

# **Attachment A**

**Recommended Conditions of Consent**

# DEFERRED COMMENCEMENT CONDITIONS

Evidence of the below relevant matters must be produced to the consent authority, within two years of the date of the determination, otherwise the consent will lapse.

## **(1) FINAL STRUCTURAL DESIGN WITHIN EXISTING HERITAGE BUILDING**

- (a) Prior to the operation of consent, a final structural design must be submitted to the satisfaction of Council's Urban Design & Heritage Manager and approved by Council's Area Planning Manager / Area Planning Coordinator. This is to detail all new structure proposed within the existing envelope of the heritage item including:
  - (i) Structure: The submitted structural concept by Tonkin entitled 'Project Basis Report Structural' must be further developed to a resolved structural design that maximises retention of existing heritage fabric.
  - (ii) Fire Resistance: Submit a performance solution to provide supplementary fire protection to the existing steel and timber level 1 floor structure, to achieve enhanced Fire Resistance Levels (FRLs).
  - (iii) Seismic Stability: The proposed measures to strengthening of existing heritage structure and deal with any additional seismic loads arising from the proposed additional floors.
  - (iv) Load Capacity: The proposed measures for strengthening existing floor or other structures to ensure they can bear any proposed additional loads including seismic bracing, fire protection, acoustic treatment or services.
- (b) The structural design is to minimise impacts on significant heritage fabric, conserve significant ceilings, structure and other fabric and retain the heritage character of the interiors.
- (c) The structural design submission is to be accompanied by a fully coordinated set of architectural drawings that accurately show the size, location and dimensions of new structural elements and fire protection measures.

## **(2) LAND CONTAMINATION – DETAILED ENVIRONMENTAL SITE INVESTIGATION (DESI) / REMEDIATION ACTION PLAN (RAP)**

- (a) A Detailed Environmental Site Contamination Investigation (DESI) must be undertaken.
- (b) The investigation and reporting must be undertaken by a suitably qualified and experienced environmental consultant in accordance with relevant guidelines including, but not limited to, the EPA 'Guidelines for Consultants Reporting on Contaminated Sites 2014' (updated 2020) and 'Sampling Design Guidelines 2022'.
- (c) Following the Detailed Site Investigation, a report outlining the results of the assessment must be submitted to the satisfaction of Council and approved by the Council's Area Planning Manager. This report must also consider and provide an indication of remedial action required to ensure that the site will be suitable for the proposed development.

- (d) Following the completion of the Detailed Site Contamination Investigation, and where the DESI states that the site requires remediation to make it suitable for the proposed land use subject to this consent, a Remedial Action Plan (RAP) must be prepared by a suitably qualified and experienced environmental consultant, in accordance with the relevant 'Guidelines for Consultants Reporting on Contaminated Sites 2014'.
- (e) The RAP must set the remediation objectives and determine the most appropriate remedial strategy to ensure that the site will be suitable for the development.
- (f) The RAP must be submitted to the satisfaction of Council and approved by Council's Area Planning Manager / Area Planning Coordinator.

# GENERAL CONDITIONS

## (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2023/119 dated 21 February 2023 and the following drawings prepared by David Mitchell Architects:

Drawing Number	Drawing Name	Date
DA1002 Issue G	Demolition Plan - B1 and GF	24.06.24
DA1003 Issue G	Demolition Plan - MEZZ and L1	24.06.24
DA1004 Issue G	Demolition Plan - Elevations	24.06.24
DA1101 Issue H	Basement Level Plan	23.10.24
DA1102 Issue H	Ground Level Plan	23.10.24
DA1104 Issue G	Level 1 Plan	24.06.24
DA1105 Issue G	Level 2 Plan	24.06.24
DA1106 Issue G	Level 3 Plan	24.06.24
DA1107 Issue G	Level 4 Plan	24.06.24
DA1108 Issue G	Level 5 Plan	24.06.24
DA1109 Issue G	Roof Plan	24.06.24
DA1201 Issue G	Sections	24.06.24
DA1202 Issue G	Section C	24.06.24
DA1301 Issue G	Elevation East	24.06.24
DA1302 Issue G	Elevation - North	24.06.24
DA1303 Issue G	Elevation West	24.06.24
DA1304 Issue G	Elevation - South	24.06.24
DA 2220 Issue G	Detail Section – Facade Screen	24.06.24

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) MATTERS NOT APPROVED**

The road closure of Patterson Lane is not approved and is to be deleted from the plans prior to the issue of a construction certificate.

### **Reason**

To clarify elements those elements of the proposal that have not been approved.

