

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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# GENERAL CONDITIONS

## (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2023/1162 dated 9 January 2024 and the following drawings prepared by Cox Architects:

Drawing Number	Drawing Name	Date
DA1-1101 (Revision 2)	Site Plan	4 April 2024
DA1-2100 (Revision 3)	Basement Plan	23 April 2024
DA1-2101 (Revision 3)	Lower Ground Level	23 April 2024
DA1-2102 (Revision 4)	Ground Level	24 April 2024
DA1-2103 (Revision 2)	Level 01	4 April 2024
DA1-2104 (Revision 2)	Typical Levels	4 April 2024
DA1-2105 (Revision 2)	Level 07	4 April 2024
DA1-2106 (Revision 2)	Level 10	4 April 2024
DA1-2107 (Revision 2)	Level 10 Mezzanine	4 April 2024
DA1-2108 (Revision 2)	Roof Level	4 April 2024
DA1-3100 (Revision 3)	North Elevation (Sophia Street)	23 April 2024
DA1-3101 (Revision 2)	West Elevation (Terry Street)	4 April 2024
DA1-3102 (Revision 3)	East Elevation (Kippax Street)	23 April 2024

Drawing Number	Drawing Name	Date
DA1-3103 (Revision 2)	East Elevation	4 April 2024
DA1-4100 (Revision 2)	Section A	4 April 2024
DA1-4101 (Revision 2)	Section B	4 April 2024
DA1-4102 (Revision 3)	Section C	23 April 2024
DA1-4103 (Revision 2)	Section D	4 April 2024
DA1-4104 (Revision 3)	Section E	23 April 2024
DA1-4105 (Revision 2)	Section F	4 April 2024
DA1-4300 (Revision 3)	Facade Sheet 01	23 April 2024
DA1-4301 (Revision 2)	Facade Sheet 02	4 April 2024
DA1-4302 (Revision 2)	Facade Sheet 03	4 April 2024
DA1-4303 (Revision 2)	Facade Sheet 04	4 April 2024
DA1-4304 (Revision 3)	Facade Sheet 05	23 April 2024
DA1-4305 (Revision 2)	Facade Sheet 06	4 April 2024
DA1-4306 (Revision 2)	Facade Sheet 07	4 April 2024
DA1-7700 (Revision 2)	External Signage 1	4 April 2024
DA1-7702 (Revision 2)	External Signage - Kippax Street	4 April 2024
DA1-7703 (Revision 2)	External Signage – Corner Window	4 April 2024
DA1-8200 (Revision 2)	External Finishes Schedule 01	4 April 2024

Drawing Number	Drawing Name	Date
DA1-8201 (Revision 2)	External Finishes Schedule 02	4 April 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 drawings will prevail.

**Reason**

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

**(2) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) No approval is granted for operable bi-fold windows that extend over the footway. All windows must be wholly within the confines of the building when in the open position.

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

**Reason**

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

**(3) HOURS OF OPERATION - SENSITIVE USES**

The hours of operation for the premises are regulated as follows:

- (a) Indoor areas of the premises at the ground level including the Town Hall ante-space must be restricted to between 7:00am and 12:00 midnight, daily;
- (b) The roof terrace must be restricted to between 7:00am and 10:00pm, daily;
- (c) Notwithstanding (b) above, the use of the roof terrace may operate between 10:00pm and 12:00 midnight, daily for a trial period of 1 year, from the date of issue of the final 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](mailto:liquor@cityofsydney.nsw.gov.au)

- (c) Should the operator seek to continue the extended operating hours outlined in (c) 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.

**(4) DYNAMIC SIGNS - DESIGN AND DISPLAY CONTENT**

The design and display of the two (2) approved dynamic content signs must comply with the following:-

- (a) the Dynamic Content Signs must not operate between 11:00pm and 7:00am;
- (b) the Dynamic Content Signs must not contain any third-party advertisements;
- (c) the Dynamic Content Signs must not contain additional advertising promoting products or services (for example the logos or brands of products irrespective of whether that product or services is sold or available on the premises);
- (d) the Dynamic Content Signs must be of an abstract art nature and must not display offensive material;
- (e) the dynamic content of the signs must have a dwell time of at least 10 seconds with a transition time of 0.1 seconds; and
- (f) where any animation, video or moving or changing images are shown, they must not flash, strobe, pulsate, flicker or contain fast moving images. Any animation and motion of images must be always slow and smooth.

**Reason**

To ensure signage is designed in accordance with Council's DCP.

**(5) SIGN ILLUMINATION**

- (a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting.
- (b) The sign(s) must not flash. Signs with flashing, chasing, pulsating or flickering lights are not permitted.
- (c) The maximum night time luminance of any sign is not to exceed 300 cd/sqm.
- (d) Upward facing light sources onto the signage is not permitted.

**(6) BUILDING IDENTIFICATION SIGNS FOR MAJOR DEVELOPMENTS**

The top of building sign and dynamic content signs must be removed within a period of 12 weeks, in the event Canva vacate the property. If the signs are to be retained after this period, reflecting a new building tenant, a new development application must be lodged with Council.

**Reason**

To restrict the time building identification signs are displayed on buildings.

**(7) PLAN OF MANAGEMENT – TOWN HALL**

A plan of management for the Town Hall ante-space must be submitted to and approved by Council's Director of City Planning, Development and Transport prior to a Construction Certificate being issued.

The plan of management must be prepared:

- (a) incorporating the recommendations made by the Acoustic Report prepared by PWNA, dated 3 April 2024, ref 230530 - Version 4, titled CANVA Office Base Build DA1, Council Ref 2024/225389, including that all glazing along the facade will remain closed during all hours of operation;
- (b) demonstrating a commitment to good management of the operation of the premises, particularly in relation to managing potential impacts on adjoining and surrounding land uses and premises, as well as the public domain; and
- (c) addressing the relevant matters raised at Schedule 3.2 of SDCP2012.

