

Attachment A

Recommended Conditions of Consent
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Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2023/868 dated 27 September 2023 and the following drawings prepared by SJB:

Drawing Number	Rev	Drawing Name	Date
DA-0251	6	Demolition Plan – Basement 1	22.03.24
DA-0252	7	Demolition Plan – Ground Level	22.03.24
DA-0253	7	Demolition Plan – Level 01	22.03.24
DA-0254	7	Demolition Plan – Level 02	22.03.24
DA-0255	6	Demolition Plan – Level 03	22.03.24
DA-0260	5	Demolition Heritage Elevations	22.03.24
DA-1001	9	Floor Plan Basement 2	22.03.24
DA-1002	10	Floor Plan Basement 1	22.03.24
DA-1003	11	Floor Plan Lower Ground	22.03.24
DA-1004	10	Floor Plan Mezzanine	22.03.24
DA-1005	12	Floor Plan Ground	22.03.24
DA-1006	10	Floor Plan L1 & L2	22.03.24
DA-1007	11	Floor Plan L3	22.03.24
DA-1008	13	Floor Plan L4-L17	22.03.24
DA-1009	13	Floor Plan L18	22.03.24
DA-1010	4	Floor Plan Pool	22.03.24
DA-1011	4	Floor Plan Mezzanine	22.03.24
DA-1012	12	Floor Plan Roof	22.03.24
DA-1401	9	Elevations North & South	22.03.24
DA-1402	9	Elevations East & West	22.03.24
DA-1403	4	Proposed Heritage Elevations	22.03.24

Drawing Number	Rev	Drawing Name	Date
DA-1501	9	Section A	22.03.24
DA-1502	11	Section B + C	22.03.24
DA-4051	3	Accessible Room Plans & Room Schedule	

and as amended by the conditions of this consent.

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

Reason

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

(2) STAGED CONSTRUCTION

The works may be carried out in stages, with relevant conditions being satisfied prior to issue of a relevant Construction Certificate, where specified in the conditions of consent, for each stage as detailed in the table below.

CC Stage	Description
Stage 1	Site establishment (including hoarding and scaffolding, street tree removal, and soft-strip out)
Stage 2	Demolition and heritage retention works
Stage 3	Excavation and shoring
Stage 4	Below ground structure works and services
Stage 5	Above ground structure works and services
Stage 6	Facade works
Stage 7	Fitout and finishes
Stage 8	Artwork, public domain works, landscaping

Reason

To set out the staging of works for this consent.

(3) DESIGN MODIFICATIONS – ROOFTOP PRIVACY SCREENING

The design of the building must be modified to provide external fixed privacy screening device(s) to the western edge of the roof level, and the western elevation of the roof mezzanine. The design and extent of the screening must preserve the visual privacy of the eastern residential apartments of 60 Bathurst Street, and be contained wholly within the concept envelope, be at least 60% obscure, and constructed of high-quality material compatible with the overall development.

The modification is to be submitted to and approved by Council's Director City Planning Development & Transport prior to the issue of a Stage 5 Construction Certificate.

Reason

To require amendments to the approved plans.

(4) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 10.2:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 8,275sqm.
- (b) Prior to the issue of any Construction Certificate or commencement of works, whichever is earlier, Council's written verification must be obtained, confirming that 893.5sqm of heritage floor space was allocated (purchased, transferred and registered by Council as an allocation) to the development, being 50% of the gross floor area in excess of 8:1.
- (c) Prior to any Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Reason

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

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 83.10 (AHD) to the top of the building and RL 31.89 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(6) DESIGN QUALITY EXCELLENCE

- (a) As the proposal is the winning scheme of a competitive design process and in order to ensure the design quality excellence of the development is retained to completion:

- (i) The design architect comprising SJB is to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages;
 - (ii) The design architect(s) is/are to have full access to the site and is/are to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;
 - (iii) Evidence of the design architect's commission must be provided to the Council prior to release of any Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director Planning, Development and Transport.

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

Reason

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

(7) MATERIALS AND SAMPLES BOARD

A physical material sample board, generally consistent with the materials shown on the approved *External Colours & Materials* specified in Condition 1 above, 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 Director City Planning Development & Transport prior to the Stage 5 Construction Certificate being issued.

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

Reason

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

(8) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the approved physical material sample board.

Reason

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

(9) REFLECTIVITY

Prior to issue of the Stage 5 Construction Certificate the Registered Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

Reason

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

(10) SECTION 7.12 CONTRIBUTIONS PAYABLE – SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

A monetary contribution is payable to the City of Sydney pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Central Sydney Development Contributions Plan 2020*.

The Section 7.12 levy is determined by the development cost, as per the following table:

Development cost *	Levy
* Refer to Section 2.3 of the <i>Central Sydney Development Contributions Plan 2020</i> for information on determining the development cost.	
Up to and including \$250,000	NIL
More than \$250,000, up to and including \$500,000	1%
More than \$500,000, up to and including \$1,000,000	2%
More than \$1,000,000	3%

The Section 7.12 levy is payable to the City of Sydney in accordance with the following:

- (a) Prior to the issue of any Construction Certificate or the commencement of works, whichever is earlier, evidence must be provided of Council’s written verification of the amount of the contribution as required in (b) below, and that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, one of the following must be submitted:
 - (i) **For development between \$250,000 and \$3,000,000** – the City of Sydney *Cost Summary Report* must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Cost Summary Report* is available from the City’s website at www.cityofsydney.nsw.gov.au; or

- (ii) **For development more than \$3,000,000** – The City of Sydney *Registered Quantity Surveyor's Detailed Cost Report* must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Registered Quantity Surveyor's Detailed Cost Report* is available from the City's website at www.cityofsydney.nsw.gov.au.
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Registered Certifier accordingly.
- (d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.