## **(3) GENERAL DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) A detailed drawing of the proposed awning on Flinders Street is required. The drawing is to illustrate awning width dimensions and is to adhere to Section 3.2.4 Footpath Awnings within the Sydney DCP 2012 regarding sufficient widths from the existing building and clearances from existing street trees. The drawing must include rainwater drainage, lighting reticulation and electrical reticulation for signage. Where possible the existing fixings for the former awning should be utilised.
- (b) An awning is to be provided above the doorway to the entry on Bourke Street, adjacent to Patterson Lane. A detailed drawing is required. The drawing is to illustrate awning width dimensions and is to adhere to Section 3.2.4 Footpath Awnings within the Sydney DCP 2012 regarding sufficient widths from the existing building and clearances from existing street trees. The drawing must include rainwater drainage, lighting reticulation and electrical reticulation for signage. Where possible the existing fixings for the former awning should be utilised.
- (c) The sine curve of the core-ten screens is to be modified to add additional undulation to the profile on all facades.
- (d) Following the satisfaction of Deferred Commencement Condition 1 'Final Structural Design within Existing Heritage Building', the demolition and architectural plans are to be updated to reflect the approved structural design
- (e) An additional section drawing(s) is (are) required to demonstrate the extent of any excavation required for lift pits, support columns and the like.
- (f) The circulation space outside the lift on levels 3 and 4 is to have a minimum dimension of 2m.

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

## **Reason**

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

### **(4) HERITAGE DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) External facades
  - (i) Retain and conserve the existing original timber exterior doors at the Bourke Street entrance to the southwest stair.
  - (ii) Retain and conserve the existing original marble external steps to the Bourke Street entrance to the southwest stair.
  - (iii) Retain and conserve all exterior decorative iron grilles on exterior windows.
  - (iv) Salvage existing external decorative iron grille on the low-level window shown 'removed' from the west side of the south elevation. Nominate a location for its reuse on another opening in the south elevation and show the new location on the architectural drawings.
  - (v) Retain and conserve all existing lead light windows.
  - (vi) Include repair of spalling concrete in lintels and window mullions.
  - (vii) Provide design details for new doors and shopfronts on the north and east elevations. Designs must be informed by reference to documentary and physical evidence of the original shopfronts.
  - (viii) Integrate the proposed hydrant booster enclosure on Flinders Street with the new shopfronts.
- (b) Interiors
  - (i) The set-out of the new concrete structural piers and columns is not approved. Adjust positions of columns within the envelope of the heritage building so that they are centred on existing wall elements to ensure appropriate symmetry and visual impact.
  - (ii) Connections between new structural elements and existing heritage fabric including skirtings, architraves, beams, cornices and decorative ceilings must be appropriately resolved, detailed and finished.
  - (iii) Retain the north wall of the existing stair at basement level to the extent shown in the architectural plan DA 1102/G. The extent of demolition shown on demolition plan DA 1002/G is not approved.
  - (iv) Demolition of the existing curved stair at the northwest corner of the basement is to be carried out in a manner that retains and interprets visible evidence of the stair in the adjoining wall and floor. Salvage stone and tiles for use in repairs elsewhere on site.

- (v) Retain and conserve the entire existing southwest stair on all levels including, but not limited to stair structure, stone finishes, landings and, tiled walls, tiled floors, decorative ceiling, joinery, heritage fire doors and decorative iron balustrades. Detail any repairs and making good of damaged original fabric and provide detail for any proposed BCA or other upgrades to balustrades and other original fabric prior to issue of a Construction Certificate.
- (vi) The finished level of the new ceilings in the lower and upper ground floor levels must exactly match the levels of the original ceilings, based on site evidence to ensure an appropriate relationship with existing architectural elements including arches, architraves and window openings. Provide detailed sections and reflected ceiling plans prior to issue of a Construction Certificate including levels.
- (vii) Conserve first floor structure, fabric and skirtings. While a new floor finish may be installed over the existing floorboards, it is to be reversible.
- (viii) Restore missing set plaster finishes to the ground floor and level 1 walls to match the material composition, thickness and finish of the original set plaster.
- (ix) Submit a detailed design for the adaptive reuse of the first-floor toilets that maximises retention and interpretation of existing finishes and joinery including doors, fanlights, frames and architraves. Any early or original joinery that cannot remain in-situ is to be scheduled for conservation and reuse elsewhere on site.
- (x) Conserve first floor ceiling and decorative beams including survey, recording, dismantling, repair, restoration and reinstallation in original location and height. Provide a reflected ceiling prior to Construction Certificate that shows the detailed resolution of the conserved ceiling around the proposed new structural piers. The finished level of the reconstructed and conserved ceiling must exactly match that of the existing ceiling to ensure an appropriate relationship with existing architectural elements including arches and architraves.
- (xi) In level one, all lights, smoke detectors, EWIS speakers and other ceiling mounted services are to be surface mounted to minimise penetrations in the conserved pressed metal ceiling. Recessed downlights in the conserved pressed metal ceiling are not approved. Any air conditioning or ventilation ducts are to be suspended within the space in a manner that minimises penetrations to the ceiling and allows it to be seen.

