

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## CONDITIONS OF CONSENT

### PART A - GENERAL

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2023/997 dated 2 November 2023 and the following architectural drawings prepared by EM BE CE:

Drawing Number	Drawing Name	Date
DA-004 Issue 01	Site Plan Demolition	07.05.2024
DA-005 Issue 01	Site Plan Proposed	07.05.2024
DA-100 Issue 01	Proposed B01 Plan	07.05.2024
DA-101 Issue 01	Proposed L00 and L01 Plan	07.05.2024
DA-102 Issue 01	Proposed L02 and L03 Plan	07.05.2024
DA-103 Issue 02	Proposed L04 and Roof Plan	18.06.2024
DA-200 Issue 01	South and East Elevations	07.05.2024
DA-201 Issue 01	North and West Elevations	07.05.2024
DA-300 Issue 01	Cross Sections 01 and 02	07.05.2024
DA-301 Issue 01	Long Sections	07.05.2024
DA-350 Issue 00	Facade Sections	07.05.2024
DA-403 Issue 00	Church Mezzanine Section Detail	18.06.2024

And the following landscape drawings prepared by 360 Degrees Landscape Architects:

Drawing Name	Date
Tree Protection and Removal Plan (Revision C)	02.05.2024
Planting Palette & Schedule	02.05.2024
Material & Finishes Plan – Ground Floor	02.05.2024
Material & Finishes Plan – Level 01	02.05.2024
Material & Finishes Plan – Level 02	02.05.2024
Material & Finishes Plan – Level 03	02.05.2024
Material & Finishes Plan – Level 04	02.05.2024
Landscape Sections & Elevation	02.05.2024
Landscape Sections & Elevation	02.05.2024

and as amended by the conditions of this consent.

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

#### Reason

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

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

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- (b) The contribution is \$184,519.39 (indexed at 1 March 2024). This is calculated by establishing the sum of the equivalent monetary contribution \$11,176.22 multiplied by 1% of the total floor area for non-residential development (1,651sqm) and the equivalent monetary contribution \$11,176.22 multiplied by 3% of the total floor area for residential development (0sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2024 to 28 February 2025, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment =  $C \times MDP2 / MDP1$ , where:
  - (i) C is the original total contribution amount payable to the City of Sydney as shown above;
  - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
  - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being 1 March 2024 to 28 February 2025.

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

**(3) 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
Housing and productivity contribution (base component)	\$34,770

Transport project component	\$0
Total housing and productivity contribution	\$34,770

- (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 construction certificate is required	Before the issue of the first strata certificate
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
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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.

#### (4) 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	\$83,288.43
Community Facilities	\$78,478.04

Traffic and Transport	\$13,056.77
Stormwater Drainage	\$0.00
Total	\$174,823.24

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 – 137.7 for the March 2024 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.

## **(5) SIGNS AT EGRESS**

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

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

**Reason**

To ensure the safety of surrounding pedestrians and cyclists.

**(6) 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.

**(7) 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.

**(8) 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.

**(9) 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.

### **(10) SHARED ZONE**

- (a) The proposed northerly extension of the existing pedestrianised shared zone at the southern end of High Holborn Street is not approved as part of this consent.
- (b) Additional information and a separate application with the detailed design must be submitted to show the shared zones can meet the requirements of the TfNSW warrants.
- (c) The proposed Shared Zone must be designed in accordance with Technical Direction TTD 2016/001, or the most current standard for design and implementation of shared zones including provision for parking.

The design of the shared zone will require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for endorsement and referral to the RMS for final approval.

Additional reports, information or design changes may be required by Council officers, the LPCTCC or RMS during the approvals process. The cost of any changes and associated documentation must be undertaken by the applicant. The plan must be approved as part of the Public Domain Plan and prior to commencement of any public domain work.

*Note: Gaining a Shared Zone approval can take at least 3 months and the applicant is recommended to begin the process as soon as practical. TfNSW shared zone policy and guidelines can be found on their website. The applicant is advised to contact with Council Area Traffic Engineer South for the requirements of the shared zone application.*

## **Reason**

To require separate consent to be obtained and to confirm design requirements and approvals required for proposed shared zone.

### **(11) PARKING PLAN**

The applicant must undertake a review of the on-street parking restrictions on the development's frontages.

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

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



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

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

**Reason**

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

**(12) VEHICLES ACCESS**

The site must be configured to allow all vehicles to enter the site by reversing in and exit the site by driving off the site in a forward direction.

**Reason**

To ensure that the proposed vehicle access prioritises pedestrian safety.

**(13) 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.

**(14) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
  - (i) New services must use existing service runs;
  - (ii) Where this is not possible, details of an alternative solution must be shown on drawings at a suitable scale and submitted and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of any Construction Certificate.

- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.

**Reason**

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

**(15) MATERIALS FOR MAKING GOOD**

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

**Reason**

To ensure appropriate materials and finishes are used.

**(16) RETENTION OF INTERNAL FEATURES**

The timber floor planks, the bronze side gate and the leadlight windows are to be retained.

**Reason**

To protect the heritage of the building.

**(17) FLUSH FITTING OF NEW ROOF STRUCTURES**

The approved solar panels must be fitted flush to the roof slope and not intrude the ridge lines or damage the flashings. The solar panels must be consistent with the PV-ezRack SolarRoof details provided.

No surface-mounted conduit is to be installed on the church roof.