Please contact Council's Planning Administration staff at Planningsystemsadmin@cityofsydney.nsw.gov.au to request a written Statement of Contributions Owing, prior to payment.

Reason

To ensure development contributions are paid to support the provision of public facilities, amenities, and services in Central Sydney.

(11) 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 any 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 \$1,404,068.80 (indexed at 25 July 2024). This is calculated by establishing the equivalent monetary contribution \$11,176.22 multiplied by 1% of the total floor area for non-residential development (12,563sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2024 to 28 February 2025, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment = $C \times \text{MDP2} / \text{MDP1}$, where:
 - (i) C is the original total contribution amount payable to the City of Sydney as shown above;
 - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and

- (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being being 1 March 2024 to 28 February 2025).

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

Reason

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

(12) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of adjoining properties, including 493-497 Kent Street, 503-505 Kent Street, 507-509 Kent Street, 60 Bathurst Street, and 70-72 Bathurst Street (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of any Construction Certificate or the commencement of work, whichever is earlier.

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

Reason

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

(13) TREES APPROVED FOR REMOVAL

- (a) The two (2) trees listed in the table below are approved for removal; and tree removal must not occur until a Construction Certificate has been issued.

Tree No	Species:	Location
T1 & T2	<i>Platanus x hybrida</i> (London Plane)	Street trees – site’s Kent Street frontage

- (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.

(14) USE OF HERITAGE CONSULTANT

- (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 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.

(15) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be installed in a manner that minimises impact on heritage fabric. Where possible, new services must existing service runs.

- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The new windows and doors on the heritage building must match the original material.
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.

Reason

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

(16) 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.

(17) ARCHAEOLOGICAL INVESTIGATION

- (a) The applicant must apply to the Heritage Division of the Department of Environment and Heritage for an excavation permit under Section 140 of the *Heritage Act 1977*.
- (b) Should any potential archaeological deposit likely to contain Aboriginal objects be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the NSW Government Office of Environment and Heritage for an excavation permit for Aboriginal objects.
- (c) The applicant must comply with the conditions and requirements of any excavation permit required and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then 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*.
- (f) 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*;

- (g) 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's Urban Design and Heritage Manager prior to issue of any Occupation Certificate.

Reason

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

(18) HERITAGE DESIGN DETAILS

Prior to the issue of any Construction Certificate, the following design details are to be submitted to and approved by Council's Area Planning Manager:

- (a) Kent Street entry door reconstruction drawings at 1:10 scale including material and finishes specifications;
- (b) New Kent Street entry awning drawings at 1:10 scale including material and finishes specifications;
- (c) All reconstructed steel framed window drawings at 1:10 or 1:20 scale including finishes specifications.

Reason

To ensure an acceptable heritage outcome.

(19) SIGNAGE STRATEGY

- (a) The Signage Strategy, Issue 1, prepared by BEST and dated 22 April 2024 (Council's Reference 2024/253886) must be amended to delete "Signage Type S8 – Hotel Operator ID" located on the Kent Street ground floor facade, and any reference to it.
- (b) The Amended Signage Strategy must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Stage 5 Construction Certificate.
- (c) All future signage must be consistent with the Amended Signage Strategy approved under (b) above. In the event of any inconsistency, the conditions of this consent will prevail over the approved signage strategy.

Reason

To require separate consent to be obtained for a signage strategy.

(20) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs. Any proposed signs must be consistent with the approved Amended Signage Strategy.

Reason

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

(21) CONTENT OF SIGNAGE

The content of all approved signage zones shall be restricted as follows:

- (a) Must relate to the approved use for the building/tenancy;
- (b) Must not display offensive material;
- (c) Must not contain additional advertising promoting products or services other than the approved use of the premises irrespective of whether that product or service is sold on the premises.

Reason

To ensure signage content is relevant to the use(s) of the approved development.

(22) CONTROL OF LIGHT INTO THE ENVIRONMENT

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

Reason

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

(23) USE - SEPARATE APPROVAL REQUIRED

No consent is granted or implied for the fitout of the lower ground and ground level restaurant/bar, or the rooftop bar. A development consent or Complying Development Certificate (as appropriate) is required to be obtained prior to that fitout or use commencing.

Reason

To require separate consent to be obtained for fitout prior to use commencing.

(24) 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.

(25) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION

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

Reason

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

(26) LOADING SERVICING MANAGEMENT PLAN

- (a) A Loading Servicing Management Plan, including vehicle turntable operation and use, must be submitted to and approved by Council prior to any Occupation Certificate for the site being granted.
- (b) The Loading Dock Manager is responsible for ensuring that servicing of the site must be undertaken in such a way as to minimise acoustic impacts to neighbouring properties. The Plan should be generally in accordance with the Preliminary Loading Dock Management Plan prepared 25 March 2024 and submitted as part of the application.
- (c) Once approved, this management plan must be provided to all tenants and external users.

Reason

To ensure orderly operation of the onsite loading facility.

