

Attachment A

Recommended Conditions of Consent
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DEFERRED COMMENCEMENT

The consent is not to operate until the following conditions are satisfied:

(A1) PLAN OF CONSOLIDATION REDEFINING THE EXTERNAL SITE BOUNDARIES & DESIGN MODIFICATION IF NECESSARY

- (a) A Delimitation Plan redefining the boundaries of the subject site shall be prepared by a surveyor registered under the Surveying and Spatial Information Act, 2002, and registered with the office of NSW Land Registry Services. The Delimitation Plan must show by means of clearly annotated offsets the position of the subject walls of the building in relation to the redefined boundaries, including all adjoining walls located within a metre of all boundaries.
- (b) The project architect must amend the architectural plans to show the redefined boundaries and amend the design where necessary to suit, and recalculate GFA & FSR as the site area is likely to change. The building walls near boundaries must be set back a minimum of 20 millimetres from the boundary to allow for construction tolerances and to reduce the risk of encroachment.
- (c) The amended architectural plans must be submitted to and approved by Councils Area Planning Manager.

Reason

The boundaries are poorly defined by a Departmental Plan that conflicts with adjoining DPs. The registered surveyor's correctly noted opinion on the survey that a Delimitation Plan was necessary was not acted upon by the applicant. The current boundaries are a rough indication of the location of the property for the purposes of issuing a computer folio only. They are unsuitable for the final design of any structure on or near a boundary.

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/172 dated 12 March 2024 and the following plans prepared by Lippman:

Drawing Number	Drawing Name	Date
02, Rev C	Demolition Plan & Roof Plan	16/09/24
03, Rev C	Lower Ground Floor Plan & Ground Floor Plan	17/09/24
04, Rev C	Level 01 Plan & Level 02 Plan	16/09/24
05, Rev C	East Elevation	16/09/24
06, Rev C	Section AA	16/09/24
07, Rev C	Cross Section BB & Cross Section DD	16/09/24
08, Rev C	North Elevation	16/09/24
09, Rev C	South Elevation	16/09/24
10, Rev C	West Elevation	16/09/24
13, Rev C	Finishes Schedule	16/09/24
17, Rev C	Landscape Plan	17/09/24

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) MAXIMUM CAPACITY OF PERSONS

- (a) The maximum total number of persons permitted in the hotel is 16 visitors.
- (b) A maximum of one person is permitted for rooms 1, 2, 3, and 4.

- (c) A maximum of 2 persons is permitted for rooms 5, 6, 7, 8, 9, and 10.

Reason

To ensure that each hotel room provides adequate room for each guest.

(3) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION

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

Reason

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

(4) ASSOCIATED ROADWAY COSTS

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

Reason

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

(5) 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 surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (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 external sandstone must not be rendered, painted or coated

Reason

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

(6) ARCHAEOLOGICAL INVESTIGATION

- (a) The applicant must apply to the Heritage NSW of the Department of Climate Change, Energy, the Environment and Water for an excavation permit under Section 140 of the *Heritage Act 1977*.
- (b) Should any potential archaeological deposit likely to contain Aboriginal objects be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the NSW Government Office of Environment and Heritage for an excavation permit for Aboriginal objects.
- (c) The applicant must comply with the conditions and requirements of any excavation permit required and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (f) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*;
- (g) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council's Urban Design and Heritage Manager prior to issue of any Occupation Certificate.

Reason

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

(7) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

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

(8) NO OBSTRUCTIONS

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

Reason

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

(9) CONNECTION OF SEWER SERVICE TO SYDNEY WATER MAIN – DURING DEMOLITION AND PRIOR TO OCCUPATION CERTIFICATE

After the removal of the existing damaged flooring, and prior to installation of new flooring, the property must be connected with a new sewer service connected directly to the existing sewer junction located at the front in the sewer main in Pymont Street. Where the sewer service for No. 27 Pymont St traverses the subject property, it should be connected to the new sewer service, and an easement for sewerage purposes created benefiting Lot 1 in DP 796793 created. Evidence in the way of a new sewer diagram and registered easement documents must be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason

The existing 100-year-old private sewer service is a trespassing service beneath the adjoining No. 31 residence. By now it will be leaking and unsanitary, with no legal right to drain sewage in the absence of any easement. The subject property has no legal right to enter the No. 31 Pymont St to unblock or otherwise repair the sewer.

(10) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 –WEST 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	\$92,525.52
Community Facilities	-\$7,889.40
Traffic and Transport	\$238.13

Stormwater Drainage	\$0.00
Total	\$84,874.25

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

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

Where:

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

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

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

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

(11) AFFORDABLE HOUSING CONTRIBUTION - ULTIMO PYRMONT - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION

The Affordable Housing Contribution is as follows:

- (a) Prior to a Construction Certificate being issued and pursuant to Sydney LEP 2012 and the adopted City West Affordable Housing Program, the applicant must pay a monetary contribution towards the provision of affordable housing. The contribution is \$20,754.24. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with the adopted City West Affordable Housing Program.