**Reason**

To ensure an appropriate heritage/streetscape outcome.

**(18) WASTE AND RECYCLING MANAGEMENT - GENERAL**

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*. The provisions to support the safe and efficient waste collection service for residents and collection contractors.

**Reason**

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

**(19) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

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

**Reason**

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

**(20) PAVING MATERIALS**

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

**Reason**

To ensure appropriate and safe paving materials are used.

**(21) 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.

**(22) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**Reason**

To protect neighbouring properties.

**(23) ENCROACHMENTS – PUBLIC WAY**

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

**Reason**

To protect neighbouring properties.

**(24) SURVEY**

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

**Reason**

To ensure the development does not encroach onto neighbouring properties.

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

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

**Reason**

To clarify the scope of the consent.

**(26) 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.

**(27) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 52.60 (AHD) to the top of the lift overrun and RL 55.63 (AHD) to the top of the open pitched portal architectural roof features.
- (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.

**(28) 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.

**(29) SIGNS - SEPARATE DA REQUIRED**

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

**Reason**

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

**(30) OUTDOOR DINING – NOT APPROVED**

No approval is granted for outdoor dining under the current consent. A separate application is required if consent is sought for outdoor dining.

**Reason**

To confirm the scope of the consent.

**(31) GOODLET LANE – RESTRICTION ON ACCESS/EGRESS**

The approved egress to Goodlet Lane is only to be used in the event of a fire or emergency. The egress to Goodlet Lane is not to be used as a secondary access for servicing or entry to the development.

**Reason**

To ensure the development does not adversely impact upon the amenity of Goodlet Lane.

**(32) TREES APPROVED FOR REMOVAL**

- (a) All trees detailed in Table 1 below are approved for removal. Tree removal must not occur until the Construction Certificate has been issued.

Table 1 – Tree Removal:

<b>Tree No</b>	<b>Species:</b>	<b>Location</b>
10	<i>Ginko Biloba</i> (Maidenhair Tree)	Goodlet Lane (Street Tree)

- (b) All tree removal works must be carried out by an arborist with a minimum AWF Level 3 qualification in arboriculture in accordance with SafeWork’s Code of Practice – Amenity Tree Industry.

**Reason**

To identify the trees that can be removed.

### (33) TREES THAT MUST BE RETAINED

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

Table 2 – Tree Retention:

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

<b>Tree No</b>	<b>Species:</b>	<b>Location</b>
1	<i>Lophostemon confertus</i> (Brushbox)	Front of 420 Cleveland Street (Steet Tree)
4	<i>Lophostemon confertus</i> (Brushbox)	Cleveland Street adjacent High Holborn Street
5	<i>Platanus orientalis</i> (Oriental Plane)	High Holborn Street (Street Tree)
6	<i>Platanus orientalis</i> (Oriental Plane)	High Holborn Street (Steet Tree)
7	<i>Tristaniopsis laurina</i> (Water Gum)	High Holborn Street (Street Tree)
11	<i>Eucalyptus tereticornis</i> (Forest Red Gum)	416 Cleveland Street, rear garden neighbouring property

#### **Reason**

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

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

### **(34) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) Eastern Facade Privacy Treatments: High quality, well integrated external privacy treatments are to be provided to the large picture windows on Levels 1-3 of the approved rear addition facing the eastern neighbour to ensure increased privacy to this sensitive interface is maintained at all times. This could include fixed external vertical or horizontal louvres or equivalent external treatments.

The submission is to demonstrate that the amount of glazing providing direct unfettered views to the east on Levels 1-3 is reduced by at least 50%.

- (b) South Elevation Privacy Treatments: High quality, well integrated external privacy treatments are to be provided to the large picture windows on Levels 2-4 of the approved rear addition with views to the eastern neighbour to ensure increased privacy to this sensitive interface is maintained at all times. This could include fixed deep blades to proposed mullion locations, fixed external vertical or horizontal louvres or equivalent external treatments.

The submission is to demonstrate that the proposed treatment mitigates views to the windows and private open space areas of apartments within No.426 Cleveland Street from the commercial tenancies on Levels 2-4.

- (c) Facade planters on the eastern side of Level 4 are to be amended so that they have a minimum 400mm soil depth, and can be safely maintained by someone standing within the terrace.
- (d) Facade planters on the western side of Level 4 are to be deleted as they cannot be accessed for maintenance.

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

#### **Reason**

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

### **(35) LANDSCAPE DESIGN MODIFICATION – CLEVELAND STREET FRONT SETBACK**

The landscape design of the front setback of the building to Cleveland Street is to be modified as follows:

- (a) The landscape design of the front setback to Cleveland Street is to be modified to maintain deep soil provision within this area. The revised landscape design is permitted to have permeable paving a maximum of

1.2m wide adjacent to deep soil areas in accordance with the provisions of the City's Landscape Code.

- (b) Paving wider than 1.2m is permitted around the proposed fire booster on the Cleveland Street frontage as required to provide suitable access to the booster for fire services in the event of an emergency.
- (c) Bike racks along Cleveland Street are to be repositioned to sit completely within the subject site boundary.

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

**Reason**

To improve deep soil and soft landscape provision and ensure bike racks do not encroach into the public domain.

**(36) MATERIALS AND SAMPLES BOARD**

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to a Construction Certificate being issued.