(27) TRANSPORT ACCESS GUIDE

- (a) A Transport Access Guide, including a strategy for the future distribution of the Guide to staff, clients, customers and visitors to the site, must be submitted to Council's Area Planning Manager prior to the issue of any Occupation Certificate.
- (b) The Transport Access Guide is to include (but not limited to) the following:
 - (i) Suitable nearby drop-off/pick-up locations including on-site set down for taxis.
 - (ii) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas
 - (iii) Public Transport options adjacent to the site
 - (iv) Pedestrian access to the site
 - (v) Bicycle Parking and cycle way networks to the site

Note: Transport Access Guide requirements are detailed in section 7.7 of the DCP. Information about preparing a Transport Access Guide is available on Council's website.

Reason

To encourage the use sustainable/active/alternative transport modes.

(28) COACH PARKING MANAGEMENT PLAN

- (a) A Coach Parking Management Plan, must be submitted to and approved by Council prior to the issue of the first Occupation Certificate for the site/use being granted, including any Interim Occupation Certificate.
- (b) The plan must include, but is not limited to the following:
 - (i) Anticipated bus/ coach types;
 - (ii) Anticipated numbers of bus/coach arrivals per week and time of day of arrivals;
 - (iii) Length of stay and passenger/ luggage movements procedures ;
 - (iv) Location coach/bus parking spaces available in proximity to the site and how arrivals will be managed.
- (c) The Plan should be generally in accordance with the Preliminary Coach Parking and Passenger Pickup and Set-down Management Plan prepared 25 March 2024 and submitted as part of the application.
- (d) Once approved, this management plan must be provided to all tenants and external users.

Reason

To ensure access to the site do not detrimentally impact on local traffic.

(29) VEHICLE ACCESS

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

Reason

To increase pedestrian safety at the site access.

(30) SERVICE VEHICLE SIZE LIMIT

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

Reason

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

(31) 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.

(32) MECHANICAL PARKING FACILITIES - SVR TURNTABLE

- (a) The following details being submitted to an approved by the Principal Certifying Authority prior to the issue of the issue of a Stage 4 Construction Certificate:
 - (i) A review of the proposed installation by the manufacturer and its suitability for implementation in accordance with the manufacturer's specifications including but not limited to compliance with AS/NZS 2890.2 2018.
 - (ii) Implementation of mechanisms addressing potential safety concerns including but not limited to:
 - a. pedestrian safety /trip hazard while walking on the turntable and/or the loading dock area
 - b. a plan for responding to the mechanical breakdown and/or system failures. This includes options for necessary training/ induction prior to use.
 - c. noise and vibration level and compliance to the relevant Australian Standards.
 - (iii) Any further information requested by the Principal Certifying Authority.

Reason

To ensure the turntable will be appropriately installed and maintained.

(33) 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.

(34) 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.

(35) 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.

(36) 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.

(37) 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.

(38) NO OBSTRUCTIONS

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

Reason

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

(39) 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.

(40) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL

- (a) All requirements of the Operational Waste Management Plan, revision K, report no. SO754, prepared by Elephants Foot, and dated 3 June 2024 (Council's reference 2024/335134-06), 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) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

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

UPON COMPLETION OF THE DEVELOPMENT

- (b) Prior to the issue of any Occupation Certificate or the use commencing, whichever is earlier, the Principal Certifier must ensure that All waste handling works have been completed in accordance with the Operational Waste and Recycling Management Plan referenced in (a) above, other relevant development consent conditions; and the City's Guidelines for Waste Management in New Developments 2018.

Reason

To document agreed waste management facilities and arrangements and ensure good waste management outcomes.

(41) PUBLIC ART

- (a) The public artwork must be in accordance with the Preliminary Public Art Plan revision 5, prepared by Barbara Flynn and dated April 2024 (Council's reference 2024/253917), the *Sydney DCP 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.
- (b) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Area Planning Manager prior to issue of a Stage 5 Construction Certificate.
- (c) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Director City Planning Development & Transport prior to the issue of any Occupation Certificate.

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

Reason

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

(42) ENERGY PERFORMANCE – NABERS

The design of the building and its services must achieve a National Australian Built Environment Rating System (NABERS) Energy rating of 4.5 star in operation for the whole building. This is to be demonstrated by:

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

The required documents specified above are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Stage 4 Construction Certificate.

Note: Definitions referred to above are as follows:

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

Reason

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

(43) ENERGY PERFORMANCE – GREEN STAR

The design of the building must achieve 4 Star Green Star Buildings certification, with all Minimum Expectations met plus a minimum of 15 points. This is to be demonstrated by:

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

Reason

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

(44) 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 Stage 5 Construction Certificate being issued.

Reason

To ensure the provision of water efficient toilets.

(45) 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 6-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 Stage 5 Construction Certificate being issued.

Reason

To ensure the provision of water efficient urinals.

(46) 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.

(47) 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.

(48) 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.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(49) PROTECTION OF RAIL SERVICES - TfNSW (SYDNEY TRAIN)

Prior to the issue of any Construction Certificate, the Applicant shall undertake a Dial Before You Dig search to establish the existence and location of any rail services. Persons performing the Dial Before You Dig search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

Reason: To identify all rail services within the site and that they are adequately protected.

(50) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- (a) A Construction Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to any 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.

(51) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Acoustic logic dated 25 March 2024, reference 20200977.1/2503A/R3/AZ (Council's reference: 2024/253906) must be implemented in the development prior to the commencement of its use. The Acoustic Consultant must review the location and positioning of any proposed speakers to ensure compliance with noise criteria.
- (b) Prior to the issue of each relevant Construction Certificate stage, 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.

(52) PROVISION OF MECHANICAL PARKING FACILITIES - SVR TURNBTABLE

At least one (1) small rigid vehicle loading dock (with a mechanical turntable) must be provided. Details confirming this must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Stage 4 Construction Certificate.