The modifications are to be submitted to the satisfaction of Council's Urban Design and Heritage Manager and approved by Council's Area Planning Coordinator / Area Planning Manager prior to the issue of any Construction Certificate.

**Reason**

To ensure the appropriate quality and resolution of heritage conservation works.

**(5) 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.

**(6) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 74.93 (AHD) to the top of the building and RL 72.38 (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.

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

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the basement entertainment facility use must not exceed 0.6:1 and for the remaining commercial uses must not exceed 3.8:1 calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

**Reason**

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

**(8) USE - SEPARATE DA REQUIRED**

- (a) No consent is granted or implied for the fit-out or specific use of the basement entertainment facility, nor the ground floor food and drink premises.
- (b) Separate development consents or complying development certificates (as appropriate) are required to be obtained for the fit-out and use of these tenancies prior to that fit-out or use commencing.

**Reason**

To require separate consent to be obtained for a use.



**(9) SIGNAGE STRATEGY**

An amended Signage Strategy, consistent with the requirements of the Sydney Development Control Plan 2012, is to be submitted and approved by Councils Area Planning Manager prior to the issue of any Construction Certificate. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

**Reason**

To require an updated signage strategy prior to the issue of a Construction Certificate.

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

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- (b) The contribution is \$233,951.86 (indexed at 7 November 2024). This is calculated by establishing the sum of the equivalent monetary contribution \$11,176.22 multiplied by 1% of the total floor area for non-residential development (20.93sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being March 2024 to 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 March 2024 to February 2025.

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

**Reason**

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

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

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

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$100,349.03
Community Facilities	\$94,553.29
Traffic and Transport	\$15,731.28
Stormwater Drainage	\$0.00
Total	\$210,633.61

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

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

Where:

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

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

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

$CPI_{\text{consent}}$  = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 139.1 for the June 2024 quarter.

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

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

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

**Reason**

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

**(12) 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.

**(13) 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 designed and detailed to minimise impact on heritage fabric and spaces.
  - (i) Details of services must be shown on drawings at a suitable scale and submitted to the satisfaction of Council's Urban Design and Heritage Manager and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The new windows and doors on the existing building must match the original material, which is timber joinery.
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

**Reason**

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

**(14) 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.

**(15) RETENTION OF INTERNAL FEATURES**

The steel and timber level 1 floor structure including the supporting structural columns in the eastern and western ground floor spaces; original level 1 decorative ceilings; and original main stair in the southwest corner of the building including all stair fabric, joinery, wall tiles and ceilings are to be retained.

Where internal walls are to be removed on the basement level of the building, demolition evidence is to be retained at key wall junctions of the original room layout to assist interpretation of the former layout of the building. Where internal joinery features are to be conserved, any components replaced or reinstated, are to match the existing in profile and section size.

**Reason**

To protect the heritage of the building.

# **BUILDING WORK**

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

### **(16) FLOOD PLANNING LEVELS**

- (a) The internal level at the threshold of the door from Patterson Lane accessing the existing stairs from B1 to Ground must be constructed to comply with the 1% AEP flood planning levels for Patterson Lane being 51.62m AHD.
- (b) Details must be submitted to the Principal Certifier prior to the issue of any Construction Certificate demonstrating that this entrance will comply with the recommended flood planning levels.

#### **Reason**

To ensure the proposal complies with the City's Interim Floodplain Management Policy

### **(17) PHYSICAL MODELS**

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

#### Note:

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

#### **Reason**

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

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

- (a) Prior to any Construction Certificate Certificate being issued, an accurate 1:1 electronic CAD model of the approved development must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.

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

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

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

**Reason**

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

**(19) REFLECTIVITY**

Prior to issue of the 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.

**(20) MATERIALS AND SAMPLES BOARD**

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

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

### **Reason**

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

### **(21) ENERGY EFFICIENCY OF BUILDINGS**

The design of the building and its services must achieve a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 5 stars as per the Department of Planning, Industry and Environment (DPIE). This is to be demonstrated by:

- (a) Entering into a Commitment Agreement with DPIE, to deliver this star rating for the base building:

The applicant must provide a copy of the signed Commitment Agreement contract with their Construction Certificate application; and

- (b) Providing a copy of the independent energy assessment report to NABERS administration and submitting the same report with the Construction Certificate application. This report must be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to above are as follows:

- (i) Commitment Agreement means an agreement that is set out in accordance with DPIE. The NABERS Commitment Agreement, which is signed between DPIE and the applicant/building owner/building manager, to design, build and commission the premises to achieve an agreed star rating.
- (ii) Star rating refers to the benchmarking system applied by DPIE for measuring the energy efficiency of a building and known as NABERS the National Australian Built Environment Rating System.
- (iii) Base Building means central services and common areas of a building, as defined under NABERS.