The physical samples board must be consistent with drawing DA-001 Issue 01, dated 7 May 2024 (Council TRIM reference: 2024/296177-27), but must provide additional details of the actual materials and finishes specifications, including high quality integral finish concrete (CON02), MTL01 or MTL02 to expressed kitchen exhaust risers, high quality roofing material, profile and colour.

The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

**Reason**

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

**(37) GLAZING DETAILS**

Prior to the issue of any Construction Certificate for above ground works, the following details are to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager for approval as follows:

- a) All transparent glass is to be clear to achieve a high level of transparency to provide visual depth and have a neutrality of colour. A consistency in appearance and colour characteristics between all facades is to be achieved.
- b) The submitted details are to include physical samples of the glass types, details of the manner of assembly, and the glazing characteristics including



the proposed Shading Coefficient, the Visible Light Transmission and the Reflectivity.

**Reason**

To ensure clear and consistent glazing is used throughout

**(38) ADDITIONAL DESIGN DETAILS**

Detailed plan, elevation and section drawings at a minimum 1:20 scale of the following are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate for above ground works:

- a) Details of the wall and gutter interface with the northern neighbours wall adjacent the boundary. These are to demonstrate that the chimney and neighbouring wall will not be physically impacted during and after construction, that the gutter is consistently set below the top of the northern neighbour's southern wall profile, and, the gutter is able to be maintained and cleaned.
- b) Fire Hydrant Booster Valve: This expressed booster and its associated statutory signage is to be of high quality design, detailing, and materiality facing Cleveland Street.
- c) Loading Dock Door: The loading dock door is to be of high quality design, detailing, materiality and integration with the facade and public domain facing High Holborn Street. The garage door is to be a high quality panel lift.

The required information must include detailed material, finishing, spacing, elemental sizing details. The information submitted should show a level of detail equivalent to for construction detailing.

**Reason**

To ensure high quality interfaces with the public domain and to neighbouring properties

**(39) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)**

Prior to a Construction Certificate being issued, an archival photographic recording of the Church building is to be prepared to Council's satisfaction. The recording is to be in digital form and prepared in accordance with the NSW Heritage Division guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) The Development Application number must be noted on the submitted information.

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

#### **Reason**

To ensure appropriate archival documentation of the building.

#### **(40) HERITAGE CONSERVATION WORKS**

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrently with the works is to be submitted to Council's Area Coordinator Planning Assessments or Area Planning Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage significance/ value including but not limited to the following: stonework, brickwork, door and window joinery, glazing, hardware, pavements, tiling, roofing and painting. The schedule must also detail the replica of the original church door to be reinstated.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building. Any departure from approved plans requiring additional demolition/chasing of significant fabric is to be discussed with City of Sydney Heritage Specialists for acceptance.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.

- (f) **INSPECTION AND APPROVAL:** The conservation works are to be inspected by Council Heritage Specialists and be implemented to the satisfaction of Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of any Occupation Certificate or commencement of the use, whichever is the earlier.

**Reason**

To ensure the carrying out of appropriate heritage conservation works.

**(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 Renzo Tonin dated 2 May 2024 Council Reference TRIM 2024/196177-17 must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant\* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant\* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

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

**Reason**

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

**(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 ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e)

Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.

(f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.

(g)

Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

(h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

#### **Reason**

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

#### **(43) PARKING DESIGN**

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking. 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.

#### (44) 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 size vehicle)	1
Total	1

#### Reason

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

#### (45) 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 staff	7	Spaces must be Class 2 bicycle facilities
Non-residential visitor	8	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	7	

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:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the 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.

#### **(46) ARCHAEOLOGICAL ASSESSMENT**

An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of a Construction Certificate. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.

Recommendations by the archaeological assessment are to be implemented during the process of demolition and excavation work.

Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.

##### **Reason**

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

#### **(47) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS – MAJOR DEVELOPMENT**

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

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

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

##### **Reason**

To ensure the salvaging and reuse of traditional building materials.

#### **(48) 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.

**(49) 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.

**(50) 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.

**(51) 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.

**(52) 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.

**(53) DESIGN FOR ENVIRONMENTAL PERFORMANCE**

- (a) Prior to the issue of a Construction Certificate, the Design for Environmental Performance Report prepared by Luke Williams dated

Monday, April 29, 2024 (Council Ref: 2024/361288) is to be amended as follows:

- i. Section 4 – Energy Efficiency and Greenhouse Gas Emissions Abatement
    - a. Further details are to be provided on HVAC equipment following detailed design;
    - b. Further details are to be provided on water heating equipment following detailed design;
  - ii. Section 6 – On site Renewable Energy Generation and Storage
    - a. Further details are to be provided on solar PV systems and capacity following detailed design.
- (b) 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 are incorporated into the relevant construction plans and accompanying documentation:
- (ii) Section 4 – Energy Efficiency and Greenhouse Gas Emissions Abatement
  - (iii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
  - (iv) Section 6 – On site Renewable Energy Generation and Storage
  - (v) Section 7 – Design for Resilience to Climate Change
  - (vi) Section 8 – Designing for mains potable water savings and water efficiency
  - (vii) Section 9 – Storm water quality
  - (viii) Section 10 – City Greening
  - (ix) Section 11 – Promoting Active Transport and Reducing Transport Emissions
  - (x) Section 12 – Materials, Embodied Carbon and Circularity
  - (xi) Section 13 – Waste Management and Resource Recovery
  - (xii) Section 14 – Third Party Certification and Design, Construction or Technology Innovations
- (c) Changes to any commitments including those required by part (a) of this condition and as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager/Coordinator prior to the issue of any relevant Construction Certificate.