Reason

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

(53) 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
Employee	19	Spaces must be Class 2 bicycle facilities (at least 20% spaces to be horizontal)
Hotel guests/customer	6	Spaces must be Class 3 bicycle rails (at least 20% spaces to be horizontal)
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	20	

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: 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 Stage 4 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.

(54) HERITAGE INTERPRETATION PLAN

- (a) The submitted interpretation plan prepared by NBRS dated 18 September 2023 (Council's reference 2023/558863) is not approved by this consent.
- (b) The submitted interpretation plan is to be further developed to specify all the interpretative devices. The Updated Interpretation Plan must be submitted to and approved by Council's Area Planning Manager prior to a Stage 4 Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (c) The Updated Interpretation Plan must detail how information on the history and significance of the former Universal Film Manufacturing Co. Building will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.

- (d) The Updated Interpretation Plan is to include an interpretation of the existing stair/lift configuration and the existing light-well at the south-east corner (south of existing stair-well).
- (e) The Updated Interpretation Plan is to incorporate finds of any archaeological works of the site.
- (f) The Updated Interpretation Plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (g) Prior to any occupation certificate being issued, the Updated Interpretation Plan approved by (b) above, must be implemented to the satisfaction of Council's Area Planning Manager.

Reason

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

(55) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

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

Procedure

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

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

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

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

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

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

Reason

To ensure appropriate archival documentation of the building.

(56) BUILDING WORKS TO COMPLY WITH NATIONAL CONSTRUCTION CODE – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA

Any building works required to ensure compliance with the NCC (previously known as BCA) or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted and approved by Council's Area Planning Coordinator / Area Planning Manager prior to issue of any Construction Certificate.

Reason

To ensure an appropriate heritage outcome.

(57) HERITAGE CONSERVATION WORKS – HERITAGE ITEM OR SIGNIFICANT BUILDINGS

- (a) Prior to the issue of any Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Area Planning Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having heritage significance and reconstruction/restoration works to the building facades.
- (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 Council's Heritage Specialists for acceptance.
- (e) A schedule of site inspections at key points during construction (like after demolition, before covering significant fabric with new ceilings and floors and/or when design changes impacting significant fabric need to be implemented and required to be discussed with Council) is required to be submitted to City of Sydney for approval.
- (f) 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.
- (g) **INSPECTION AND APPROVAL:** The conservation works are to be progressively inspected by Council Heritage Specialists in accordance with approved scheduled site inspections as per point (e) and be implemented to the satisfaction of Council's 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.

(58) INACCESSIBLE GREEN ROOFS

- (a) A detailed green roof design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Planning Coordinator / Area Planning Manager prior to the issue of a Stage 5 Construction Certificate. These documents must include:
 - (i) Location and details of existing and proposed services, walls, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (ii) Engineers report confirming structural capacity of building for proposed green roof loads.
 - (iii) Details of soil types and depth including any mounding.
 - (iv) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (vi) Green roof maintenance plan. This plan is to be complied with during occupation of the property, and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
 - (vii) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.
- (b) Prior to the issue of any Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
- (c) All landscaping in the approved plan must be complete prior to the issue of any Occupation Certificate.
- (d) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

Reason

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

(59) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 1 of the report titled Flood Assessment Report, prepared by TTW, dated 15 March 2024, reference 231262.

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

Reason

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

(60) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 55sqm of granite paving and 38sqm of concrete along the site's 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.

(61) 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.

(62) PROTECTION OF STONE KERBS

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

Reason

To ensure the protection of stone kerbs.

(63) 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.

(64) 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 reviewed by the City's Public Domain Unit and approved by Council's Director City Planning Development & Transport 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.

(65) PUBLIC DOMAIN LEVELS AND GRADIENTS

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.

(66) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE

- (a) Two (2) new trees must be planted in Kent Street in association with the development and be included on the Public Domain Plans required by other conditions of this consent.
- (b) Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document.
- (c) The applicant must indicate of the chosen tree planting arrangement, being a choice of one of two options, being:

Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management Officer.

OR

Pay a fee for the City to supply, plant, and maintain each required tree on the applicant's behalf. The fee is consistent with the City's Schedule of Fees and Charges.

- (d) If opting to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:
 - (i) The trees must be planted prior to the issuing of the Occupation Certificate.
 - (ii) Trees must be located and planted in accordance with the City's Street Tree Master Plan or other relevant guidance document.
 - (iii) The tree species shall be consistent with the City's Street Tree Master Plan (refer to relevant precinct plans) or other relevant guidance document. Species substitutes will not be accepted.
 - (iv) The trees must be a minimum container size of 200 litres and a minimum of 3.5 metres at the time of planting.
 - (v) All new trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting.
 - (vi) Certification from the tree supplier must be submitted to the City's Tree Management Officer and Public Domain Officer, prior to the trees being planted. The certification must confirm the trees have been grown and comply with the requirements of AS2302. Any new trees that do not conform will be rejected by the City.
 - (vii) The trees must be planted by an Arborist or Horticulturist with a minimum AQF Level 3 qualification in their profession be planted before the issuing of any occupation certificate.

- (viii) All new trees must be inspected and approved by the City's Tree Management Officer (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period.
- (ix) All trees planted in accordance with the approved Tree Planting Plan must be maintained by an Arborist or Horticulturist with a minimum AQF Level 3 qualification in their profession 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.
- (x) At the end of the twelve (12) month maintenance period, written acceptance of the tree/s must be obtained from the City before release of the public domain bond.
- (xi) If a tree fails to thrive and successfully establish during the maintenance period, then City will request payment for a replacement tree and establishment period according to the City's Schedule of Fees and Charges.