### **Reason**

To ensure the building is designed to meet an appropriate energy efficiency standard.

### **(22) DESIGN FOR ENVIRONMENTAL PERFORMANCE**

- (a) Prior to the issue of any Construction Certificate, the City of Sydney Design for Environmental Performance form is to be completed and approved by the Council's Area Coordinator Planning Assessments / Area Planning Manager.
- (b) Following approval, and in assessing the approved form, the Registered Certifier must be satisfied that those matters listed in the following sections are incorporated into the relevant construction plans and accompanying documentation:

- (i) Section 4 – Energy Efficiency and Greenhouse Gas Emissions Abatement
- (ii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
- (iii) Section 6 – On site Renewable Energy Generation and Storage
- (iv) Section 7 – Design for Resilience to Climate Change
- (v) Section 8 – Designing for mains potable water savings and water efficiency
- (vi) Section 9 – Storm water quality
- (vii) Section 10 - City Greening
- (viii) Section 11 - Promoting Active Transport and Reducing Transport Emissions
- (ix) Section 12 - Materials, Embodied Carbon and Circularity
- (x) Section 13 - Waste Management and Resource Recovery

**Reason**

To ensure the environmental performance of the development.

**(23) LETTERBOXES**

- (a) Letterboxes installed with non-master key locks for security are to be located within the ground floor building lobby.
- (b) Details of the location and design of all letterboxes are to be submitted to and approved by Council’s Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate.

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

**Reason**

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

**(24) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Deposit calculated on the basis of 150 square metres of clay brick and granite banding site frontage must be lodged with Council in accordance with the City of Sydney’s adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.



- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. If rectification works are required the City will release 90% of the total Bond, with the remaining 10% balance to be held for the duration of a 6 months Defect Liability Period.

**Reason**

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

**(25) PUBLIC DOMAIN CONCEPT PLAN**

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

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

**Reason**

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

**(26) 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.

**(27) STORMWATER ON-SITE DETENTION**

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

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

**Reason**

To ensure the requirements of Sydney Water are complied with.

**(28) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT**

The drainage system is to be constructed in accordance with the City's standard requirements as detailed in the City of Sydney's Stormwater Drainage Manual. The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

The requirements of Sydney Water regarding the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the on-site detention (OSD) approval must be submitted to City's Public Domain Unit prior to issue of any Construction Certificate other than demolition.

**Reason**

To ensure the drainage system is constructed in accordance with Council's requirements.

**(29) FUTURE FOOD USE MECHANICAL VENTILATION PROVISION**

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

**Reason:** To ensure the mechanical ventilation complies with relevant standards.

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

(a) Pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021, the whole building must comply with the National Construction Code (previously known as Building Code of Australia) (NCC) including:

(i) Fire resistance and stability – Part C1;

- (ii) Compartmentation and separation - Part C2;
  - (iii) Protection of openings - Part C3;
  - (iv) Provision of escape - Part D1;
  - (v) Construction of exits - Part D2;
  - (vi) Fire fighting equipment - Part E1;
  - (vii) Smoke hazard management (Performance Requirements) - Part E2;
  - (viii) Visibility in an emergency, exit signs and warning systems - Part E4;
- (b) If compliance with the conditions listed in (a) above cannot be achieved through the deemed to satisfy pathway, a performance solution in accordance with Part A2 of the NCC (previously known as BCA) must be prepared and submitted to the Registered Certifier illustrating how the relevant performance provisions are to be satisfied, and must form part of the approval prior to a Construction Certificate being issued.

**Reason**

To ensure the works comply with relevant regulations.

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

Prior to the issue of a Construction Certificate, structural details and a structural certificate for design by a qualified practising structural engineer and in accordance with Clause A5G3(1)(e) of the *Building Code of Australia* must be submitted to the satisfaction of the Registered Certifier.

**Reason**

To ensure structural certification is undertaken.

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

A qualified practising registered structural engineer must provide structural certification to the Registered Certifier verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the *National Construction Code (previously known as Building Code of Australia)* prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

**Reason**

To ensure the existing structure can support the new loads.

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

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

The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm).

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

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

### **Reason**

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

### **(34) 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 Koikas Acoustics, dated 14 June 2024, ref: 5582R2024061 as 1-5 Flinders St Surry Hills\_ DA, titled Acoustic Report Proposed Alterations and additions 1-5 Flinders Street, Surry Hills NSW, Council Ref TRIM: 2024/421425 must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant\* (see definition below). This work will be to the satisfaction of the accredited certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant\* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

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

### **Reason**

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

**(35) 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
Staff/Employee/Customer	15	Spaces must be Class 2 bicycle facilities
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	15	

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

**Reason**

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

**(36) HERITAGE INTERPRETATION PLAN**

- (a) An interpretation plan for 1-5 Flinders Street must be submitted to the satisfaction of Council's Urban Design and Heritage Manager and approved by Council's Area Planning Coordinator / Area Planning Manager prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the 1-5 Flinders Street will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (d) Prior to an occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager.

