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

(145) SYDNEY WATER CERTIFICATE

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

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

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

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

Reason

To ensure the requirements of Sydney Water are met.

(146) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council.

Reason

To protect the amenity of the public domain.

(147) NO OBSTRUCTION OF PUBLIC WAY

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

Reason

To protect the amenity of the public domain.

(148) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993*.

Reason

To ensure mobile cranes are used appropriately.

(149) WASTE AND RECYCLING MANAGEMENT – DEMOLITION, EXCAVATION AND CONSTRUCTION WASTE

- (a) The 'Demolition & Construction Waste Management Plan' prepared by Low Impact Development Consulting and dated 12 December 2022 must be implemented during the demolition, excavation and construction phases of the development
- (b) Demolition waste must be contained and stored within the boundaries of the development.
- (c) Waste dockets are to be retained to confirm and verify which facility received the material for recycling or disposal.
- (d) Waste dockets are to be retained to confirm and verify that at least eighty percent (80%) of demolition material diverted from landfill for re-use and recycling.
- (e) The Operator must enter into a contract with a licensed contractor for the removal of all trade waste.
- (f) No garbage is to be placed on the public way, for example footpaths, roadways, plazas and reserves at any time.
- (g) Any wastewater from the premises must only be disposed of in the public sewerage system.

Reason

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

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

(150) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the approved Hazardous Materials Survey Report required under the 'Hazardous Materials Survey Required' condition of this consent, must be complied with.

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

Reason

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

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

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

Reason

To ensure that no banned building products are used in the development.

(152) LOADING AND SERVICING MANAGEMENT PLAN

A Loading and Servicing Management Plan must be prepared in consultation, coordination and consolidation with the occupants of neighbouring sites, submitted to and approved by Council's Area Planning Manager, prior to the Occupation Certificate for the site/use being granted.

The Loading and Servicing Management Plan must include the strategy for the management of all servicing of the site including coordination with the neighbouring sites for managing kerbside loading zone use, delivery vehicles, garbage collection, service vehicles and should include information such as arrivals to the site, the anticipated numbers of arrivals per week, time of day of the arrivals, length of stay, vehicle type etc. along with how these will be managed to prevent disruption to public streets. The management of the plan needs to be able to respond to changes in the surrounding road environment and be updated accordingly.

Once approved, this management plan must be provided to all tenants and external users, and complied with at all times during the operation of the site/use.

Reason

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

(153) TRANSPORT ACCESS GUIDE

- (a) A Transport Access Guide (TAG) must be implemented and maintained by the operator/s of the premises to inform visitors and guests how they can access the site by sustainable transport options including public transport, taxis, cycling and walking or a combination of these modes.
- (b) The TAG must include an implementation plan and strategy for the future distribution of the TAG to staff, clients, customers and visitors to the site. The implementation plan must include details on how the TAG will be communicated to visitors and guests, including (but not limited to) digital information, promotion by staff such as with phone bookings, printed material, other as relevant.
- (c) The TAG is to include (but not be limited to) the following:
 - (i) That the site does not provide any vehicle parking.
 - (ii) How hotel guests and customer can access the premises by walking, cycling and public transport (or a combination of these and other modes).
 - (iii) That the site provides on-site bicycle parking facilities for guests and how guests can access these facilities.
 - (iv) The location of suitable nearby on-street drop-off/pick-up locations within the vicinity of the site.
 - (v) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas.
 - (vi) Suitable nearby Taxi Zones.
 - (vii) Public Transport options adjacent to the site.
 - (viii) Pedestrian access to the site.

- (ix) Bicycle Parking and cycleway networks to the site.
- (d) The TAG and associated implementation plan and strategy must to be submitted to and approved by Council's Area Planning Manager, prior to the Occupation Certificate for the site/use being issued.

Reason

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

(154) NOTIFICATION OF CONDUCT OF FOOD BUSINESS

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

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

Reason

To ensure Council is notified of food business details.

(155) COSTED HERITAGE ASSET MAINTENANCE PLAN

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

Reason

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

(156) RESTAURANT PLAN OF MANAGEMENT TO BE SUBMITTED AND APPROVED

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

Reason

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

(157) HOTEL ACCOMMODATION PLAN OF MANAGEMENT TO BE SUBMITTED AND APPROVED

The Hotel Accommodation Plan of Management (POM) submitted with the development application has not been approved.

An updated plan of Management must be submitted and approved by Council's Health and Building Unit prior to any Occupation Certificate being issued. The Plan of Management must include the minimum criteria as stipulated in Section 4.4.8 of the Sydney Development Control Plan 2012.

Reason

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

(158) PHYSICAL MODELS

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

Note:

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

Reason

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

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

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

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

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at the following website:

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

- (d) Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of this development consent.

Reason

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

(160) STREET NUMBERING

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

Reason

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

(161) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Prior to the issue of any staged or Final Occupation Certificate for the building, a Final Identification Survey prepared and signed by a Surveyor, Registered under the *Surveying and Spatial Information Act, 2002* must be submitted at the completion of the building work certifying the location of the building and showing offsets in relation to the boundaries of the allotment. Any encroachments of the building over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the *Conveyancing Act, 1919*, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to the issue of any staged or Final Occupation Certificate. Encroachments upon public roads must, if supported, be approved by Council's Area Planning Manager prior to the issue of any staged or final Occupation Certificate.

Reason

To ensure the orderly development of land.