Reason

To ensure that details of street trees to be planted are approved, the works are carried out in an appropriate manner and the trees are maintained following installation.

(67) STORMWATER DRAINAGE DESIGN

Prior to issue of a Stage 4 Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professional must be submitted to and approved by the City's Public Domain Unit and must include:

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

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

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

Reason

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

(68) 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 a Stage 4 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.

(69) PUBLIC DOMAIN LIGHTING UPGRADE

Prior to issue of a 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 Druitt Lane and shall be designed to include the following requirements:

Druitt Lane: (along development site)

- (a) There are existing COS wall mount lights on this property. Supply and install new COS wall mounted lights onto new building façade. Noting connections needs to be continued to COS wall mounted lights on adjacent building.
- (b) Lighting compliance of AS1158.3.1 Category PR1 must be achieved.
- (c) Decommission existing PUMS supply. Supply and install a 3 phase COS MSB to feed wall mount lights.
- (d) Installation must be accessible for maintenance and upgrade by COS-authorized technicians/contractors along the entire length. All cabling shall be installed on the building surface within galvanised steel conduits.
- (e) Establish an access easement in favour of COS for ongoing maintenance and upgrade of wall mounted council lighting.
- (f) Design scope must cover continuous footpath treatment (CFT) confirming minimum of 3.5 lux point horizontal illuminance will be achieved on the CFT.

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.

(70) 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.

(71) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

Reason

To ensure the mechanical ventilation complies with relevant standards.

(72) 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 relevant 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.

(73) PERSONAL LOCKERS

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

Reason

To ensure appropriate personal lockers are provided for staff.

(74) GREASE AND LIQUID WASTE TRAPS

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

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

Reason

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

(75) MICROBIAL CONTROL IN WATER SYSTEMS

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

- (i) AS/NZS 3666:1:2011 - Air-handling and water systems of buildings- Microbial Control Part 1: Design, installation and commissioning.
 - (ii) AS/NZS 3666:2:2011 - Air-handling and water systems of building- Microbial Control Part 2: Operation and maintenance.
 - (iii) AS/NZS 3666:3:2011 - Air-handling and water systems of buildings- Microbial Control Part 3: Performance based maintenance of cooling water systems.
 - (iv) AS/NZS 3666:4:2011 – Air-handling and water stems of buildings- Microbial Control Part 4: Performance – based maintenance of air – handling systems (ducts and components).
- (b) Prior to the issue of any Occupation Certificate, the occupier of the premise at which the system is installed, must notify the Council in writing on the prescribed form, of the installation of all water-cooling tower systems within the premises under the Public Health Act 2010. Warm water systems other than hospitals (hospitals (which also includes nursing homes, declared mental health facilities, private health facilities) are exempt from notifying Council.

Notification forms are available on Council's website www.cityofsydney.nsw.gov.au

Reason

To ensure water systems comply with relevant standards.

(76) WASTE STORAGE AREA

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

- (vii) Appropriately managed to Council's satisfaction so that it does not attract pests or create litter.

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

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

Reason

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

(77) WASTE ROOMS (GENERAL WASTE AREAS)

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

Reason

To ensure adequate storage and collection of waste.

(78) MINIMISE IMPACT OF POOL ON NEIGHBOURING PROPERTIES

- (a) To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area, the design and construction of the swimming pool/spa and associated equipment and fencing must comply with the following requirements:
 - (i) The *Swimming Pools Act 1992* and Regulations.
 - (ii) The swimming pool must have safety barriers installed in accordance with the requirements of AS 1926.1 - 2007 - 'Safety barriers for swimming pools' and AS 1926.2 - 2007 'Location of safety barriers for swimming pools'.
 - (iii) Australian Standards 1926.3 - Water Recirculation and Filtration; and
 - (iv) *Protection of the Environment Operations Act 1997*

Reason

To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/ spa area.

(79) SWIMMING POOL - WASTE AND OVERFLOW WATERS

Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for a relevant Construction Certificate to the satisfaction of the Registered Certifier.

Reason

To ensure waste and overflow waters are managed appropriately.

(80) EXTERNAL WALLS AND CLADDING FLAMMABILITY

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

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

Reason

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

(81) DEMOLITION/SITE RECTIFICATION (if cost is over \$50m)

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) A bank guarantee to be provided in the sum of \$202,850.00 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$202,850.00 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. partial demolition of the existing building has commenced but not been completed; or
 - b. the existing building has been partially demolished; or
 - c. the site has been excavated; or
 - d. the erection of the structure has commenced.
 - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - a. make the building safe and of an appearance acceptable to Council at ground level;
 - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or

- d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenantable stage.

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
 - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
 - (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
 - (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.
 - (iii) Stage 3 – Issue of the Occupation Certificate.
- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
 - (i) Certification (from the principal certifier) that the relevant stage is complete;
 - (ii) Detailed schedule of completed works carried out in the relevant stage;
 - (iii) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

Reason

To allow for the appropriate management of sites where development (demolition/excavation/construction) has commenced and there is a suspension in activity resulting in a building site which has an unacceptable appearance.

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

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

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

Reason

To minimise adverse visual impacts on the locality.

BEFORE BUILDING WORK COMMENCES

(83) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

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

Reason

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

(84) 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.