**Reason**



To ensure the environmental performance of the development.

**(54) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Deposit calculated on the basis of 95 square metres of brick paved site frontage and 65 square metres of asphalt paved 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.

**(55) PROTECTION OF STONE KERBS**

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

- (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
- (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

**Reason**

To ensure the protection of stone kerbs.

**(56) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY**

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

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

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

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

**Reason**

To ensure the preservation of existing survey infrastructure.

**(57) 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.

## **(58) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR**

Prior to the issue of any Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

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

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

### **Reason**

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

## **(59) STORMWATER DRAINAGE DESIGN**

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

- (i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (iv) Council's Stormwater Drainage Manual; and
- (v) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

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

### **Reason**

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

## **(60) STORMWATER ON-SITE DETENTION**

The requirements of Sydney Water with regard to the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the approval must be submitted to Council prior to issue of any Construction Certificate other than demolition.

Where an OSD is not required by Sydney Water one may still be required by the City.

### **Reason**

To ensure the requirements of Sydney Water are complied with.

## **(61) 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 Cleveland Street, High Holborn Street and Goodlet Lane, and shall be designed to include the following requirements:

- (a) Cleveland St (along development site including intersection of High Holborn St)
  - i. Lighting must comply with requirements of AS1158 under Category V3 on the roadway and Category PP1 on the footways.
  - ii. Remove redundant Ausgrid streetlight pole #SY06375.
  - iii. Coordinate the design with proposed works by Surry Hills Shopping Centre development. If required, to achieve compliance, supply and install 9.6m Smartpoles with 160W GE R250 Eco Gen2 off 3.0m outreach arm. Provide standard banner arm and high-level GPO.
- (b) High Holborn St (From Ausgrid Pole #SY16860 to Cleveland St)
  - i. Lighting must comply with requirements of AS1158 under Category PR1.
  - ii. If required, to achieve compliance, upgrade Ausgrid street lighting assets.

(c) Goodlet Ln (Along development site to Ausgrid Pole #SY05363)

- i. Lighting must comply with requirements of AS1158 under Category PR2.
- ii. If required, to achieve compliance, Upgrade Ausgrid street lighting assets.

(d) Awnings (if applicable)

- i. Provide under awning lighting complying with the requirements of COS Awnings Policy.
- ii. Lighting must comply with requirements of AS1158 under Category PP1.

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.

**(62) DILAPIDATION REPORT - PUBLIC DOMAIN**

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

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

**Reason**

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

**(63) 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.

**(64) FOOD PREMISES – DETAILED PLANS**

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

**Reason**

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

**(65) 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.

**(66) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL**

- a) The Operational Waste Management Plan prepared by Elephants Foot Revision E dated 22 April 2024 (Council TRIM reference: 2024/296177-14) has been approved by this consent.
- b) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
  - (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste;
  - (ii) Collection points for waste and recycling must be wholly located within the boundary of the development;
  - (iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments 2018*;
  - (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times;
  - (v) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall- to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14.

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

**UPON COMPLETION OF THE DEVELOPMENT**

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

**Reason**

To ensure that waste and recycling is appropriately managed.

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

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

- (b) The Consent Authority or a Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

**Reason**

To ensure the development satisfies Sydney Waters requirements.

**(68) SYDNEY WATER CERTIFICATE**

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

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

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

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

**Reason**

To ensure the requirements of Sydney Water are met.

**(69) TRANSPLANTING TREE/S ON SITE**

The existing two *Butia capitata* (Jelly Palm) (Trees 2 & 3) located front of property, Cleveland Street must be transplanted.

- (a) A Transplanting Methodology Report must be submitted to Council’s Tree Management Officer prior to the issue of a construction certificate. The report must be prepared by an experienced transplanter with an AQF5 and a minimum of 10 years demonstrated experience in successful transplanting. The report must include:
  - (i) Pre-transplant Considerations;
  - (ii) Site Preparation;
  - (iii) Excavation;
  - (iv) Preparation of new planting position;
  - (v) Lifting and Relocation methods;
  - (vi) Planting specifications;



- (vii) Backfilling and completion;
  - (viii) Maintenance Program.
- (b) In the event that the tree transplanting cannot occur, which is clearly demonstrated in the Transplanting Methodology Report and approved by Council's Tree Management Officer, the following will be required:
- (i) A replacement tree of the same species must be planted in the same location prior to the issuing of the Occupation Certificate;
  - (ii) The replacement palm tree must have a minimum clear stem height of 6 metres;
  - (iii) The replacement tree must be free of disease, pests, damage (above and below ground) and must be a healthy vigorous specimen;
  - (iv) Certification from the tree supplier must be submitted and approved by Council's Tree Management Officer confirming a suitable tree is available for purchase and planting which meets the above requirements.
- (c) The transplanted tree or the replacement tree must be maintained by an Arborist or Horticulturist with a minimum AQF Level 3 qualification for a minimum period of twelve (12) months commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (d) If the transplanted palm tree or the replacement palm tree fails to establish within 12 months of the initial planting date, it must be replaced with a tree of comparable qualities.

**Reason**

To ensure that the transplanting of trees on site is carried out in an appropriate manner, or where this cannot occur a replacement tree(s) is provided.