The ongoing use of the premises must be operated in accordance with the approved plan of management.

**Reason**

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

**(8) PLAN OF MANAGEMENT – ROOF TERRACE**

A plan of management for the roof terrace must be submitted to and approved by Council's Director of City Planning, Development and Transport prior to a Construction Certificate being issued.

The plan of management must be prepared:

- (a) with a maximum of 260 patrons using the roof area at any one time;
- (b) incorporating the recommendations made by the Acoustic Report prepared by PWNA, dated 3 April 2024, ref 230530 - Version 4, titled CANVA Office Base Build DA1, Council Ref 2024/225389;

- (c) demonstrating a commitment to good management of the operation of the premises, particularly in relation to managing potential impacts on adjoining and surrounding land uses and premises, as well as the public domain; and
- (d) addressing the relevant matters raised at Schedule 3.2 of SDCP2012.

The ongoing use of the premises must be operated in accordance with the approved plan of management.

**Reason**

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

## **BUILDING WORK**

### **BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

#### **(9) REDEFINITION – SOME COMPONENTS PRIOR TO CONSTRUCTION CERTIFICATE**

- (a) Prior to the issue of any approval for demolition or Construction Certificate, the initial boundary definition survey work necessary for the preparation of a 'plan of redefinition', redefining the boundaries of the subject site shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter to the Principal Certifier certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate.
- (b) A plan or CAD file showing the redefined boundaries shall be provided to the project architect, who shall certify in writing that the proposed development as designed will fit within the redefined boundaries, without causing any encroachment of the proposed development or any overhangs to adjoining properties. This written confirmation shall be provided to the PCA prior to the issue of a Construction Certificate.
- (c) The final 'plan of redefinition' must be registered at NSW Land Registry Services prior to the issue of an occupation certificate. This plan shall include the redefinition of splay corners as shown within DP 553194 and incorporate the stratum height limits imposed by this plan relative to Australian height datum (AHD).
- (d) All redundant easements must be extinguished prior to the issue of an occupation certificate.

**Advisory note:** It is recommended that the Construction Certificate plans provide for the external walls of any new building to be set back a minimum of 20 millimetres from the boundaries to allow for construction tolerances and minimise risk of encroachment and consequent delays and expenses.

#### **Reason**

The subject boundaries are poorly defined. As the proposed building has no setback to poorly defined boundaries, it is necessary to first register a consolidation plan to define the boundaries and minimise the risk of boundary disputes, encroachment and delays.

#### **(10) FACADE MAINTENANCE ACCESS STRATEGY – EXTERNAL PLANTERS**

A Facade Maintenance Access Strategy for the building must be submitted to and approved by Council's Director of City Planning, Development and Transport prior to a Construction Certificate being issued.

The Facade Maintenance Access Strategy shall specify that:

- (a) the maintenance of external elements of the building, including planter beds and awning planters will be carried out using rope access by abseilers from anchor points located at the roof level; and



- (b) external maintenance of the building will not required the closing of footpaths during regular maintenance or the provision of local exclusion zones, other than those required to alert pedestrians that abseilers are working above using fixed anchor points.

The ongoing maintenance of the building must be undertaken in accordance with the approved Facade Maintenance Access Strategy.

**Reason**

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

**(11) FOOTPATH AWNINGS**

Footpath Awnings which are proposed to be constructed above 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 any Construction Certificate for the building.

Documentation must be submitted to the City's Construction and Building Certification Services Unit with the application demonstrating that the awning height complies with Development Control Plan 2012. Plans are to include dimensions confirming the awning width and setback from the kerb. Awning gutters are to be concealed from the public domain and plans are to confirm downpipes are located within or recessed into the ground floor frontage of the building.

**Reason**

To protect the public way.

**(12) FACADE PLANTERS**

- (a) A detailed facade planting plan including plans and details drawn to scale, and technical specification, by a qualified landscape architect must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate.
- (b) These documents must include:
  - (i) Location and details of existing and proposed services, walls, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (ii) Engineers report confirming structural capacity of building for proposed planter loads.
  - (iii) Details of soil types and depth including any mounding.
  - (iv) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.

- (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (vi) Planter maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates and transport of materials and green waste.
  - (vii) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.
- (c) Prior to the issue of a Construction Certificate, structural and waterproofing certifications for the planter are to be submitted to and approved by the Principal Certifier.
  - (d) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.
  - (e) Inaccessible planters must be complete prior to the issue of an Occupation Certificate.

**Reason**

To protect the public way.

**(13) GREEN ROOFS**

- (a) The following documentation, by a qualified landscape architect or landscape designer must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.
  - (i) A statement outlining the design intent of the green roof and any particular maintenance requirements, e.g. safety systems.
  - (ii) A typical sectional detail of the green roof showing dimensions, soil depth, soil type, mulch, drainage, waterproofing and irrigation.
  - (iii) Engineers report confirming structural capacity of building for proposed green roof loads.
  - (iv) List of proposed plant species, including supply size.
  - (v) Design of any structures, including pergolas, screens, raised planters, and walls.
  - (vi) A statement or drawing showing how the green roof will be safely accessed for regular maintenance, and if this will be done by the resident or a contractor.
- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.

- (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.
- (d) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

**Reason**

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

**(14) INACCESSIBLE GREEN ROOFS**

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

## **Reason**

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

### **(15) LANDSCAPE OF THE SITE**

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification, by a qualified landscape architect must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The landscape design should be generally in accordance with the Concept Landscape document by Arcadia, dated December 2023, and must include:
  - (i) A statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments.
  - (ii) Location and details of existing and proposed services, walls, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (iii) Engineers report confirming structural capacity of building for proposed roof terrace loads.
  - (iv) Details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
  - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (vi) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
  - (vii) Details of biosolar roof with solar panels integrated above green roof, ensuring adequate spacing of panels for maintenance access to all planting.
  - (viii) Green roof and green façade maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof and façade planters are to be submitted to and approved by the Principal Certifying Authority.
- (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

**Reason**

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

**(16) ELECTRICITY SUBSTATION**

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

**Reason**

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

**(17) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 60.26 (AHD) to the top of the building and RL 60.96 (AHD) to roof hatch of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

**Reason**

To ensure the constructed development complies with the approved height.