(85) USE OF GEOTECHNICAL ENGINEER

(a) A suitably qualified geotechnical engineer is to be commissioned to work with the consultant team throughout the design development, contract documentation and excavation stages of the project. The engineer is to be involved in the resolution of all matters relating to the excavation to extend the existing basement. The geotechnical engineer is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of excavation issues throughout the project.

(b) The recommendations of the geotechnical engineer engaged must be implemented, and where relevant be included in the Excavation Work Method Statement required by a separate condition below.

Reason

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

(86) 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; City's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.

- (vii) Proposed truck routes, in accordance with this development consent.
 - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.
 - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
 - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
 - (xv) Disconnection of utilities.
 - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
 - (xx) Working hours, in accordance with this development consent.
 - (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.
 - (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

These records must be available for sighting on request by an authorised Council officer.

Reason

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

(87) EROSION AND SEDIMENT CONTROL

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

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

(88) PUBLIC DOMAIN WORK – CONSTRUCTION APPROVAL UNDER SECTION 138 / 139 OF THE 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.

(89) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

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

Reason

To ensure wastewater is managed appropriately.

(90) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

Reason

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

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

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

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

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

Reason

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

DURING BUILDING WORK

(92) 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.

(93) 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)).

(94) HOURS OF WORK AND NOISE – CBD

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

- (a) All work, including demolition, excavation and building 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 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, 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.

(95) 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.

(96) COMPLIANCE WITH CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise and Vibration Management Plan prepared by Acoustic Logic, ref. E36161BLrpt2Rev1-HAZ, dated 30 May 2024 (Council's reference 2024/335134-08).
- (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.

Reason

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

(97) 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.

(98) LAND REMEDIATION

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by JK Environments, ref. 36161Brpt4Rev1-RAP, dated 9 October 2023 (Council's reference 2023/633858) and the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor Louise Walkden, audit number LW-039, dated 16 October 2023 (Council's reference 2023/633857). All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

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

Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor and Council's Area Planning Manager prior to the commencement of such work.

Reason

To ensure that the site is appropriately remediated.

(99) NOTIFICATION – NEW EVIDENCE

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

Reason

To ensure that the site is appropriately remediated.

(100) 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.

(101) 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.

(102) 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.

(103) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the 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.

(104) 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.

(105) 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.

(106) 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.

(107) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

Reason

To allow adequate vehicular access to the site.

(108) 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.

(109) VEHICLE CLEANSING

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

Reason

To ensure sediment is not tracked onto the roadway.

(110) 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.

(111) 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.

(112) 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.

(113) 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.

(114) 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/detailed-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.

(115) HOLD POINTS

Prior to an approval being issued for the construction of public domain 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.

(116) 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.

(117) SYDNEY WATER CERTIFICATE

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

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

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

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

Reason

To ensure the requirements of Sydney Water are met.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(118) HISTORIC MARKER

A plaque of high-quality material (e.g. bronze or stainless steel) describing the history of the site and building must be installed on the facade of the building prior to any Occupation Certificate being issued. The design, location and wording must be submitted for the approval of Council's Urban Design and Heritage Manager prior to manufacture and installation. The marker is to be incorporated into the heritage interpretation plan if a plan is required by this consent.

Reason

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

(119) CYCLICAL MAINTENANCE PLAN

A cyclical maintenance plan specifying frequency and methodologies to conduct building inspections and maintenance works to building elements and services must be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of any Occupation Certificate / registration of heritage floor space. The maintenance plan is to be prepared by a suitably qualified heritage consultant and endorsed by the building owner.

Reason

To ensure appropriate ongoing maintenance of the building.

(120) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL

Prior to the issue of an **Occupation Certificate** or commencement of the use, whichever is earlier, the building owner/tenant is to enter into a contract with a licensed waste service provided for the removal of all waste and recycling stream(s). A copy of the commercial waste and recycling contract and invoices are to be made available upon request by an authorised Council officer at any time.

Reason

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

(121) 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 Building Materials Survey, prepared by JK Environments, ref. E36161BLrpt2Rev1-HAZ, dated 7 September 2023 (Council's reference 2023/633856), must be complied with.

- (a) 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.

(122) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN

Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite, the EMP must be approved by the Site Auditor and subsequently Council's Area Planning Manager prior to the issue of the final Site Audit Statement.

The owner of the land is required to comply with the ongoing obligations of any EMP which form part of the final Site Audit Statement for the site.

A covenant must be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority

A copy of the revised certificate of land title recording the covenant must be submitted to Council's Area Planning Manager and the Principal Certifier prior to the issue of any Occupation Certificate.

Reason

To ensure that contamination is appropriately managed.

(123) 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.

(124) 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.

(125) STORMWATER COMPLETION POSITIVE COVENANT

Prior to the issue of any Occupation Certificate, 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.

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

Reason

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

(127) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the report titled Flood Assessment Report prepared by TTW, dated 15 March 2024, reference 231262.

Reason

To ensure the development achieves the required floor levels.

(128) 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.

(129) PHYSICAL MODELS

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

Reason

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

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

- (a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Planning Coordinator / 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.

OCCUPATION AND ONGOING USE

(131) LICENSED PREMISES – PRIMARY PURPOSE – LOWER GROUND FLOOR RESTAURANT/BAR

- (a) The primary purpose of the lower ground level 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.
- (b) The sale and supply of liquor must cease when the kitchen ceases to operate.
- (c) 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.

(132) HOURS OF OPERATION – LOWER GROUND FLOOR RESTAURANT/BAR

The hours of operation of the lower ground floor restaurant/bar must be restricted to between 6.00am and 11.00pm, Monday to Sunday.

