

Attachment A

Recommended conditions of consent

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2023/71 dated 7 February 2023 and the following drawings prepared by Squillace Architects:

Drawing Number	Drawing Name	Date
DA-011 Issue C	Site Plan	13/09/2024
DA-029 Issue B	Demolition Plan Lower Ground Level	19/04/2024
DA-030 Issue B	Demolition Plan Ground Level	19/04/2024
DA-031 Issue B	Demolition Plan Level 1	19/04/2024
DA-032 Issue B	Demolition Plan Level 2	19/04/2024
DA-033 Issue B	Demolition Plan Level 3	19/04/2024
DA-034 Issue B	Demolition Plan Level 4	19/04/2024
DA-050 Issue B	Demolition North Elevation	19/04/2024
DA-051 Issue B	Demolition East Elevation	19/04/2024
DA-052 Issue B	Demolition South Elevation	19/04/2024
DA-053 Issue B	Demolition Section	19/04/2024
DA-060 Issue B	Excavation Plan	19/04/2024
DA-098 Issue B	Floor Plan Sub Ground Level	19/04/2024
DA-099 Issue D	Floor Plan Lower Ground Level	13/09/2024
DA-100 Issue E	Floor Plan Ground Level	10/10/2024
DA-101 Issue E	Floor Plan Level 1	01/10/2024
DA-102 Issue C	Floor Plan Level 2	19/07/2024
DA-103 Issue C	Floor Plan Level 3	01/10/2024
DA-104 Issue B	Floor Plan Level 4	19/04/2024
DA-105 Issue B	Roof Plan	19/04/2024
DA-201 Issue F	South Elevation – Bayswater Road	27/09/2024

Drawing Number	Drawing Name	Date
DA-202 Issue E	East Elevation – Ward Avenue	27/09/2024
DA-203 Issue F	North Elevation – Mansion Lane	01/10/2024
DA-204 Issue E	West Elevation	27/09/2024
DA-206 Issue A	Internal North Elevation	19/04/2024
DA-207 Issue B	Internal South Elevation	13/09/2024
DA-260 Issue C	Public Domain Elevation – Bayswater Road	24/04/2024
DA-263 Issue C	Public Domain Elevation – Ward Avenue	13/09/2024
DA-264 Issue C	Public Domain Elevation – Mansion Lane 1	13/09/2024
DA-265 Issue B	Public Domain Elevation – Mansion Lane 2	19/04/2024
DA-301 Issue E	Section A	27/09/2024
DA-302 Issue F	Section B	27/09/2024
DA-305 Issue C	Driveway Section	27/09/2024
DA-306 Issue A	Privacy Section	19/04/2024
DA-307 Issue A	Communal Open Space Section	19/04/2024
DA-310 Issue B	Detail Section Through Courtyard	19/04/2024
DA-311 Issue B	Detail Section Through Parapet	19/04/2024
DA-320 Issue C	Council RFI Sections	27/09/2024
DA-321 Issue B	Council RFI Sections Sheet 2	27/09/2024
DA-541 Issue C	Adaptable Unit Layout	10/10/2024
DR-311 Issue A	Typical Terrace Services Layout	19/07/2024
DR-312 Issue A	Sections Through Terraces	19/07/2024

Drawing Number	Drawing Name	Date
DR-313 Issue A	Terrace Separation Between 34 and 36 Bayswater Road	19/07/2024
DR-314 Issue A	28-30 Bayswater Road Significant Ceilings Diagram	19/07/2024

and as amended by the conditions of this consent.

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

Reason

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

(2) TREES THAT MUST BE RETAINED

The existing trees detailed in the table below must be retained and protected in accordance with the conditions throughout demolition, excavation, construction and development.

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

Tree No	Species:	Location
1	Platanus x hybrida (London Plane)	Front of 26 Bayswater Road (Street Tree)
2	Platanus x hybrida (London Plane)	Front of 28-30 Bayswater Road (Street Tree)
3	Platanus x hybrida (London Plane)	Front of 28-30 Bayswater Road (Street Tree)
4	Platanus x hybrida (London Plane)	Front of 28-30 Bayswater Road (Street Tree)
5	Platanus x hybrida (London Plane)	Front of 32 Bayswater Road (Street Tree)
6	Platanus x hybrida (London Plane)	Front of 36 Bayswater Road (Street Tree)
7	Ficus microcarpa var. hillii (Hills Weeping Fig)	Side of 36 Bayswater Road in Ward Avenue (Street Tree)
8	Ficus microcarpa var. hillii (Hills Weeping Fig)	Side of 36 Bayswater Road in Ward Avenue (Street Tree)

9	Ficus microcarpa var. hillii (Hills Weeping Fig)	Side of 36 Bayswater Road in Ward Avenue (Street Tree)
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Reason

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

(3) USE - SEPARATE DA REQUIRED

No consent is granted or implied for the fit-out or specific use of each individual commercial/retail tenancy, including the sub ground level future bar.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fit-out and use of each individual tenancy prior to that fit-out or use commencing. Any application for late night trading operations must be accompanied by a Plan of Management.

Reason

To require separate consent to be obtained for a use.

(4) STRATA SUBDIVISION – DEVELOPMENT CONSENT

Any proposal for 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 an 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.

(5) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of any Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

Reason

To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.

(6) ASSOCIATED ROADWAY COSTS

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

Reason

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

(7) COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

Reason

To ensure all associated roadway works costs are borne by the developer.

(8) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

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

Reason

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

(9) NO STRUCTURES ON STREET-FACING ROOF PLANE

No solar hot water heater storage tanks, ventilators, air conditioning units, satellite dishes and antennae or the like are to be placed on the roof planes of the terraces (i.e. facing either Bayswater Road or Mansion Lane) or the townhouse apartments.