(162) WASTE AND RECYCLING COLLECTION CONTRACT

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

Reason

To ensure that waste and recycling is appropriately managed.

PART F – OCCUPATION AND ONGOING USE

(163) OCCUPATION CERTIFICATE TO BE SUBMITTED

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

Reason

To ensure the site is authorised for occupation.

(164) EMISSIONS

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

Reason

To protect the amenity of the surrounding area.

(165) ANNUAL FIRE SAFETY STATEMENT FORM

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

Reason

To ensure annual checks on fire safety measures.

(166) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

(167) ENCROACHMENTS – PUBLIC WAY

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

Reason

To protect the public way.

(168) HOURS OF OPERATION – HOTEL ACCOMMODATION

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

Reason

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

(169) VISITOR AND TOURIST ACCOMMODATION - MAXIMUM LENGTH OF STAY

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

Reason

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

(170) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION

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

Reason

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

(171) HOURS OF OPERATION – RESTAURANT

The hours of operation of the restaurant use are regulated as follows:

- (a) The indoor hours of operation must be restricted to between 7am and 11pm, Monday to Sunday.
- (b) Notwithstanding (a) above, the use may operate between 11pm and 12am midnight for a trial period of 1 year from the date of issue of the Occupation Certificate. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to liquor@cityofsydney.nsw.gov.au

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

Reason

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

(172) MAXIMUM CAPACITY OF PERSONS

- (a) The maximum number of persons (including 20 staff and 106 patrons) permitted in the premises at any one time is 126 persons.
- (b) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- (c) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details are to be provided to the satisfaction of the Accredited Certifier prior to issue of a Construction Certificate and the Principal Certifier is to confirm compliance prior to the issue of an Occupation Certificate.

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

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

Reason

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

(173) CESSATION OF SERVICE - RESTAURANT

The restaurant may be open for business only between the operating hours in the 'Hours Of Operation – Restaurant' condition of this consent. The operator must cease providing food and alcohol service at the restaurant 15 minutes before the required closing time.

Reason

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

(174) COPIES OF CONSENTS AND MANAGEMENT PLANS

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

Reason

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

(175) GLASS CRUSHER

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

Reason

To safeguard the amenity of the surrounding neighbourhood.

(176) HOT WATER SERVICE

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

Reason

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

(177) INCIDENTS – RECORDING AND NOTIFICATION

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

Reason

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

(178) NEIGHBOURHOOD AMENITY

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

Reason

To safeguard the amenity of the surrounding neighbourhood.

(179) NO SPEAKERS OR MUSIC OUTSIDE

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

Reason

To safeguard the amenity of the surrounding neighbourhood.

(180) NO SPRUICKING NOISE

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

Reason

To safeguard the amenity of the surrounding neighbourhood.

(181) NOISE FROM GLASS REMOVAL

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

Reason

To safeguard the amenity of the surrounding neighbourhood.

(182) COMPLIANCE WITH PLAN OF MANAGEMENT

The food and drink premises use must always be operated / managed in accordance with the approved Plans of Management required under the 'Restaurant Plan of Management to be Submitted and Approved' and 'Hotel Plan of Management to be Submitted and Approved' conditions of this consent that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Reason

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

(183) REMOVAL OF GLASS

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

Reason

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

(184) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises during all trading hours with particular coverage to:
 - (i) principal entrance/s and exits;
 - (ii) all areas within the premise occupied by the public (excluding toilets)
- (b) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the identification of patrons, offenders and incidents within the depth of field view of the cameras.
- (c) CCTV recordings shall have time and date auto recorded and be retained for 28 days before being re-used, destroyed or deleted. A digital copy must be handed to the Council or Police Officer on request.
- (d) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. All reasonable steps must be taken to ensure repairs to the system are completed as soon as practicable within 24 hours.
- (e) The CCTV recording device must be kept in a secured location.

Reason

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

(185) AWNING MAINTENANCE

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

Reason

To ensure that awnings are appropriately maintained.

(186) NOISE - ENTERTAINMENT

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

- (ii) If the $L_{Z90, 15 \text{ minute}}$ minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (L_p) of the Tf curve in that octave band shall become that octave's $L_{Z1 15 \text{ minute}}$ noise criteria level.

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

Reason

To protect the acoustic amenity of surrounding properties.

(187) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfl\)](#) unless agreed to by the City's Area Planning Manager. Further:
 - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfl unless otherwise agreed by the City's Area Planning Manager.
 - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An $L_{Aeq, 15 \text{ minute}}$ (noise level) emitted from the development must not exceed the $L_{A90, 15 \text{ minute}}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
 - (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
 - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- (c) Corrections in [Fact Sheet C](#) of the NPfl are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.

(188) NOISE - STRUCTURE BORNE IMPACT ON SEPARATE COMMERCIAL PREMISES

Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate commercial premises:

- (a) $L_{A1, \text{Slow } 15 \text{ minute}} \leq L_{A90, 15 \text{ minute}} + 3 \text{ dB(A)}$

Reason

To protect the acoustic amenity of surrounding properties.

(189) RESTRICTION ON STRATA SUBDIVISION

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

Reason

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

(190) WASTE/RECYCLING COLLECTION - COMMERCIAL

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

Reason

To ensure that waste and recycling is appropriately managed.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 2 of the *Environmental Planning and Assessment Regulation, 2021* apply to the development.

Refer to the New South Wales State legislation for full text of the clauses under Division 2 of the *Environmental Planning and Assessment Regulation, 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>.