**(18) APPROVED DESIGN ROOF - TOP PLANT**

All roof-top plant and associated equipment must be located within the approved building envelope.

**Reason**

To ensure the constructed development complies with the approved height.

**(19) FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed 9.6:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area is 9,899.5sqm.

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the 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.

**(20) DESIGN FOR ENVIRONMENTAL PERFORMANCE**

- (a) Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Juliet Wittenoom Louw dated Thursday, May 2, 2024 (Council Ref: 2024/269382-01) are incorporated into the relevant construction plans and accompanying documentation:
  - (ii) Section 4 – Energy Efficiency and Greenhouse Gas Emissions Abatement
  - (ii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
  - (iii) Section 6 – On site Renewable Energy Generation and Storage
  - (iv) Section 7 – Design for Resilience to Climate Change
  - (v) Section 8 – Designing for mains potable water savings and water efficiency
  - (vi) Section 9 – Storm water quality
  - (vii) Section 10 – City Greening
  - (viii) Section 11 – Promoting Active Transport and Reducing Transport Emissions
  - (ix) Section 12 – Materials, Embodied Carbon and Circularity
  - (x) Section 13 – Waste Management and Resource Recovery
- (c) Changes to any commitments as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager prior to the issue of any relevant Construction Certificate.

**Reason**

To ensure the environmental performance of the development.

## **(21) ENERGY PERFORMANCE –NABERS|GREEN STAR**

### **Option 1: NABERS**

The design of the building and its services must achieve a National Australian Built Environment Rating System (NABERS) Energy rating of 5.5 Stars + 25% in operation for the base building. This is to be demonstrated by:

- (a) Entering into a Commitment Agreement with the NABERS National Administrator, to deliver this star rating for the base building. A copy of the signed Commitment Agreement contract is required; and
- (b) Providing a copy of the Estimator's report and Independent Design Review report to the NABERS National Administration and submitting the same reporting with the Construction Certificate application. The reporting must demonstrate the developments capacity to meet the NABERS star rating and the overperformance requirement mandated by the City.

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

Note: Definitions referred to above are as follows:

- (i) Commitment Agreement means an agreement that is set out in accordance with the NABERS National Administrator. The NABERS Commitment Agreement, which is signed between a NABERS authorised signatory and the applicant/building owner/building manager, is a commitment to design, build and commission the premises to achieve an agreed star rating.
- (ii) Star rating refers to the benchmarking system applied by the NABERS National Administrator for measuring the energy efficiency of a building.
- (iii) Base building means central services and common areas of a building, as defined under NABERS.
- (iv) Whole building refers to the base building and tenant occupied spaces, as defined under NABERS.
- (v) Estimate report refers to the report created by the Estimator which sets out a realistic estimate of the operational performance of the project determined.
  - a. In accordance with the NABERS Handbook; and
  - b. Without reference, calculation or consideration to GreenPower or other offsite renewable energy.
- (vi) Independent Design Review report is a report prepared in respect to the Independent Design Review by the Reviewer.

## **Option 2: Green Star**

The design of the building must achieve Green Star Buildings certification, with a minimum expectation result in Credit 22: Energy use. This is to be demonstrated by:

- (a) Registering the project with the Green Building Council of Australia (GBCA) for a rating under the Green Star Buildings v1 tool. Formal confirmation of registration with the GBCA is required.
- (b) Completing a Green Star Buildings v1 Submissions Planner, which clearly identifies how the proposed star rating will be achieved and what credits will be targeted; and
- (c) Providing a copy of an energy modelling report prepared by a suitably qualified person. Reports prepared under the reference building pathway must demonstrate compliance with all Green Star requirements. The report must demonstrate compliance with minimum expectation and credit achievement requirements.

### **Reason**

To ensure the building achieves the stated energy use performance rating and to reduce greenhouse gas emissions.

## **(22) NABERS WATER RATING AGREEMENT TO RATE NOT PROVIDED**

The design of the building and its services must achieve a National Australian Built Environment Rating System (NABERS) Water rating of 3 Stars in operation. This is to be demonstrated by:

- (a) Submitting a signed NABERS Agreement to Rate for the required star rating; and
- (b) Providing a Water Use Assessment Report prepared by a suitably qualified person, demonstrating the building is capable of achieving a NABERS water rating of 3 Stars. The Water Use Assessment Report should include calculations in line with the Green Building Council of Australia's (GBCA) Water Use calculator, or other equivalent methodology.

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

### **Reason**

To ensure that the building complies with the 3 Star NABERS water rating required under the State Environmental Planning Policy (Sustainable Buildings) 2022.



### (23) EMBODIED EMISSIONS REPORTING

Prior to the issue of a Construction Certificate, the embodied emissions reporting is to be updated to reflect finalised material specifications and increased design detail. If the NABERS Embodied Emissions Tool is active prior to submission of construction certificate documentation, then reporting is to be provided through the tool.

#### Reason

To ensure quantification of embodied emissions from the development.

### (24) ALLOCATION OF PARKING

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

Car Parking Type	Number
Service vehicle spaces (Australian Standard B99 Space)	2
Total	2

#### Reason

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

### (25) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Non-residential	70	Spaces must be Class 2 bicycle facilities
Non-residential visitor	24	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	10	
Personal lockers	89	

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

Notes:

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 Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

**Reason**

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

**(26) 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	\$38,234.46
Community Facilities	\$36,026.20
Traffic and Transport	\$5,993.85
Stormwater Drainage	\$0.00
Total	\$80,254.51

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

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

Where:

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

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

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

$CPI_{\text{consent}}$  = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 108.3 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](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to request a letter confirming the indexed contribution amount payable.