- (b) To make payment contact Councils Planning Assessment Unit email: planningsystemsadmin@cityofsydney.nsw.gov.au who will index the amount, then provide you with written confirmation of the amount payable and details of how to make the payment at the NSW Department of Planning, Industry and Environment.
- (c) Payment can be made either by bank cheque to the value of the required contribution (made in favour of City West Housing Pty Ltd) or alternatively a satisfactory bank guarantee is to be provided to the value of the required contribution. Evidence of payment or lodgement of a bank guarantee must be provided to the Registered Certifier prior to issue of a construction certificate.
- (d) Prior to issue of any Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence to the Principal Certifier that the bank guarantee referred to in (c) above has been redeemed as payment of the contribution.

Note: All affordable housing contribution payments (and lodgement of bank guarantees) for Ultimo-Pyrmont are paid at the NSW Department of Planning, Industry and Environment.

Reason

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

(12) HOUSING AND PRODUCTIVITY CONTRIBUTION

Before the issue of any Construction Certificate the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$4,678.26
Transport project component	\$29,600.00
Total housing and productivity contribution	\$34,278.00

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Reason

To require contributions towards the provision of regional infrastructure.

(13) SIGNS - SEPARATE DA REQUIRED

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

Reason

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

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(14) BOUNDARY WINDOWS COVENANT

All windows adjacent to the western boundary of the site must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. A positive covenant is to be registered on the title of the property and is to be created appurtenant to Council, containing terms reasonably required by Council and will be drafted by Council's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges. Evidence of the registration of the positive covenant is to be submitted to and acknowledged by Council prior to the issue of any Construction Certificate.

Reason

To ensure the constructed development does not inhibit the future redevelopment of adjoining sites.

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

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Acoustic Logic, dated 6 May 2024, ref 20231329.1/0605A/R1/SW, titled 'DA Acoustic Assessment 29 Pymont Street', Council ref 2024/173239, must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

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

Reason

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

(16) 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 any required demolition, excavation and construction and the 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.

(17) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

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

The form of the recording is to be as follows:

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

Reason

To ensure appropriate archival documentation of the building.

(18) ARCAEOLOGICAL MONITORING RESEARCH DESIGN & WORKS METHOD STATEMENT

The development is to be undertaken as an exemption under the Heritage Act 1977 to allow archaeological monitoring and recording of future works that follows current HNSW guidelines, and the methods that are detailed in the Archaeological Monitoring Research Design & Works Method Statement \I (Statement) within the report prepared by Dominic Steele Consulting Archaeology February 2024. This is to include:

- (a) An archaeological heritage induction is to be delivered by a suitably qualified heritage consultant to contractors and managers before works begin at the site. The induction is to provide an understanding of the heritage significance of the archaeological resources of the place, legal obligations for all parties under the Heritage Act, precautions to take to avoid accidental damage to heritage fabric/archaeology, and processes to follow if unexpected heritage finds are discovered.
- (b) As the cottage may retain subfloor archaeological deposits they are to be protected during works by introducing temporary protective covering if deposits are to be exposed during flooring.
- (c) A suitably qualified archaeologist is to supervise, monitor, and record future site works in the rear yard according to the methods and objectives that are outlined in the Statement
- (d) A short report is to be completed at the end of the archaeological monitoring works as a record of the outcomes of the historical archaeological management program undertaken for the project and submitted to Council prior to the issue of an Occupation Certificate.
- (e) An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of a Construction Certificate. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.
- (f) Recommendations by the archaeological assessment are to be implemented during the process of demolition and excavation work.
- (g) Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.

Reason

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

(19) 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 or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to issue of any Construction Certificate.

Reason

To ensure an appropriate heritage outcome.

(20) HERITAGE CONSERVATION WORKS

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

Reason

To ensure the carrying out of appropriate heritage conservation works.

(21) USE OF HERITAGE CONSULTANT

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation 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.
- (b) 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.
- (c) 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.
- (d) The heritage consultant must sign off the completed project and submit a final report to Council's Area Coordinator Planning Assessments / Area Planning Manager specifying how the heritage conditions are satisfied prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

Reason

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

(22) 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.

(23) SEWER DESIGN PRIOR TO CONSTRUCTION CERTIFICATE

Prior to the issue of a Construction Certificate, an accredited Water Servicing Coordinator shall design a sewer service that will accommodate No 27 Pymont Street where necessary, and cater for the requirements of a 10 room hotel. The design must connect directly to the existing junction In Pymont Street. A copy of this design must be provided to the Principal Certifier prior to the issue of a Construction Certificate.

Reason

To ensure an adequately specified sewer service is designed and constructed. The existing sewer service will be 100 years old, by now leaking, and is shown to pass below habitable rooms in the adjoining residence without any easement.

(24) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 33 square metres of asphalt along the 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 if there are no rectification works required to the public domain surrounding the site. If rectification works are required and completed to Council's satisfaction, 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) STORMWATER DRAINAGE DESIGN

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

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

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

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

Reason

To ensure stormwater drainage design complies 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, including the CCTV of the adjacent drainage pipeline, 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) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL

Waste management is to be carried out in accordance with the Operational Waste Management Plan dated 10 October 2023 (TRIM ref 2024/173243) accompanying the Development Application has been approved by this consent.