Reason

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

(133) HOURS OF OPERATION –GROUND FLOOR BAR

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

- (a) The hours of operation for the indoor area must be restricted to between 6.00am and 11.00pm, Monday to Sunday.
- (b) The hours of operation for the ground floor western courtyard must be restricted to between 7.00am and 10.00pm, Monday to Sunday.
- (c) Notwithstanding (b) above, the ground floor western courtyard may operate between 6.00am and 11.00pm, Monday to Sunday for a trial period of 1 year, from the date of issue of the Occupation Certificate. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to liquor@cityofsydney.nsw.gov.au
- (d) Should the operator seek to continue the extended operating hours outlined in (c) above, an application must be lodged with Council not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

Reason

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

(134) HOURS OF OPERATION – ROOFTOP BAR

The hours of operation of the rooftop bar are regulated as follows:

- (a) The hours of operation must be restricted to between 12.00 midday and 10.00pm, Monday to Sunday.
- (b) Notwithstanding (a) above, the indoor area of the rooftop bar, with bi-fold doors close and a reduced maximum capacity of 80 patrons (excluding staff) may operate between 12.00 midday and 12.00 midnight.

Reason

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

(135) CESSATION OF SERVICE

The premises may be open for business only during the approved hours of operation. The operator must cease providing food and/or alcohol at the premises 30 minutes before the required closing time.

Reason

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

(136) MAXIMUM CAPACITY OF PERSONS

- (a) The maximum number of persons (including staff, patrons and performers) permitted in each area at any one time is:
 - (i) Lower Ground Floor Restaurant/Bar: 405 patrons and 15 staff
 - (ii) Ground Floor Bar (including courtyard): 25 patrons and 10 staff
 - (iii) Rooftop Bar: 127 patrons and 10 staff
- (b) Notwithstanding (a) above, the maximum number of patrons (excluding staff) of:
 - (i) the ground floor courtyard is 20 persons; and
 - (ii) the rooftop bar is to be reduced to 80 persons between 10.00pm and closing time, Monday to Sunday.
- (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. The Principal Certifier is to confirm compliance prior to the issue of any 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.

(137) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the 'Operational Management Plan – 499 Kent Street, Sydney' submitted with this application (Council's reference 2024/253916), which has been approved. In the event of any inconsistency, the conditions of this consent will prevail over the Operational Management Plan.

Reason

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

(138) 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 approved 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.

(139) SECURITY

Security is to be provided at any time and in any manner specified in the 'Operational Management Plan – 499 Kent Street, Sydney' submitted with this application (Council's reference 2024/253916).

Reason

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

(140) REMOVAL OF GLASS

Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises 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.

(141) NOISE FROM GLASS REMOVAL

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

Reason

To safeguard the amenity of the surrounding neighbourhood.

(142) NEIGHBOURHOOD AMENITY

- (a) Signs must be placed in clearly visible positions within the hotel and the lower ground restaurant entrances 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.

(143) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises during all trading hours with particular coverage to:
 - (i) principal entrance/s and exits;
 - (ii) all areas within the premise occupied by the public (excluding toilets)
- (b) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the identification of patrons, offenders and incidents within the depth of field view of the cameras.
- (c) CCTV recordings shall have time and date auto recorded and be retained for 28 days before being re-used, destroyed or deleted. A digital copy must be handed to the Council or Police Officer on request.

- (d) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. All reasonable steps must be taken to ensure repairs to the system are completed as soon as practicable within 24 hours.
- (e) The CCTV recording device must be kept in a secured location.

Reason

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

(144) 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.

(145) 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.

(146) NOISE - ENTERTAINMENT

- (a) The $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (b) The $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (c) Notwithstanding (a) above, the $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:
 - (i) The existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,

- (ii) If the $L_{Z90, 15 \text{ minute}}$ background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (L_p) of the Tf curve in that octave band shall become that octave's $L_{Zeq 15 \text{ minute}}$ noise criteria level.
- (d) Notwithstanding (b) above, the $L_{A1 15 \text{ minute}}$ noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:
- (i) The existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,
 - (ii) If the $L_{Z90, 15 \text{ minute}}$ minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (L_p) of the Tf curve in that octave band shall become that octave's $L_{Z1 15 \text{ minute}}$ noise criteria level.

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

Reason

To protect the acoustic amenity of surrounding properties.

(147) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

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

- (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- (c) Corrections in [Fact Sheet C](#) of the 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.

(148) 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.

(149) WASTE AND RECYCLING COLLECTION – COMMERCIAL

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

Reason

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

(150) 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.

(151) WASTEWATER TREATMENT DEVICES

- (a) All wastewater treatment, containment and management devices (including drainage systems, sumps, grease traps & pumps) must be regularly maintained in good working order to ensure that they remain effective. Silt and gross pollutant traps must be fitted in all new stormwater pits.
- (b) Prior to the issue of a relevant Construction Certificate, a wastewater maintenance schedule must be developed and approved by Council. The approved schedule must be kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control legislation and NSW Environmental Protection Authority requirements.

Reason

To ensure wastewater treatment devices remain effective.

(152) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

(153) 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.

(154) ENERGY PERFORMANCE CERTIFICATION – NABERS

The building and its services must achieve a National Australian Built Environment Rating System (NABERS) Energy rating of 4.5 star in operation for the whole building. Within 24 months from the day on which an occupation certificate is issued, a NABERS Energy rating application for the development is to be prepared by a NABERS Accredited Assessor and lodged with the NABERS National Administrator. Once certified, a copy of the NABERS certificate and report are to be submitted to Council.