**Reason**

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

### **(37) CONSERVATION OF PAVEMENT LIGHTS**

A conservation plan, prepared by a suitably qualified practitioner detailing the conservation, upgrade and ongoing maintenance of the footpath lights, and vaults below, is to be submitted to the satisfaction of Council's Urban Design and Heritage Manager and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to a Construction Certificate being issued. The Principal Certifier must ensure compliance with the approved plan and conservation upgrade works during the period of construction.

Note: The restoration and installation of the missing pavement lights above the vaults on the Flinders Street frontage is acceptable and may be reflected on the Concept Public Domain Plan.

#### **Reason**

To ensure that the pavement lights are appropriately conserved.

### **(38) EXTERNAL COLOUR SCHEME**

The external colour scheme is to be sympathetic to the architectural style and period of the building and Heritage Conservation Area. A schedule of colours is to be submitted to the satisfaction of Council's Urban Design and Heritage Manager and approved by Council's Area Planning Coordinator / Area Planning Manager prior to the issue of any Construction Certificate.

#### **Reason**

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

### **(39) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)**

Prior to a Construction Certificate being issued, an archival photographic recording of 1-5 Flinders Street is to be prepared to Council's satisfaction. The recording is to be in digital form, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

#### **Procedure**

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

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

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

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

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

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



**Reason**

To ensure appropriate archival documentation of the building.

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

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

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

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

**Reason**

To ensure the salvaging and reuse of traditional building materials.

**(41) 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 to the satisfaction of Council's Urban Design and Heritage Manager and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate.

**Reason**

To ensure an appropriate heritage outcome.

**(42) HERITAGE CONSERVATION WORKS – HERITAGE ITEM OR SIGNIFICANT BUILDINGS**

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Urban Design and Heritage Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage significance including but not limited to the following: brickwork, door and window joinery, shopfronts, decorative steel external security grilles, glazing, hardware, floors, tiling, roof plumbing, decorative ceilings and painting.

- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building. Any departure from approved plans requiring additional demolition/chasing of significant fabric is to be discussed with City of Sydney Heritage Specialists for acceptance.
- (e) 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 Urban Design and Heritage Manager prior to the issue of any Occupation Certificate or commencement of the use, whichever is the earlier.

**Reason**

To ensure the carrying out of appropriate heritage conservation works.

**(43) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT**

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of any Construction Certificate or commencement of work on site whichever is the earlier.
- (c) Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:
  - (i) Undertake site inspections of not less than fortnightly intervals.

- (ii) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
  - (iii) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.
- (d) Upon completion of the works, the final report is to be submitted to the satisfaction of Council's Urban Design and Heritage Manager and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

**Reason**

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

**(44) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

**Reason**

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

**(45) LANDSCAPING OF THE SITE**

- (a) A detailed landscape 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 Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
  - (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
  - (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving, walls, services, furniture, shade structures, lighting and other features.
  - (iii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers.

- (iv) Soil volume details confirming provision of soil in accordance with the Sydney Landscape Code to allow proposed trees to develop to maturity.
  - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (vi) Details of drainage, waterproofing and watering systems.
  - (vii) Landscape Planting Procedure and 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, transport of materials and green waste relevant to level 2 and level 5 landscaping on structure. The Landscape Planting Procedure and Maintenance Plan is to be submitted to and approved by the Principal Certifying Authority. The plan is to be complied with during occupation of the property.
  - (viii) The design must provide a minimum 15% canopy cover across the site, provided by trees that will reach a minimum height of 6 metres.
  - (ix) The trees species must be a minimum mature height of 6 metres and canopy width of 4 metres. Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.
  - (x) Tree selection shall include a diverse range of species which must be consistent with the expected mature heights and growth within the Sydney area (mature heights must not solely rely on plant literature).
  - (xi) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction.
- (b) The submission is to be accompanied by relevant drawings from related disciplines, such as architecture, civil and hydraulics, to demonstrate a fully coordinated design suitable for construction.
  - (c) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

**Reason**

To ensure the development is supported by a good quality, buildable landscape scheme that meets the City's controls.