Reason

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

(28) WASTE INFRASTRUCTURE – COMMERCIAL

Prior to the issue of 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 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*. 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.

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

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 the registered certifier.

Reason

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

(30) STRUCTURAL CERTIFICATION FOR PARTY WALLS

Prior to a Construction Certificate being issued, a certificate from a qualified practising structural engineer in accordance with Clause A5G3(1)(e) of the *Building Code of Australia* must be submitted to the satisfaction of the Registered Certifier. The Certificate must verify that the structural integrity of the existing 'Party Wall(s)' will not be adversely affected as a consequence of the development and that the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the Building Code of Australia.

Reason

To ensure the structural integrity of the existing party wall/s is verified.

BEFORE BUILDING WORK COMMENCES

(31) 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.
 - (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.

(32) DILAPIDATION REPORT

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

(33) 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) crane operation and other hoisting activities;
- (d) temporary works (e.g. barricading, road openings, mobile hoisting devices);
- (e) works zones (for loading and unloading from the roadway); and
- (f) temporary ground anchoring and shoring to support a roadway when excavating; and
- (g) any other structure or encroachment including facade elements/architectural features.

Reason

To ensure use of a public place is managed appropriately.

DURING BUILDING WORK

(34) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

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

Reason

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

(35) 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.

(36) ASBESTOS REMOVAL WORKS

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

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

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

The site notice board must include the following:

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

Reason

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

(37) 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.

(38) USE OF INTRUSIVE APPLIANCES – NOT APPROVED

This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992”.

A separate Section 4.55 application must be submitted to the Council for the use of any equipment of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992*.

Reason

To ensure the acoustic amenity of surrounding developments is maintained.

(39) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

Reason

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

(40) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) As it is not feasible for Loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (b) 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.
- (c) 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.

(41) 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.

(42) 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.

(43) SURVEY SETOUT PRIOR TO COMMENCEMENT

Prior to foundation stage all footings and walls adjacent to a boundary or setback line must be set out by a surveyor registered under the Surveying & Spatial Information Act, 2002, and a copy of the survey report provided to the Principal Certifier prior to wall construction.

Advisory note: It is recommended that proposed walls on boundaries are set back a minimum of 20 millimetres to allow for construction tolerances and minimise the risk of encroachment and subsequent costs and delays.

Reason

To ensure the development does not encroach.

(44) CHECK SURVEY DURING CONSTRUCTION

During wall construction a report prepared by a registered surveyor shall be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment, and the setbacks. Any encroachments of the subject building over the side boundaries are to be removed Any proposed encroachments onto the public road must be approved by Council's Area Planning Manager, if supported, otherwise the encroachments must be removed.

Reason

To ensure the development does not encroach.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(45) VISITOR AND TOURIST ACCOMMODATION - PLANS OF MANAGEMENT

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

Reason

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

(46) 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.

(47) 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.

(48) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate:

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

Reason

To protect underground drainage system.

(49) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

An 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, and prior to the issue of any Occupation Certificate for the building, certifying the location of the building and showing offsets in relation to the boundaries of the allotment.

Any encroachments of the building including gutters and downpipes over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act, 1919, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to the issue of any staged or Final Occupation Certificate.

Encroachments upon public roads must, if supported, be approved in writing by Council's Area Planning Manager prior to the issue of any staged or final Occupation Certificate.

Reason

To ensure the development does not encroach, or that any encroachments are formalised on title

OCCUPATION AND ONGOING USE

(50) 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.

(51) SCHEDULED COLLECTIONS – COMMERCIAL

- (a) Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for *Managing Waste in Public Places*.
- (b) The collection of waste and recycling stream(s) is to only occur during designated zone collection times outlined within the Local Approvals Policy for *Managing Waste in Public Places* to minimise impacts to residential amenity.
- (c) Waste and recycling stream(s) bins must not be placed at the nominated collection point more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection occurring.

Reason

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

(52) ONGOING WASTE MANAGEMENT – COMMERCIAL

- (a) The ongoing use of development/tenancy must be in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.
- (b) All general waste and recycling materials emanating from the premises must be stored in the designated waste storage area(s), must not be stored outside the premises (including the public domain) at any time.
- (c) All waste and recycling stream(s) storage area(s) are to only be used for the purposes of storing waste and recycling from the premises in accordance with the original consent and approved Operational Waste Management Plan and not be converted to a different use.

- (d) Scheduled collections and waste management arrangements of the development/tenancy is the responsibility of the business owner or property manager and are to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan and this consent. These arrangements include:
 - (i) arranging an adequate number of bins and the servicing regime matched to the needs of the premises.
 - (ii) actively managing waste streams and supporting infrastructure to ensure bins are not overflowing, damaged or leaking and lids are fully closed at all times.
 - (iii) routine cleaning and maintenance of waste storage area(s) to inhibit the permeation of odour and prevent litter and pests.
 - (iv) the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney.
- (e) Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.

Reason

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

(53) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

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

Reason

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