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

### **Reason**

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

### **(27) AFFORDABLE HOUSING CONTRIBUTION - RESIDUAL LANDS - 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 in accordance with this condition.
- (b) The contribution is \$225,647.88 (indexed at 9 May 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 (2,019sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being March 2023 to March 2024, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment =  $C \times \text{MDP2} / \text{MDP1}$ , where:
  - (i) C is the original total contribution amount payable to the City of Sydney as shown above;
  - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA applicable at the time of indexation of the equivalent monetary contribution rate, established by averaging the four most recently published NSW Government Rent and Sales Reports for the current period; and
  - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Reports used to establish the currently applicable equivalent monetary contribution rate, being March 2023 to March 2024.

Contact Council's Planning Assessment Unit at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto: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.

**(28) HOUSING AND PRODUCTIVITY CONTRIBUTION**

- (a) The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition (b), is required to be made:

Housing and productivity contribution	Amount
Total housing and productivity contribution	\$62,195

- (b) The amount payable at the time of payment is the amount shown in part (a) above as the total housing and productivity contribution adjusted by multiplying it by:

***highest PPI number***

***consent PPI number***

where:

- (i) highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and
- (ii) consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and
- (iii) June quarter 2023 and PPI have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

- (c) The HPC must be paid before the issue of the first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no	Before the issue of the first strata certificate

construction certificate is required	
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Before the installation of the first manufactured home

In the Table, HPC Order means the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

- (d) The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
- (e) If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
- (i) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out.
  - (ii) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition (b) at the time of payment.

- (f) Despite condition (a), a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

### Reason

To require a housing and productivity contribution be paid to contribute to state infrastructure in key growth areas for NSW, in accordance with Clause 7.28 of the Environmental Planning and Assessment Act 1979.

**(29) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Deposit calculated on the basis of 116 square metres of asphalt along Kippax Street frontage, 32 square metres along Terry Steet and 35 square metres along Sophia Street of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

**Reason**

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

**(30) SURVEY INFRASTRUCTURE IDENTIFICATION AND RECOVERY**

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor General's authorisation to remove or replace marks.

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager. This evidence must include either:

- (a) A copy of any Surveyor General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report);

or

- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.
- (c) Council's Principal Surveyor may request further information and/or add conditions to any Surveyor General's Approval at their discretion.

**Reason**

To ensure the preservation of existing survey infrastructure.

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

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

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

#### **Reason**

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

### **(32) PUBLIC DOMAIN LEVELS AND GRADIENTS (WHEN NOT APPROVED AT DA STAGE) MAJOR**

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

<https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/daassociatedworks>

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

Note: Public Domain Levels and Gradient plans are to be included with the Public Domain Plan –

Detailed Documentation for Construction condition submission.

#### **Reason:**

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

### **(33) STORMWATER DRAINAGE DESIGN**

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitably qualified and experienced professionals must be submitted to and approved by the City's Public Domain Unit. The plan must be submitted with an Application for Approval of Stormwater Drainage , together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The submission 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 <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>

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

**Reason**

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

**(34) FLOOD PLANNING LEVELS**

The development must be constructed to comply with the recommended flood planning levels indicated in table 4 - Flood Planning Level Comparison of the report titled Civil Engineering Development Application report/Rev 05, prepared by Enstruct, dated 24 April 2024.

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

**Reason**

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

**(35) PUBLIC DOMAIN LIGHTING UPGRADE**

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

The lighting upgrade plan must cover all adjacent street frontages, being Kippax Street, Sophia Street and Terry Lane and shall be designed to include the following requirements;



**Kippax Street:**

Lighting must comply with requirements of AS1158 under Category PR1 on roadway and PP1 on footpaths.  
If required, supply and install COS light poles or upgrade Ausgrid street lighting network to achieve compliance.

**Sophia Street and Terry Lane** (along development site between Ausgrid poles #SY20910 and SY20912):

Lighting must comply with requirements of AS1158 under Category PR2.  
If required, supply and install COS standard wall mount lights or extend Ausgrid street lighting network to achieve compliance.

**Under awning lighting:**

Provide under-awning lighting complying with the requirements of City of Sydney Awnings.

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

**Reason**

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

**(36) 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, including the CCTV of the adjacent drainage pipeline/s 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.

**(37) 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.

**(38) STORMWATER DRAINAGE DESIGN FOR STATE ROADS/OTHER AUTHORITIES**

A detailed stormwater management plan prepared by suitably qualified and experienced civil engineer and complying with Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design must be reviewed and approved by the City's Public Domain Unit prior to being submitted to Sydney Water.

The approval issued by Sydney Water must be submitted to Council prior to the issue of any Construction Certificate other than demolition.

**Reason**

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

**(39) STORMWATER QUALITY ASSESSMENT AMENDED**

The development must comply with the submitted Civil Engineering Report – Appendix B MUSIC Link Report, dated 1.12.2023 and approved with this development application.

Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NPER) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC Link Report.

**Reason**

To ensure appropriate stormwater quality on the site.

**(40) PUBLIC ART**

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

The public artwork must be in accordance with the updated UAP Preliminary Public Art Plan (2024/225418) dated March 2024, the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments.

A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Director City Planning, Development and Transport prior to issue of any Construction Certificate for above ground works.

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

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art> Please contact the Public Art Team at [publicartreferrals@cityofsydney.nsw.gov.au](mailto:publicartreferrals@cityofsydney.nsw.gov.au) for further information.

**Reason**

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

**(41) 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 PWNA, dated 3 April 2024, ref 230530 - Version 4, titled CANVA Office Base Build DA1, Council Ref 2024/225389 must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant\* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant\* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.
- (d) 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).
- (e) 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.