**(70) SITE SUPERVISION AND REPORTING**

- (a) An arborist with minimum AQF Level 5 qualification in arboriculture must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:
- (i) The installation of tree protection measures prior to the commencement of any construction works;
  - (ii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
  - (iii) During construction of the specify structure/deck/concrete slab etc);

- (iv) During any excavation and trenching within the TPZ which has been approved by Council;
  - (v) During any landscape works within the TPZ which has been approved by Council.
- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and approved by Council's Area Planning Coordinator or Area Planning Manager at each hold point listed below:
- (i) Certification that tree protection measures have been installed in accordance with these consent conditions;
  - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
  - (iii) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
  - (iv) A final compliance report confirming tree protection measures have been removed from all trees and details of the health and condition of the trees at the completion of the works.
- (c) Evidence demonstrating that all tree compliance reports have been submitted at each key milestone listed above must be submitted to and approved by Council's Area Planning Coordinator or Area Planning Manager prior to the issue of any Occupation Certificate.

**Reason**

To ensure the protection and ongoing health of trees on the site.

**(71) TREE PRUNING SPECIFICATION**

A pruning specification report is required for any pruning that may be required for Trees 5 and 6 *Platanus orientalis* (Oriental Plane) to facilitate the replacement of the "Kirk" roof.

- a) A 'Pruning Specification Report' prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to and approved by Council's Area Planning Manager prior to the issuing of the Construction Certificate. The report must include:
- i. Number of branches and orientation, branch diameter, percentage of canopy to be pruned/removed to allow installation of the awning.
  - ii. Photos with individual branches which are recommended for pruning/removal to be clearly marked. (Please note reports which include photos with a single vertical line as the area recommended for pruning will not be accepted).
  - iii. A maximum of 5% canopy removal and maximum of 100mm diameter branches will be permitted by Council.

- iv. Pruning work must be specified in accordance with Australian Standard 4373–2007, Pruning of Amenity Trees'.

Tree removal must not be recommended in this report.

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

### **(72) RODENT TREATMENT PROGRAMME – PRE DEMOLITION AND/OR EXCAVATION**

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

#### **Reason**

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

### **(73) USE OF HERITAGE CONSULTANT – MINOR DEVELOPMENT**

- (a) A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project. Evidence and details of the above commission on the above terms are to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to commencement of work on site.
- (b) The heritage consultant must sign off the completed project and submit a final report to Council's Area Coordinator Planning Assessments / Area Planning Manager specifying how the heritage conditions are satisfied prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

#### **Reason**

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

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

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

#### **Reason**

To ensure relevant approvals for public domain work are obtained.

**(75) HAZARDOUS MATERIALS SURVEY REQUIRED**

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

**Reason**

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

**(76) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

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

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

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Guidelines for Waste Management in New*

*Developments 2018, the Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:

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

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

**Reason**

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

**(77) DILAPIDATION REPORT**

Subject to the receipt of permission of affected landowners, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Registered Certifier:

- (a) prior to the commencement of demolition/excavation works; and
- (b) on completion of construction demolition/excavation works.

**Reason**

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

**(78) 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.

**(79) EXCAVATION AND CONSTRUCTION METHODOLOGY**

- (a) A Detailed Excavation and Construction Methodology is to be prepared by the builder engaged for the project. The methodology must be endorsed by the structural consultant engaged and submitted to the Principal Certifier prior to commencement of excavation or construction works whichever is the earlier.



- (b) Excavation is to be carried out in accordance with the methodology required by (a) above.

**Reason**

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

**(80) 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.

**(81) TREE PROTECTION ZONE**

- (a) Before the commencement of works, Tree Protection Zone/s (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below.
- (b) Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and with the following schedule:

**TPZ Schedule**

<b>Tree No.</b>	<b>Species Name</b>	<b>Location</b>	<b>Radius (m) From Trunk</b>
1	Lophostemon confertus (Brushbox)	Front of 420 Cleveland Street (Steet Tree)	4.0
4	Lophostemon confertus (Brushbox)	Cleveland Street adjacent High Holborn Street	2.0
5	Platanus orientalis (Oriental Plane)	High Holborn Street (Street Tree)	5.5
6	Platanus orientalis (Oriental Plane)	High Holborn Street (Steet Tree)	4.0

7	Tristaniopsis laurina (Water Gum)	High Holborn Street (Street Tree)	4.0
11	Eucalyptus tereticornis (Forest Red Gum)	416 Cleveland Street, rear garden neighbouring property	8.7

Note: The work within the TPZ and installation of tree protection measures is only applicable within the subject development site and the public domain.

- (c) Ground surface protection must be installed if construction access is required through any TPZ where the existing ground surface material is not a hard surface or paving. The ground protection must be:
- (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
  - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (e) The following works must be excluded from within any TPZs:
- (i) Excavation;
  - (ii) Soil cut or fill including trenching;
  - (iii) Soil cultivation, disturbance or compaction;
  - (iv) Stockpiling, storage or mixing of materials;
  - (v) The parking (except existing on street parking), storing, washing and repairing of tools, equipment and machinery;
  - (vi) The disposal of liquids and refuelling;
  - (vii) The disposal of building materials;
  - (viii) The siting of offices or sheds;
  - (ix) Any action leading to the impact on tree health or structure.
- (f) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.
- (g) All work undertaken within or above the TPZ must be:
- (i) Carried out in accordance with a work methodology statement prepared by an Arborist with a minimum AQF Level 5 qualification in arboriculture and written approval is obtained from Council's Tree Management Officer before its implementation; and

- (ii) Supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

**Reason**

To ensure the protection and ongoing health of trees.