The NABERS report must demonstrate the following:

- (a) The rated annual energy use and associated emissions achieve the NABERS star band requirement; and

- (b) If the development will not achieve the energy use standards – the difference between the rated annual electricity use and the energy use standards, calculated for the first 5 years of operation.

Reason

To reduce greenhouse gas emissions and impact on the electricity grid associated with the development in operation and increase the development's resilience to disruption from extreme weather events.

(155) ENERGY PERFORMANCE CERTIFICATION – GREEN STAR

Within 24 months from the day on which an occupation certificate is issued, a Green Star certificate, along with reporting confirming that the required level of achievement in 4 star Green Star rating under the Green Star Buildings v1 tool has been met, is to be submitted to Council.

Reason

To reduce greenhouse gas emissions and impact on the electricity grid associated with the development in operation and increase the development's resilience to disruption from extreme weather events.

(156) 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.

WaterNSW - CONDITIONS

(157) APPROVALS PRIOR TO CONSTRUCTION CERTIFICATE

- (a) Prior to the issue of any construction certificate, the following approvals must be obtained from WaterNSW:
 - (i) Water supply work approval
 - (ii) Water access licence (WAL) – unless the project qualifies for an exemption
 - (iii) Water use approval – unless there is a development application from a local government.

- (b) As part of the application process, the applicant will need to provide –
 - (i) a copy of the Development Consent;
 - (ii) written consent from Council or Sydney Water to discharge water into their stormwater system;
 - (iii) a dewatering management plan which includes the volume of water to be extracted & the duration of the water take for dewatering & method of measuring the water take and recording;
 - (iv) an Acid Sulphate Soil Management Plan (if relevant);
 - (v) and architectural plans and/or elevations.

- (c) If a drained basement design is proposed, WaterNSW and the Department of Planning and Environment -Water (DPE) will require additional modelled data to support a hydrogeological review and assessment. The Geotechnical report (or equivalent) will need to be updated accordingly and satisfy requirements detailed in the below **Table 1 Modelling Inputs**.

Table 1 Modelling Inputs

WaterNSW and DPIE do not support the drained basement option for basements. However if the proponent is insistent on a drained basement alternative for the design of the basement, they will need to provide all the following additional data and modelling inputs to enable DPIE to undertake the necessary hydrogeological assessment.

#	Assessment Item
1	The estimate volume of water take has been specified in the documentation supplied with the application (in megalitres).
2	Detailed explanation and supporting evidence have been provided to demonstrate the suitability of the volume estimation method (either description of numerical model used or analytical solution and source document).
3	The ground elevation across the site has been provided on an architectural plan or section or detailed in other supporting documents in a manner acceptable to WaterNSW and DPIE-Water.

4	A report outlining the geotechnical characterisation of the ground conditions, based on site-specific intrusive investigations that fully penetrate to a deep geological unit beneath the property that is identified in the geotechnical report as being consolidated or hard.
5	Frequently repeated water level measurements illustrating the natural range over at least three months (in metres below ground level)
6	The magnitude of required drawdown in water level to achieve dry conditions in the excavation has been identified (in metres).
7	The works proposed to be used for dewatering have been described in detail (number, spacing, depth, individual discharge rates, cumulative discharge rate) and illustrated on specific plan and section diagrams.
8	The base level of the aquifer has been identified or can it be determined from supplied bore logs (in metres below ground level).
9	Accurate excavation footprint dimensions (length, width, bulk excavation level) have been specified (in metres).
10	Field test results to determine the hydraulic conductivity of lithological units present beneath the site have been reported (in metres per day).
11	The anticipated duration of dewatering pumping has been specified (days or weeks or months).
12	The depth of piling embedment beneath the bulk excavation level has been specific (in metres).

In the case of a drained basement, we request that the geotechnical report be updated accordingly and uploaded to the planning portal. Further information can also be found at <https://www.industry.nsw.gov.au/water/science/groundwater/aquifer-interference-activities>

Note: All applications are assessed in accordance with the Water Management Act 2000, Minimum Requirements for Building Site Groundwater Investigations & Reporting and associated Water Sharing Plans and are subject to rigorous impact assessments, if impacts are deemed to be greater than minimal the application may be refused as a result.

Reason

To ensure compliance with the Water Management Act 2000.

TfSNW (Sydney Trains) - CONDITIONS

(158) DIAL BEFORE YOU DIG – RAIL SERVICES AND SIGNALLING

Prior to the issue of any Construction Certificate, the Applicant shall undertake a Dial Before You Dig search to establish the existence and location of any rail services. Persons performing the Dial Before You Dig search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

Reason

To protect rail assets

AUSGRID - CONDITIONS

(159) AUSGRID UNDERGROUND CABLES ARE IN THE VICINITY OF THE DEVELOPMENT

Care should be taken to ensure that construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

The following points should be taken into consideration.

- (a) Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
- (b) Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.
- (c) In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:
 - (i) SafeWork Australia – Excavation Code of Practice.
 - (ii) Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables. This document can be found by visiting the Ausgrid website via www.ausgrid.com.au.
 - (iii) The Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can also be found by visiting the Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Reason

To ensure construction activities do not interfere with underground cables

(160) AUSGRID OVERHEAD POWERLINES ARE IN THE VICINITY OF THE DEVELOPMENT

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected to be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: <https://www.ausgrid.com.au/Connections/Get-connected>

Reason

To ensure construction activities do not interfere with overhead powerlines