**(46) PRUNING SPECIFICATION PLAN**

- (a) A 'Pruning Specification Report' prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to and approved by Council's Area Planning Manager prior to the issuing of the Construction Certificate. The report must include:

- (i) Number of branches and orientation, branch diameter, percentage of canopy to be pruned/removed. Note: branch removal is to be a last resort and that the tying back of branches is the preferred method for branch clearances.
  - (ii) Photos with individual branches which are recommended for pruning/removal to be clearly marked. (Please note reports which include photos with a single vertical line as the area recommended for pruning will not be accepted).
  - (iii) A maximum of 5% canopy removal and maximum of 50mm diameter branches will be permitted by Council.
  - (iv) Pruning work must be specified in accordance with Australian Standard 4373–2007, Pruning of Amenity Trees'.
  - (v) Tree removal must not be recommended in the report.
- (b) Amended plans must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

**(47) INSTALLATION OF DUAL-FLUSH TOILETS**

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

**Reason**

To ensure the provision of water efficient toilets.

**(48) 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.

**(49) 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.

**(50) INSTALLATION OF WATER EFFICIENT URINALS**

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

**Reason**

To ensure the provision of water efficient urinals.

**(51) INTERNAL LIGHTING SYSTEM**

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

**Reason**

To ensure the provision of energy efficient lighting.

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

The Operational Waste Management Plan accompanying this Development Application has not been approved by this consent. An Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery unit and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. The plan must comply with Council's Development Control Plan and *Guidelines for Waste Management in New Developments*. The plan must address:

- (a) Updated waste management arrangements.
- (b) Final architectural plans of the waste storage area.

**Reason**

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

**(53) WASTE INFRASTRUCTURE – COMMERCIAL**

Prior to the issue of a Construction Certificate, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager.

The waste management facilities to be provided are to be responsive to Council's controls, policies, and guidelines, including but not limited to:

- (a) Waste and recycling stream(s) storage area(s) to be designed and constructed in accordance with Reference D of Council's *Guidelines for Waste Management in New Developments*.
- (b) Floors to be waterproofed across all intersections that extend a minimum of 1200mm high on the walls.

**Reason**

To allow for the safe and hygienic storage and collection of waste and recycling from the use of the building.

## BEFORE BUILDING WORK COMMENCES

### (54) AUSGRID CONDITION - AUSGRID UNDERGROUND CABLES ARE IN THE VICINITY OF THE DEVELOPMENT

- (a) Care should be taken to ensure that construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.
- (b) 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).
- (c) The following points should be taken into consideration.
  - (i) Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
  - (ii) 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.
- (d) 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](http://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](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)

### (55) TRANSPORT FOR NSW CONDITIONS

- (a) All buildings and structures together with any improvements integral to the future use of the site shall be wholly within the freehold property (unlimited in height or depth), along the Flinders Street and Bourke Street boundary and not adversely affect the Eastern Distributor or any associated structures.
- (b) Any reconstruction of footpaths or kerb and gutter on Flinders Street should be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [developerworks.sydney@transport.nsw.gov.au](mailto:developerworks.sydney@transport.nsw.gov.au).



Detailed design plans of the footpaths, kerb, and gutter are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

The developer is required to enter a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

- (c) The developer is to submit design drawings and documents relating to the excavation of the site, next to the Eastern Distributor, and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

In addition, the developer shall undertake a specialist engineering assessment, including 3-dimensional finite element (FE) modelling analysis undertaken by an appropriately qualified and experienced geotechnical/tunnelling engineer. This analysis shall identify the implications of the development on the TfNSW infrastructure and shall be submitted to TfNSW to review and approve prior to the issuing of a construction certificate.

Specific attention of the assessment shall be given to any penetration of ground to below ground level (existing) and loadings at founding level. The proponent will be required to demonstrate that the proposed development does not result in any adverse effects on the strength capacity, durability, design life, earthquake loading, and vibration monitoring and water control system performance of the adjacent TfNSW infrastructure.

- (d) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Flinders Street, the discharge into the existing pit and its connection to the existing pit or removal of stormwater outlet are to be submitted to TfNSW for approval prior to the commencement of any works.

A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

- (e) The developer shall be responsible for all public utility adjustment/relocation works on Flinders Street and Bourke Street, necessitated by the above work, and as required by the various public utility authorities and/or their agents.
- (f) The proposed bicycle parking and the end of trip facilities to be as per Council's requirements.

- (g) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a construction certificate.
- (h) All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. Any works zone on Flinders Street are subject to TfNSW approval.
- (i) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Flinders Street and signalised pedestrian crossing on Bourke Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

**(56) RODENT TREATMENT PROGRAMME – PRE-DEMOLITION AND/OR EXCAVATION**

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

**Reason**

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

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

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

**Reason**

To ensure the development satisfies Sydney Waters requirements.

## **(58) 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 the satisfaction of Council's Urban Design and Heritage Manager and approved by Council's Area Coordinator Planning Assessments / 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.