**(82) 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'.
- (c) The removal of any street tree (Tree 10) approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

**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.

**(83) TREE TRUNK PROTECTION**

Tree 11 Eucalyptus tereticornis (Forest Red Gum) located at the rear of 416 Cleveland Street in the neighbouring property) must be protected in accordance with the Australian Standard AS4970 Protection of Trees on Development Sites. All trees must be protected during the construction works as follows:

- (a) Tree trunk and major branch protection must be undertaken prior to the issuing of the Construction Certificate. The installation of trunk protection must be supervised and certified by the Project Arborist with a minimum AQF Level 5 qualification in arboriculture and must include:
  - (i) Tree trunk/s and/or major branches to a height of two metres must be protected by wrapped thick carpet underlay or similar padding material to limit damage;
  - (ii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick carpet underlay or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion;
  - (iii) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.

**Reason**

To ensure the protection and ongoing health of trees.

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

### **(84) 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.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the Demolition, Excavation and Construction Management Plan which is required to be submitted and approved by Council as a condition of consent prior to the issue of a Construction Certificate.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code

1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

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

### **Reason**

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

### **(86) 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.

## **(87) 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.

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

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

**Reason**

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

**(89) 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.

**(90) IMPORTED FILL MATERIALS**

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

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

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (2022) Sampling Design Guidelines.

**Reason**

To ensure that imported fill is not contaminated.

**(91) 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 EPA Waste Classification Guidelines, Part1: Classifying Waste (November 2014)*. 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 a 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.

**(92) DISCHARGE OF CONTAMINATED GROUNDWATER**

Contaminated groundwater must not be discharged into the City's stormwater drainage system.

Options for the disposal of groundwater 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 that the discharge of ground water is appropriately managed.

**(93) STOCKPILES**

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

**Reason**

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

**(94) 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.

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

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

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

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

### **Reason**

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

### **(96) 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.

**(97) 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.

**(98) STORMWATER DRAINAGE CONNECTION**

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

For connection into drainage system owned by another authority, approval from that Authority must be obtained prior to the issue of any stormwater approval.

**Reason**

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

**(99) 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.

**(100) HAZARDOUS AND INDUSTRIAL WASTE**

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

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

**Reason**

To ensure hazardous/ industrial waste is managed appropriately.

**(101) 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.

**(102) 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.

**(103) 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.

**(104) 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.

**(105) 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.

**(106) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

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

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

**Reason**

(Prescribed condition EP&A Regulation, clauses 98A (2) and (3)).

**(107) COMPLIANCE WITH ARBORIST'S REPORT**

- (a) All recommendations, Tree Protection Plans and Methodology Statements contained in the approved Arboricultural Impact Assessment Report prepared by Earthscape, dated October 2023 and the addendum to that report dated 19th April 2024 must be implemented during the demolition, construction and use of the development:

## Section 10; Recommended Tree Protection Measures

### Reason

To ensure that works affecting trees are carried out in an appropriate manner and in accordance with the approved arborist's report.

### (108) TREE SENSITIVE EXCAVATION

Excavation undertaken with the specified distance/s from the trunks of the following trees shall be and dug.

#### Tree (Root) Protection Zone Schedule:

Tree No	Species	Tree Location	SRZ (m) from Trunk
5	Platanus orientalis (Oriental Plane)	High Holborn Street (Street Tree)	3.7
6	Platanus orientalis (Oriental Plane)	High Holborn Street (Street Tree)	2.1
7	Tristanopsis laurina (Water Gum)	High Holborn Street (Street Tree)	2.0

- (a) Within the SRZ;
- (i) Excavation must not occur within the SRZ. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately, and the excavation must be carried out in accordance with Council's direction.
- (b) Within the TPZ;
- (i) Tree sensitive excavation, such as small hand tools compressed air or water jetting only must be used. Roots with a diameter equal to or greater than 40mm shall not be severed or damaged unless approved in writing by Council's Tree Management Officer.
- Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.
- (ii) All excavations must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.
- (c) Footings must be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance must be provided between the tree root and footing.
- (d) All excavations located within the TPZ must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

- (e) All root pruning must be undertaken in accordance with the Australian Standard 4373 'Pruning of Amenity Trees' and by an arborist with a minimum AQF Level 3 qualification in arboriculture.

**Reason**

To ensure the protection and ongoing health of trees.

**(109) TREE PRUNING APPROVED**

- (a) All pruning must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373-2007 Australian Standard 'Pruning of Amenity Trees'.
- (b) Pruning of the Eucalyptus tereticornis (Forest Red Gum) Tree 11 located at 416 Cleveland Street, in the rear of the neighbouring property is limited to Section 10.13, Table 4 and Plates 1-4 of Arboricultural Impact Assessment Report prepared by Earthscape, dated October 2023.
- (c) Pruning of the Tristaniopsis laurina (Water Gum) as outlined in the Addendum prepared by Earthscape dated 19th April 2024 to the Arboricultural Impact Assessment Report prepared by Earthscape dated October 2023 outlining the removal of 1 x 170mm limb in plates 10-13.

**Reason**

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

**(110) 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 [specify] 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.