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

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate.

The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement (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.

**Reason**

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

**(43) PARKING DESIGN**

- (a) The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking. The details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

**Reason**

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

## **BEFORE BUILDING WORK COMMENCES**

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

A qualified practising registered structural engineer must provide structural certification to the Registered Certifier verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of the *Building Code of Australia* prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

#### **Reason**

To ensure the existing structure can support the new loads.

### **(45) PUBLIC DOMAIN WORKS - CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993**

Prior to the construction of any public domain works, including stormwater drainage 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.

### **(46) PUBLIC DOMAIN WORKS SECURITY BOND**

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

The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to an approval being issued for the approval of the Public Domain Plan.

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

#### **Reason**

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

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

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

##### **Reason:**

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

#### **(48) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION**

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights: Public Domain Design Code and Sydney Streets Technical Specification.

The documentation must be checked, accurate, and comply with specified requirements. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be For Construction issue and will be approved under Section 138 of the Roads Act.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, details must be submitted for approval with the public domain plan and additional fees may apply.

##### **Reason**

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

#### **(49) HOLD POINTS**

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

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

**Reason**

To ensure hold points are adhered to during construction works.

**(50) STORMWATER DRAINAGE CONNECTION**

For approval of a connection into the City of Sydney's underground drainage infrastructure system, detailed stormwater construction plans must be submitted to the City's Public Domain Team with the Public Domain Plan Detailed Documentation for Construction for review and approval prior to an approval being issued for the construction of public domain work.

**Reason**

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

**(51) PUBLIC DOMAIN LIGHTING RETICULATION**

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

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

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

**Reason**

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

**(52) 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 A5G3(1)(e) of the *Building Code of Australia* must be submitted to the satisfaction of the Registered Certifier.



**Reason**

To ensure structural certification is undertaken.

**(53) NATIONAL CONSTRUCTION CODE COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF THE BUILDING IS REQUIRED**

Pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021, the whole building must comply with the Building Code of Australia through the prescribed compliance pathways addressing the following matter prior to the issuing of a construction certificate:

- (a) Fire resistance - Part C1;
- (b) Fire resistance and stability – Part C2;
- (c) Compartmentation and separation - Part C3;
- (d) Protection of openings - Part C4;
- (e) Access and egress - Part D1;
- (f) Provision of escape - Part D2;
- (g) Construction of exits - Part D3;
- (h) Fire fighting equipment - Part E1;
- (i) Smoke hazard management (Performance Requirements) - Part E2;
- (j) Lift installations - Part E3; and
- (k) Visibility in an emergency, exit signs and warning systems - Part E4.

**Reason**

To ensure the works comply with relevant regulations.

**(54) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

**Reason**

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

## **(55) 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.

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

The construction, fitout 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 Fitout of Food Premises.

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

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

### **Reason**

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

## **(57) 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.

**(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) WASTE STORAGE AREA**

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:

- (a) Provided with a hose tap connected to the water supply. Paved with impervious floor materials.
- (b) Coved at the intersection of the floor and walls.
- (c) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
- (d) 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.
- (e) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
- (f) Appropriately managed to Council's satisfaction so that it does not attract pests or create litter.

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

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.

## **(60) 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.

## **(61) 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.

### **(62) 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.

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

- (a) To ensure the adequate storage and collection of waste from the occupation of the building, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area. The waste storage area must be designed and constructed in accordance with the following requirements to minimise odours, deter vermin, and protect surrounding areas:-
  - (i) Provided with a hose tap connected to the water supply; Paved with impervious floor materials;
  - (ii) Coved at the intersection of the floor and walls;
  - (iii) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
  - (iv) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
  - (v) An adequate lighting system must be provided (natural or artificial) to the waste room to aid with cleaning and the detection of pest activity.
  - (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the National Construction Code (previously known as Building Code of Australia).

- (b) Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate.

**Reason**

To ensure adequate storage and collection of waste.

**(64) MECHANICAL VENTILATION**

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

**Reason**

To ensure the ventilation complies with relevant standards.

**(65) MICROBIAL CONTROL IN WATER SYSTEMS**

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

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

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

Notification forms are available on Council's website [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)

**Reason**

To ensure water systems comply with relevant standards.

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

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

**Reason**

To ensure the mechanical ventilation complies with relevant standards.

**(67) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan, which meets the requirements as set out in Council's *Guidelines for Waste Management in New Developments 2018*, is to be approved by the Principal Certifying Authority prior to a Construction Certificate being issued.
- (c) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
- (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.
  - (iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments 2018*.
  - (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.

- (v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading.
- (vi) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14.

Note: The building manager 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.



## **DURING BUILDING WORK**

### **(68) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of affected properties immediately to the east, north and west of the site (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. 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 Registered Certifier and the Council prior to the issue of a Construction Certificate.

#### **UPON COMPLETION OF EXCAVATION/DEMOLITION**

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

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

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

#### **Reason**

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

### **(69) 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 Planning Manager prior to any demolition and 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.

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

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report 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.

**(71) 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.

**(72) 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.

**(73) 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.

**(74) 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 LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

**Reason**

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

**(75) 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.

**(76) 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.

**(77) INSTALLATION OF WATER EFFICIENT SHOWER HEADS**

All 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 Registered Certifier, prior to any Occupation Certificate being issued.

**Reason**

To ensure the provision of water efficient shower heads.

**(78) INSTALLATION OF WATER EFFICIENT TAPS**

All taps installed must be water efficient with at least a 5-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Registered Certifier, prior to any Occupation Certificate being issued.

**Reason**

To ensure the provision of water efficient taps.

**(79) 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.

**(80) HOURS OF WORK AND NOISE - OUTSIDE CBD**

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

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

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

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

**Reason**

To protect the amenity of the surrounding area.