## **(59) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

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

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

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:

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

- (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
- (xx) Working hours, in accordance with this development consent.
- (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.
- (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

**Reason**

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

**(60) DILAPIDATION REPORT – MINOR**

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings at 304 Bourke Street, Surry Hills and 7-9 Flinders Street, Surry Hills are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Registered Certifier prior to the issue of a construction certification.

**Reason**

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

**(61) STREET TREE PRUNING AND REMOVAL**

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

**Reason**

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

**(62) 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.

**(63) OTHER REQUIRED APPROVALS**

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

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

**Reason**

To ensure use of a public place is managed appropriately.

## **DURING BUILDING WORK**

### **(64) PROTECTION OF PUBLIC FEATURES IN CONSERVATION AREAS**

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

#### **Reason**

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

### **(65) 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.

### **(66) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

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

#### **Reason**

To ensure that the site is appropriately remediated.

### **(67) STREET TREE PROTECTION**

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



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

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

**Reason**

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

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

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

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

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

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

**Reason**

To protect the amenity of the surrounding area.

**(69) 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.

**(70) 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.

**(71) EROSION AND SEDIMENT CONTROL**

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

During the construction period:-

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

**Reason**

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

**(72) 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.

### **(73) SYDNEY WATER CERTIFICATE**

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

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

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

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

#### **Reason**

To ensure the requirements of Sydney Water are met.

### **(74) 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.

### **(75) 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.

**(76) 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.

**(77) 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.

## BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

### (78) RESTRICTION ON FLOORSPACE FOR A CULTURAL OR CREATIVE PURPOSE

- (a) A plan(s) showing the location of floorspace for a cultural or creative purpose to the amount of 10% of gross floor area of the building resulting from the development (to a total of not less than 152.7sqm) is to be submitted to and approved by Council's Area Planning Manager.
- (b) The cultural and creative purpose is to be in addition to any such purpose located within the basement that was awarded under clause 6.60E.
- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant must be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act, 1919*. The Restriction on the Use of Land must be to the effect that the amount of Gross Floor Area of the building required in part (a) above is to be used only for a "cultural or creative purpose" as defined in clause 6.60D of Sydney Local Environmental Plan 2012. The restriction is to be created appurtenant to Council and at no cost to Council.
- (d) The use for a cultural or creative purpose must only be used for permissible uses for the site under the Sydney Local Environmental Plan 2012.

#### Reason

To ensure that floor space approved under clause 6.60D 'Oxford Street Cultural Creative Precinct' as part of the consent will be continuously used for the approved purpose.

### (79) RESTRICTION OF ENTERTAINMENT FACILITY FLOORSPACE

- (a) A plan(s) showing the location of floorspace for an entertainment facility (to a total of not less than 194.5sqm) is to be submitted to and approved by Council's Area Planning Manager.
- (b) The entertainment facility is to be in addition to any such purpose located elsewhere in the building that was awarded under clause 6.60D.
- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant must be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act, 1919*. The Restriction on the Use of Land must be to the effect that 194.5 sqm of the basement of the building has been approved as an entertainment facility and is to be used only for an entertainment facility as defined in the Sydney Local Environmental Plan 2012. The covenant is to be created appurtenant to Council and at no cost to Council.

### **Reason**

To ensure that floor space approved under clause 6.60E 'Flinders Street and Oxford Street' as part of the consent will be continuously used for the approved purpose.

### **(80) PHYSICAL MODELS**

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

#### Note:

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

### **Reason**

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

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

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

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

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

**Reason**

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

**(82) 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 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.

**(83) 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.



**(84) 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 . 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.

**(85) HERITAGE ITEMS – REVISION OF EXISTING CONSERVATION MANAGEMENT PLAN**

- (a) A revision to the existing Conservation Management Plan (CMP) prepared by Rappoport Pty Ltd (now Heritage 21) and dated February 2013 is required.
- (b) The revised CMP is to be prepared by the project heritage consultant to reflect the changes to the building fabric resulting from this approval and any other changes identified since the writing of the 2013 CMP.
- (b) The revised CMP is to include a concise summary of the circumstances leading to the changes in conservation policies and fabric.

The amended CMP must be completed to the satisfaction of Council's Urban Design and Heritage Manager and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Occupation Certificate.

**Reason**

To ensure that the current *Conservation Management Plan* approved by the Council of the City of Sydney in 2013 is updated to reflect changes to planning controls, conservation policy, significant building fabric and physical context of the heritage item. This is to guide the ongoing conservation of the place in a manner that protects the heritage significance of the adapted heritage item.

**(86) 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 provider 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.

## **(87) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

Prior to the issue of an Occupation Certificate, the Principal Certifier is to ensure all waste management, collection, loading and supporting infrastructure is provided in accordance with the stamped plans, approved Operational Waste Management Plan and specifications approved at the Construction Certificate.