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

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

**Reason**

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

**(112) PROTECTION OF NATIVE WILDLIFE**

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

**Reason**

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

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

### **(113) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL**

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 arrangements are in place to manage commercial waste without reliance on public place or residential waste bins.

### **(114) 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, which is required to be submitted and approved by Council as a condition of consent prior to the issue of a Construction Certificate, as approved 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.

### **(115) 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.

## **(116) 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.

## **(117) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate:

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

### **Reason**

To protect underground drainage system.

## **(118) SURVEY INFRASTRUCTURE – RESTORATION**

- (a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
  - (i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
  - (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;

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

**Reason**

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

**(119) SURVEY CERTIFICATE AT COMPLETION**

A Survey Certificate prepared by a Registered Surveyor must be submitted to the Principal Certifier at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

**Reason**

To ensure the development does not encroach onto neighbouring properties.

**(120) PHYSICAL MODELS**

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

**(121) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:

- (i) building design above and below ground in accordance with the development consent;
- (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
- (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

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

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

**(122) 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.

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

### **(123) 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.

### **(124) HOURS OF OPERATION – LICENSED RESTAURANT**

The hours of operation of the approved licensed restaurant are regulated as follows:

- (a) The hours of operation must be restricted to between 7am and 10pm, Monday to Sunday.
- (b) Notwithstanding (a) above, the use may operate between 10pm and 12 midnight, Thursday to Saturday, for a trial period of 12 months from the date of issue of the Occupation Certificate. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to [liquor@cityofsydney.nsw.gov.au](mailto:liquor@cityofsydney.nsw.gov.au)
- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

#### **Reason**

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

### **(125) HOURS OF OPERATION – LEVEL 4 TERRACES**

Hours of operation for the approved east facing terraces on Level 4 are to be restricted to between 7am and 8pm.

#### **Reason**

To ensure the use of the upper-level terraces do not cause significant adverse impacts upon the visual and acoustic amenity of neighbouring residential properties.

## **(126) MAXIMUM CAPACITY OF PERSONS**

- (a) The maximum number of persons (including staff, patrons and performers) permitted in the licensed restaurant premises at any one time is 230 persons.
- (b) This comprises a maximum of 200 patrons and 30 staff members.
- (c) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- (d) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details are to be provided to the satisfaction of the Accredited Certifier prior to issue of a Construction Certificate and the Principal Certifier is to confirm compliance prior to the issue of an Occupation Certificate.

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

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

### **Reason**

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

## **(127) NO SPEAKERS OR MUSIC OUTSIDE**

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

### **Reason**

To safeguard the amenity of the surrounding neighbourhood.



#### **(128) PLAN OF MANAGEMENT**

The use must always be operated / managed in accordance with the Plan of Management, prepared by Planning Lab dated 7 May 2024 that has been approved by Council (Council TRIM reference: 2024/296177-16). In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

##### **Reason**

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

#### **(129) RESTRICTION ON KITCHEN**

The kitchen within the basement is approved for the exclusive use of the restaurant within the development and must not be used to support other off-site food and drink services or restaurants.

##### **Reason**

To ensure the approved kitchen does not facilitate intensification of the use which could adversely impact upon surrounding residential amenity.

#### **(130) LICENSED PREMISES – PRIMARY PURPOSE**

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

##### **Reason**

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

#### **(131) GOODLET LANE COMMUNITY GARDEN**

The building manager/owner is to provide ongoing maintenance to the approved community garden planter at the end of Goodlet Lane.

##### **Reason**

To ensure the community garden is well maintained in perpetuity.

#### **(132) SURVEILLANCE CAMERAS – LOW RISK**

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises during all trading hours with particular coverage to:
  - (i) principal entrance/s and exits;

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

**Reason**

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

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

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

**Reason**

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

**(134) REMOVAL OF GLASS**

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

**Reason**

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

**(135) NEIGHBOURHOOD AMENITY**

- (a) Signs must be placed in clearly visible positions within the restaurant requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage must be in bold letters not less than 25mm in height on a contrasting background.

- (b) The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

**(136) QUEUING**

No persons are to be permitted to drink or queue outside the premises at any time. Management are to ensure that there is no queue for the premises and take all reasonable steps to ensure compliance with this condition.

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

**(137) CESSATION OF SERVICE**

The operator must cease providing food and alcohol at the premises 30 minutes before the required closing time.

**Reason**

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

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

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

**Reason**

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

**(139) 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 NPfI unless otherwise agreed by the City's Area Planning Manager.

### Reason

To protect the acoustic amenity of surrounding properties.

## (140) 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.

**(141) 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.

#### **(142) 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.

**(143) ON SITE LOADING AREAS AND OPERATION**

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

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

**Reason**

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

**(144) LOADING SERVICE MANAGEMENT PLAN**

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

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

A management plan, loading dock manager, loading schedule or similar must be prepared so all users are aware of their entitlements and to avoid too many deliveries being at the dock at any one time.

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

**Reason**

To ensure deliveries and servicing of the development is appropriately managed to minimise impacts upon the local road network and the amenity of surrounding properties.

#### **(145) TRANSPORT ACCESS GUIDE**

A Transport Access Guide (TAG) must be implemented and maintained by the operator/s of the premises to inform visitors and guests how they can access the site by sustainable transport options including public transport, taxis, cycling and walking or a combination of these modes. This TAG should include:

- that the site does not provide any vehicle parking
- the provision and access for onsite bicycle parking
- public transport access
- other information as relevant to the site

The TAG and the Implementation Plan must be approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of an Occupation Certificate for the site/use.