**(81) USE OF HIGH NOISE EMISSIONS/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 (8am to 12pm and 1pm to 5pm)
- (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.

**(82) 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.

**(83) 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 Waste Avoidance and Resource Recovery Act 2001
- (c) Work Health and Safety Act 2011
- (d) Work Health and Safety Regulation 2017.

## Reason

To ensure hazardous/ industrial waste is managed appropriately.

### **(84) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM**

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

**Reason**

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

**(85) ASSOCIATED ROADWAY COSTS**

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

**Reason**

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

**(86) ROAD OPENING APPLICATION**

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

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

**Reason**

To ensure that approval under the Roads Act is obtained.

**(87) 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 where information or clarification is required regarding the resolution of excavation issues throughout the project.

**Reason**

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

**(88) 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 Geotechnical Assessment must be implemented, and where relevant be included in the Detailed Excavation and Construction Methodology.

**Reason**

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

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

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



- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

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

**Reason**

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

**(90) COMPLIANCE WITH DEMOLITION, EXCAVATION AND 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 submitted Demolition, Excavation and Construction Management Plan prepared by Pulse White Noise Acoustics dated 3 April 2024.
- (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)
- (c) Such periods must be set and agreed to by Council's Health and Building Unit.

**Reason**

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

## **(91) OTHER APPROVALS**

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

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

### **Reason**

To ensure use of a public place is managed appropriately.

## **(92) STREET TREE PRUNING AND REMOVAL**

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

### **Reason**

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

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

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

**Reason**

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

## **BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

### **(94) REGISTRATION OF POSITIVE COVENANT FOR PROJECTING PLANTER BOXES**

Prior to the issue of an Occupation Certificate:

- (a) A Positive Covenant must be registered on the title of the subject lot, being No. 8-24 Kippax Street, Surry Hills, benefiting Council, requiring the lot owner to maintain all projecting planters in perpetuity.
- (b) The Positive Covenant will contain terms reasonably required by Council and will be prepared by Council, at the cost of the applicant, in accordance with the City's Fee's and Charges.
- (c) The Positive Covenant must be created and registered on the title of the subject lot, being No. 8-24 Kippax Street, Surry Hills, benefiting Council. The Positive Covenant must indemnify Council against any claims and damages arising from the use or maintenance of the projecting planter boxes and require the lot owner to maintain a public indemnity insurance policy with a minimum coverage amount of \$20,000,000 per occurrence, to which Council is a named party. The Positive Covenant will provide for the maintenance, upkeep, and repair of the planter boxes by the lot owner in accordance with Council's requirements and to the satisfaction of Council.

#### **Reason**

To ensure maintenance procedures and repair of proposed planter boxes are put in place.

### **(95) REGISTRATION OF POSITIVE COVENANT FOR NON-STANDARD AWNINGS**

- (a) Prior to the issue of an Occupation Certificate, a Positive Covenant, benefiting Council, must be registered on the title of the subject lot, being No. 8-24 Kippax Street, Surry Hills, requiring the lot owner to attend to ongoing maintenance of all planted awnings and any non-standard awnings, except for 'regular' non-planted Footpath Awnings as outlined in this consent condition in perpetuity.
- (b) The Positive Covenant will contain terms reasonably required by Council and will be prepared by Council, at the cost of the applicant, in accordance with the City's Fee's and Charges.
- (c) The Positive Covenant must be created and registered on the title of the subject lot, being No. 8-24 Kippax Street, Surry Hills, benefiting Council. The Positive Covenant must indemnify Council against any claims and damages arising from the use or maintenance of the projecting planted awning and require the lot owner to maintain a public indemnity insurance policy with a minimum coverage amount of \$20,000,000 per occurrence, to which Council is a named party. The Positive Covenant will provide for the maintenance, upkeep, and repair of the projecting planted awning by the lot owner in accordance with Council's requirements and to the satisfaction of Council.

**Reason**

To protect the public way.

**(96) PUBLIC DOMAIN WORKS COMPLETION**

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

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

**Reason:**

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

**(97) RESTRICTION OF END OF JOURNEY – OUTSIDE CENTRAL SYDNEY**

Prior to any Occupation Certificate being issued, a documentary restrictive covenant to the effect that 293sqm of the building has been approved as end of journey facilities is to be registered on the Title of the development site pursuant to section 88E of the Conveyancing Act 1919. The covenant is to be created appurtenant to Council and at no cost to Council.

**Reason**

To ensure the bonus floor space approved as part of the consent continuously used for the approved purpose.

**(98) PUBLIC DOMAIN COMPLETION - WORK AS EXECUTED DOCUMENTATION**

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

**Reason**

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

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

Prior to the issue of any Occupation Certificate the Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.

**Reason**

To protect underground drainage systems.

**(100) SYDNEY WATER CERTIFICATE**

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

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

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

The Section 73 Certificate must be submitted to Council or the Accredited Certifier prior to any Occupation Certificate being issued.

**Reason**

To ensure requirements of Section 73 under the Sydney Water Act 1994 are met.

**(101) SURVEY INFRASTRUCTURE - RESTORATION**

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

- (i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with
- (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and

- (iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

**Reason**

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

**(102) CONSTRUCTED FLOOR LEVELS**

A certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the report titled Civil Engineering Development Application Report/Rev 05, prepared by Enstruct, dated 24 April 2024.

**Reason**

To ensure the development achieves the required floor levels.