### **Reason**

To ensure all on-site infrastructure has been provided to support scheduled collections responsive to the Council endorsed OWMP and requirements of the Guidelines for waste management in new developments 2018.

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

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 all requirements for survey mark removal are complied with.

**(89) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

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

**Reason**

To ensure the building is located within the subject site boundary.

**(90) 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.

## **LAND SUBDIVISION**

### **(91) LAND SUBDIVISION – SEPARATE DA REQUIRED**

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

#### **Reason**

To ensure separate development consent is sought for land subdivision.

## **STRATA SUBDIVISION**

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

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

#### **Reason**

To ensure separate development consent is sought for strata subdivision.

### **(93) BUILDING/STRATA MANAGEMENT STATEMENT**

A Building/Strata Management Statement should be prepared to adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of the development to Council's satisfaction, and be submitted with any application for strata subdivision.

#### **Reason**

To ensure the orderly development of land

## **OCCUPATION AND ONGOING USE**

### **(94) USE AND LOCATION OF FLOORSPACE FOR A CULTURAL OR CREATIVE PURPOSE**

- (a) The floorspace identified under Condition 78, must be for a “cultural or creative purpose” as defined in clause 6.60D of Sydney Local Environmental Plan 2012.
- (b) The location of the floorspace for a cultural or creative purpose must be consistent with the plans submitted to satisfy Condition 78 and must not be changed without written approval from Council’s Area Planning Manager.
- (c) The use for a cultural or creative purpose must only be for permissible uses for the site under Sydney Local Environmental Plan 2012.

#### **Reason**

To ensure that floor space approved under Clause 6.60D ‘Oxford Street Cultural Creative Precinct’ as part of the consent will be continuously used for the approved purpose.

### **(95) USE AND LOCATION OF FLOORSPACE FOR A ENTERTAINMENT FACILITY PURPOSE**

- (a) The floorspace identified under Condition 79, must be for an “entertainment facility” as defined in the Sydney Local Environmental Plan 2012.
- (b) The location of the floorspace for an entertainment facility must be consistent with the plans submitted to satisfy Condition 79 and must not be changed without written approval from Council’s Area Planning Manager.
- (c) The use for an entertainment facility purpose must only be for permissible uses for the site under Sydney Local Environmental Plan 2012.

#### **Reason**

To ensure that floor space approved under Clause 6.60E ‘Flinders Street and Oxford Street’ as part of the consent will be continuously used for the approved purpose.

### **(96) ROOFTOP TERRACE AND LEVEL 2 BALCONY HOURS OF OPERATION**

The hours of operation for the rooftop terrace and the Level 2 balcony is restricted to between 7am and 8pm Monday to Sunday.

#### **Reason**

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

**(97) NO SPEAKERS OR MUSIC OUTSIDE**

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

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

**(98) VIBRATION**

Operation of the use is not to result in the transmission of any perceptible vibration to an occupiable area within a separate premises.

**Reason**

To protect the amenity of surrounding properties.

**(99) 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.

**(100) 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.

## (101) 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.

**(102) LOADING SERVICE MANAGEMENT PLAN**

A Loading and Service Management Plan must be prepared and maintained within the site at all time. The Plan will include a strategy for the management of all servicing of the site including delivery, loading, other general maintenance of the building and, waste collection etc. so that no more than one service vehicle approach to the site in any one time. The Plan must consider both inhouse consolidation and also with the neighbouring sites where applicable, for those delivery and services to achieve a coordinated and efficient use of the kerb spaces and to minimise disruption to public streets.

The plan must be submitted to and approved by the principle certifying authority prior to Occupation Certificate for the site/use being granted. Once approved, this management plan must be provided to all tenants and external users.

**Reason**

To ensure loading and servicing is appropriately managed.

**(103) TRANSPORT ACCESS GUIDE**

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

- (a) that the site does not provide any vehicle parking
- (b) the provision and access for onsite bicycle parking
- (c) public transport access
- (d) other information as relevant to the site.

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

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

**Reason**

To ensure that sustainable transport options are considered and communicated effectively.

**(104) SCHEDULED COLLECTIONS – COMMERCIAL**

- (a) Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's Guidelines for Waste Management in New Developments, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for Managing Waste in Public Places.
- (b) In accordance with the approved waste management plan, waste and recycling stream(s) bins must not be placed on the street for collection. Waste collection will occur within the site at all times. Unimpeded access must be provided to the waste and recycling stream(s) storage area(s) at all times.
- (c) The collection of waste and recycling stream(s) is to only occur during designated zone collection times outlined within the Local Approvals Policy for Managing Waste in Public Places to minimise impacts to residential amenity.

**Reason**

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

**(105) ANNUAL FIRE SAFETY STATEMENT FORM**

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

**Reason**

To ensure annual checks on fire safety measures.

**(106) 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.