The implementation plan should include details on how the TAG will be communicated to visitors and guests, including (but not limited to) digital information, promotion by staff such as with phone bookings, printed material, other as relevant.

#### **Reason**

To promote and support sustainable transport modes.

#### **(146) ONGOING WASTE MANAGEMENT – COMMERCIAL**

- (a) The ongoing use of development/tenancy must be in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.
- (b) All general waste and recycling materials emanating from the premises must be stored in the designated waste storage area(s), must not be stored outside the premises (including the public domain) at any time.
- (c) All waste and recycling stream(s) storage area(s) are to only be used for the purposes of storing waste and recycling from the premises in accordance with the original consent and approved Operational Waste Management Plan and not be converted to a different use.
- (d) Scheduled collections and waste management arrangements of the development/tenancy is the responsibility of the business owner or property manager and are to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan and this consent. These arrangements include:



- (i) arranging an adequate number of bins and the servicing regime matched to the needs of the premises.
  - (ii) actively managing waste streams and supporting infrastructure to ensure bins are not overflowing, damaged or leaking and lids are fully closed at all times.
  - (iii) routine cleaning and maintenance of waste storage area(s) to inhibit the permeation of odour and prevent litter and pests.
  - (iv) the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney.
- (e) Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.

**Reason**

To promote good waste management arrangements and minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

**(147) SCHEDULED COLLECTIONS – COMMERCIAL**

- (a) Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for *Managing Waste in Public Places*.
- (b) The collection of waste and recycling stream(s) is to only occur during designated zone collection times outlined within the Local Approvals Policy for *Managing Waste in Public Places* to minimise impacts to residential amenity.
- (c) Bins are to be stored on site at all times and only presented on the street for scheduled collection times.
- (d) Following collection, premises must remove bins from the street no later than the following:
  - If bins are collected between 7pm and 6am: remove no later than 8am
  - If bins are collected between 6am and 7pm: remove no later than two hours after collection.

**Reason**

To minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

#### **(148) 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.

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

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

##### **Reason**

To protect the public way.

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

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

##### **Reason**

To ensure annual checks on fire safety measures.

#### **(151) ON SITE LOADING AREAS AND OPERATION**

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

At all times the service vehicle dock and access driveway must be kept clear of goods and must not be used for storage purposes, including garbage storage.

##### **Reason**

To maintain the orderly operation of the loading dock and to ensure the public domain is kept free from physical obstructions.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

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

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

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

## **SCHEDULE 3**

### **TERMS OF APPROVAL**

The General Terms of Approval as advised by Water NSW are as follows:

#### **(152) GT0115-00001**

Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

#### **(153) GT0116-00001**

Before any construction certificate is issued for any excavation under the development consent, the applicant must:

1. Apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and
2. Notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity.
3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity.
4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

#### **(154) GT0117-00001**

A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes:

1. This approval is not a water access licence.
2. A water year commences on 1 July each year.
3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW.
4. Note that certain water sources may be exempted from this requirement – see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

#### **(155) GT0118-00001**

If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must:

- a) record water taken for which the exemption is claimed, and
- b) record the take of water not later than 24 hours after water is taken, and
- c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and
- d) keep the record for a period of 5 years, and
- e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124
  - i. not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or
  - ii. if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

**(156) GT0119-00001**

All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

**(157) GT0120-00001**

The design and construction of the building must prevent:

- a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;
- b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and
- c) any elevated water table from rising to within 1.0 m below the natural ground surface.

**(158) GT0121-00001**

Construction phase monitoring bore requirements GTA:

- a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.
- b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application.
- c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.

**(159) GT0122-00001**

Construction Phase Monitoring programme and content:

- a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and

Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):

- i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.
  - ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;
  - iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;
  - iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.
- b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

**(160) GT0123-00001**

- a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.
- b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):
- i. All results from the Approved Monitoring Programme; and
  - ii. Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website.
- c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website [www.waternsw.com.au/customer-service/waterlicensing/dewatering](http://www.waternsw.com.au/customer-service/waterlicensing/dewatering)

**(161) GT0150-00001**

The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment.

Advisory note: Any application to increase the extraction limit should include the following:

- Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation
- Survey plan showing ground surface elevation across the site
- Architectural drawings showing basement dimensions
- Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS))

- Laboratory test results for soil sampling testing for ASS
- If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

**(162) GT0151-00001**

Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval).

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

**(163) GT0152-00001**

This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

**(164) GT0155-00001**

The following construction phase monitoring requirements apply (Works Approval):

- a) The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW.
- b) The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme).
- c) The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

The plans and associated documentation referenced in the General Terms of Approval issued by WaterNSW are as follows:

- Geotechnical Investigation Report\_by Foundation Earth Sciences\_May 2023
- Stage 1 Preliminary Site Investigation by EBG Environmental Geoscience\_Edwards Blanche Group PL\_Oct 23
- Statement of Environmental Effects by Planning Lab\_Embece Architects\_19.10.23
- Architectural Drawing by EMBECE Architects\_17.10.23
- Heritage Impact Statement\_by Curio Projects Pty Ltd\_Oct 2023
- IDAS1152380 - Email 09.04.24 applicant's confirmation for tanked basement to Council