**(103) FLOOD RISK MANAGEMENT**

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

- (a) Details of proposed flood barriers and their operation to demonstrate:
  - (i) Flood control devices or systems can withstand flood-related forces including hydro static load and dynamic load and impacts in a probable maximum flood event.
  - (ii) Flood control devices or systems have been certified by an appropriately experienced engineer registered on the National Engineers Register (NER).
  - (iii) Flood control devices or systems are integrated into the driveway of a building to descend from above or ascend from below to exclude floodwater.
  - (iv) Automatic closure of flood control devices or systems, together with an anti-opening mechanism to prevent them from being opened in a flood event.
  - (v) Appropriate peripheral safety measures will be provided to support the operation of the flood control devices or systems, including, but not limited to:
    - a. an independent back-up power supply, to be used in the event of a power failure; and



- b. audible and visual alarm systems to warn of the operation of the flood doors and barriers. The alarm system must be linked to the building management system which indicates the status of the failsafe operation and back-up supply power;
  - c. flood sensors linked to the alarm system to provide information on the status of the operation of the flood doors and barriers; and passenger lift programming is to ensure that the lift is deactivated when flood doors and barriers are activated.
- (b) All building structures are to be designed to ensure structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the 1% AEP/ 100 year flood level plus 0.5m or Probable Maximum Flood level, whichever is the greater.

For example, where glass is used, it must be toughened glass to resist the impact of hydraulic forces of floodwaters and impact loading of debris. Details of these works shall be submitted to and shall be approved by the Principal Certifying Authority prior to the issue of the stage 2 Construction Certificate.

- (c) Flood protection is required for all flood events up to and including the minimum flood planning levels applicable to the development.

Flood proofing is to be maintained for the life of the development. The design of the flood proofing is to be certified by a suitably qualified practitioner engineer with experience in flood proofing and is to be compatible with the design of the development set out in this development consent.

The certification must ensure compliance with the relevant Australian Standards and codes for structural engineering. The certification must be supplied by the Applicant to the Certifying Authority.

- (d) All flood protection features requiring power to operate must have alternative backup power source;
- (e) All electrical features including power points and other mechanical equipment must be set above the Flood Planning Level. This must be shown on the detailed plans prior to the issue of the Construction Certificate for the basement.
- (f) A design certification report prepared by a suitably qualified practitioner engineer demonstrating compliance has been achieved of these requirements above shall be submitted to and shall be approved by the Principal Certifying Authority prior to the issue of any Occupational Certificate.

**Reason**

To ensure flood risk management measures are complied with.

#### **(104) FLOOD PROTECTION FEATURES**

Prior to the issue of any Occupation Certificate, the proposed Flood Protection System including all its features are to be tested by an independent floodplain management consultant, and a report confirming the full operation of the system is to be submitted to and approved by Principal Certifying Authority.

##### **Reason**

To ensure flood risk management measures are complied with.

#### **(105) FLOOD EMERGENCY RESPONSE PLAN**

- (a) A Flood Emergency Response Plan is to be prepared by a suitably qualified flood engineer. The Flood Emergency Response Plan is to be implemented and operated by the building owner and/or Owners Corporation at all times.
- (b) The Flood Emergency Response Plan must include all measures required to be implemented to ensure the ongoing management of flooding risk in relation to the building, including (but not limited to) the following:
  - (i) Describe the flood conditions in the vicinity of the site;
  - (ii) If appropriate, direct persons on the site to seek refuge above the Probable Maximum Flood level for all levels of the building that are flood affected. Shelters in place for flood affected parts of the building is not permissible;
  - (iii) Include a map directing residents and visitors to a refuge via a flood free pathway within the building;
  - (iv) Describe the audible and visual alarm system for the basement area, including the linkage of this system to the building management system, details of failsafe operations and alternate power arrangements;
  - (v) Provide details (as an appendix) of all proposed flood sensors, their purpose, operation and maintenance (including the frequency of maintenance);
  - (vi) Provide details of lift design and operation in the event of a flood and specify how the lift will be deactivated in the event of a flood;
  - (vii) Provide details of access to flood free areas for disabled persons;
  - (viii) Provide details of all flood protection design features of the building (flood doors and the like) and describe their operation, maintenance, repair and replacement arrangements. Repairs are to be completed to ensure that the flood doors/gates/barriers remain operational and effective at all times;

- (ix) A pumping option needs to be shown, along with the location of pumps (in case mechanical failures of flood barriers occur). The pumps must be designed to pump out the full range of flood volumes within 6 hours after floodwaters have receded.
  - (x) Details of the operations and maintenance of the pumps are to be included. Any pumping equipment used to disperse flood waters should have the same maintenance schedule as the flood doors; and
  - (xi) Make provision for three monthly testing by the building owner and/or Owners Corporation.
- (c) The building owner and/or Owners' Corporation must enter into a service arrangement by which all identified faults or defects to all flood designed features of the building must be repaired within 24 hours.
- (i) No toxic or other hazardous materials are to be stored below the Flood Planning Level or in the basement levels.
  - (ii) Prior to the issue of any Stage 1 Construction Certificate for the basement, the Flood Emergency Response Plan (FERP) is to be submitted to and approved by Principal Certifying Authority (PCA).

Reason

To ensure flood risk management measures are complied with.

**(106) 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.

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

**Reason**

To ensure Council is notified of food business details.

**(108) NOTIFICATION - NEW CONTAMINATION EVIDENCE**

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

**Reason**

To ensure that the site is appropriately remediated.

**(109) 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.

**(110) COMPLIANCE WITH NATIONAL CONSTRUCTION CODE**

All proposed work must comply with the National Construction Code (previously known as Building Code of Australia).

**Reason**

Prescribed condition - EP&A Regulation 2021 clause 69(1).

**(111) LOADING AND SERVICING MANAGEMENT PLAN**

A Loading and Servicing Management Plan is to be prepared and submitted to the Council and approved, prior to issue of an Occupation Certificate.

The Plan is to be prepared for distribution to relevant tenants outlining how the loading dock will be managed and used by all relevant tenants. The Plan must include, but is not limited to, loading schedule, management of deliveries to ensure vehicles are not waiting on public streets to enter the site.

Once approved, this management plan is to be provided to all relevant tenants and external users of the loading area.

**Reason**

To ensure the suitable management of the site.

**(112) BICYCLE PARKING SIGNAGE AND WAYFINDING PLAN -**

Signage directing users to the bicycle parking facilities are to be installed from the street level, between the bicycle riders entry point/s at the site boundary and the entry point to the bike parking and End of Trip facilities. Signage is to be generally in accordance with signage shown in Australian Standard AS 2890.3:2015

Parking Facilities Part 3: Bicycle Parking Facilities. The signage plan must be submitted to and approved by Council prior to the Occupation Certificate for the site being granted. Signage is to be installed before the issue of any Occupation Certificate.

**Reason**

To ensure the suitable management of the site.

**(113) HOURS OF WORK AND NOISE – OUTSIDE CBD**

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

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

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

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

**Reason**

To protect the amenity of the surrounding area.

**(114) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

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

**Reason**

To ensure that the site is appropriately remediated.

**(115) COVERING OF LOADS**

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

**Reason**

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

**(116) EROSION AND SEDIMENT CONTROL**

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

During the construction period:-

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

**Reason**

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

### **(117) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

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

#### **Reason**

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

### **(118) 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.

### **(119) 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.

**(120) 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.

**(121) 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.

**(122) DEFECTS LIABILITY PERIOD PUBLIC DOMAIN WORKS**

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

**Reason**

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

## **DEDICATIONS / SUBDIVISIONS / ENCROACHMENTS**

### **(123) LAND SUBDIVISION – SEPARATE DA 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.

### **(124) STRATA SUBDIVISION – DEVELOPMENT CONSENT**

Any proposal for future strata subdivision will require development consent and therefore the lodgement of a separate development application or complying development application and subsequent approval from Council, or a Registered Strata Certifier, of the Strata Plan – and issue of a Strata Certificate, under the *Strata Schemes Development Act 2015*.

**Reason** To ensure separate development consent is sought for strata subdivision

### **(125) STRATA TITLE PARKING SPACES**

All parking spaces must form part of a retail or commercial strata unit in the event of any future strata subdivision. No parking spaces or storage spaces are to have their own individual strata title in any future strata plan.

#### **Reason**

To prevent the sale of individual car parking spaces in a future subdivision.

## **OCCUPATION AND ONGOING USE**

### **(126) USE - SEPARATE DA REQUIRED**

No consent is granted or implied for the fitout or specific use of the retail space at the corner of Terry Street and Sophia Street.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fitout and use prior to that fitout or use commencing.

#### **Reason**

To require separate consent to be obtained for a use.

### **(127) EXTERNAL LIGHTING**

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

#### **Reason**

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

### **(128) 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.

### **(129) 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 signage illumination is designed in accordance with the Australian Standards.

### **(130) AWNING MAINTENANCE**

The elevated planters and street 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 protect the public way.

### (131) NOISE - ENTERTAINMENT

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

### **(132) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT**

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

### **Reason**

To protect the acoustic amenity of surrounding properties.

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

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

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

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

**Reason**

To protect the acoustic amenity of surrounding properties.

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

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

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

**Reason**

To protect the acoustic amenity of surrounding properties.

**(135) ON-SITE LOADING AREAS AND OPERATION**

- (a) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (b) At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

**Reason**

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

### **(136) VEHICLES ACCESS**

All vehicles are to enter into the site by reversing in and depart the site travelling in a forward direction.

#### **Reason**

To maintain the orderly operation of vehicle parking areas and to ensure pedestrian safety.

### **(137) 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.

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

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

#### **Reason**

To ensure that waste and recycling is appropriately managed.

### **(139) 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 Planning Manager for the City Model in Town Hall House.



Note:

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

**Reason**

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

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

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

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

### **Reason**

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

### **(141) RESTRICTION ON USE OF CAR SPACES - MIXED USE**

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than by an occupant, tenant or resident of the subject building.
- (b) Prior to any Occupation Certificate being issued, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the *Strata Titles (Freehold Development) Act, 1973*, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the *Conveyancing Act 1919* burdening all car parking part - lots in the strata scheme.

### **Reason**

To ensure the on-site car parking spaces are not to be used other than by an occupant or tenant of the building.

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

No portion of the proposed structure shall encroach onto the adjoining properties. Prior to the issue of any Staged or Final Occupation Certificate for the buildings, the Principal Certifier shall review the Final Identification Survey and confirm that the proposed structures stand wholly within the subject boundaries. 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 Interim or Final Occupation Certificate.

### **Reason**

To ensure the orderly development of land, and that the property rights of adjoining owners are respected.

### **(143) UNDER AWNING LIGHTING**

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

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

**Reason**

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

**(144) 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.

**(145) WASTE/RECYCLING COLLECTION - COMMERCIAL**

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

**Reason**

To ensure that waste and recycling is appropriately managed.

## **ONGOING USE**

### **(146) USE OF SOPHIA STREET FOR EVENTS NOT APPROVED**

No approval is granted as part of this application for the use of Sophia Street as a 'break out' area for office workers of during events held at the premises.

#### **Reason**

To ensure the safety of pedestrians and workers on Sophia Street.

### **(147) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 5.2m.

#### **Reason**

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

### **(148) 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.

# AUSGRID

## **(149) CONNECTION OF NEW SUBSTATION**

The proponent will need to establish a new substation before Substation S3164 is decommissioned.

A connection application will need to be submit to Ausgrid as soon as practicable.

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

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

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

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

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

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

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

### **Reason**

To ensure the continuation of supply of electricity to the site and surrounds.

## **(150) UNDERGROUND CABLES**

Special care should be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath of Terry and Kippax Streets. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

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

**Reason**

To maintain the orderly operation of the site and surrounds.

**(151) ACTIVITIES WITHIN ELECTRICITY EASEMENT**

Any Activities within the existing Electricity Easement must have regard for Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 that outlines the minimum requirements for working around Ausgrid's underground cables.

**Reason**

To maintain the orderly operation of the site and surrounds.