Reason

To ensure an appropriate heritage/streetscape outcome.

(10) APPROVED DESIGN ROOF - TOP PLANT

Any roof-top plant and associated equipment is limited to the designated rooftop zones shown on Drawing DA-105. The plant and associated equipment must be contained within an enclosure and must not exceed the parapet height of RL 56.84.

Reason

To ensure the roof-top plant and equipment is appropriately screened.

(11) AIR CONDITIONERS GENERALLY

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring must:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring must be fully concealed.

Reason

To ensure the visual impact of air conditioners is minimised.

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

With the exception of Unit 301 and Unit 401, approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building. The air conditioning units provided for Units 301 and 401 must be provided in the locations shown on approved plans DA-103 and DA-104.

Reason

To clarify the scope of the consent.

(13) 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.

(14) AUSGRID REQUIREMENTS

Underground Cables

- (a) Care should be taken to ensure that construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways. It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD). Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
- (b) Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.
- (c) In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:
 - (i) SafeWork Australia – Excavation Code of Practice
 - (ii) Ausgrid’s Network Standard NS156 which outlines the minimum requirements for working around Ausgrid’s underground cables.
 - (iii) The Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the Ausgrid website www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Note: The documents listed above can be sourced from Ausgrid’s website at www.ausgrid.com.au

Reason

To ensure that the requirements of Ausgrid are met.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(15) 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 \$1,057,773.55 (indexed at 1 March 2024). This is calculated by establishing the sum of the equivalent monetary contribution \$11,176.22 multiplied by 1% of the total floor area for non-residential development (1,325.5sqm) and the equivalent monetary contribution \$11,176.22 multiplied by 3% of the total floor area for residential development (2,713sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2024 to 28 February 2025, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment = $C \times \text{MDP2} / \text{MDP1}$, where:
 - (i) C is the original total contribution amount payable to the City of Sydney as shown above;
 - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
 - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being December 2022 to September 2023.

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

Reason

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

(16) 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	\$199,070.92
Community Facilities	\$75,347.16
Traffic and Transport	\$118.18
Stormwater Drainage	\$0.00
<u>Total</u>	<u>\$274,536.26</u>

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.

(17) DESIGN DETAILS AND MODIFICATIONS

Amended plans/documentation providing the following details must be provided:

Bayswater Road awning

- (a) To reduce the bulk and scale of the new corner building and to ensure that the new corner building relates appropriately to the adjoining terraces, the depth of the awning projection to the Bayswater Road frontage (as shown on Drawing DA-100) is to be reduced so that the awning depth is consistent with the awnings proposed to the Ward Avenue frontage.

Window operability and ventilation

- (b) Details of the operability of all external residential windows/doors are to be shown on all elevation plans including Drawings DA-206 and DA-207.
- (c) Where a window/door is not visible on an elevation plan (e.g. the openings adjoining the internal courtyards to Townhouse Apartments 1 and 2, and Terrace Apartments 1 and 2), details are to accompany the elevation plans demonstrating the proposed window operability. At least one window to the internal courtyards of Townhouse Apartments 1 and 2 must be operable for cross-ventilation compliance.
- (d) Where screening is provided to a window/door opening (i.e. W05 and W07 to Unit G02, W17 and W19 to Unit 104 and W13 and W15 to Unit 204), details are to accompany the elevation plans to demonstrate that the proposed window operability will not conflict with the proposed screening. The awning windows behind the privacy screen, as notated on the north elevation for W07, W19 and W15, should be replaced with double-hung windows to allow full operability of these windows.
- (e) If a window/door is within 3m of boundary and requires fire protection, the method of protection must be shown on the elevation plans. This includes the materials, finishes and colours of any fire shutter.
- (f) The window/door openings are required to provide effective ventilation, with the unobstructed portion of the opening being equal to at least 5% of the floor area of the room.

Heritage works

- (g) The proposed reconstruction of the original front balconies of the terraces (No. 28-30 and 32-34) are to use traditional materials, techniques and details. The balcony floor finish is to match the original (or be of a traditional timber deck flooring) and the ground floor verandah is to use sandstone paving. Final design and details (drawings at a 1:50 and/or 1:20 scale) of all heritage reconstruction works such as balconies, verandahs, shopfronts, front entry doors and windows must be submitted prior to CC. The slate roof is to be reinstated. The replacement of the existing roof tiles with corrugated metal sheeting is not supported.
- (h) The fabric of the staircases to No. 30 and 32 is to be salvaged and stored on site and used to repair and replace elements of the staircase within No. 28 and 34. A detailed salvage and reuse methodology is to be provided.
- (i) The existing fireplaces in high and moderate significance spaces are being retained.

- (j) Details of the proposed front dormers and rear roof extensions (at a scale of 1:20) are required. In accordance with Council's DCP 2012:
 - (i) The front dormers must use timber joinery and timber framed windows. Glazing must not be used in the gable or sides of the dormers. Roof materials of the dormers must match the existing roof material. The external side walls of the dormers are to be timber weatherboards of a profile consistent with the period and style of the building. The dormers must be symmetrically placed on the roof plane.
 - (ii) The rear roof extensions are to be setbacks a minimum 500mm from the inside faces of the party walls, set-down a minimum 200mm from the ridge and set-up a minimum of 200mm from the gutter.
- (k) The Regulatory Compliance Report Revision 3, prepared by McKenzie Group and Dated 25 September 2024 (TRIM reference: 2024/556325) identifies that there is potential for conflicts between required BCA upgrade requirements and heritage fabric retention requirements.

To ensure that all fabric identified as having a heritage significant/value is conserved, details of all performance solutions (to ensure retention of heritage fabric) are to be finalised and submitted for separate approval. This includes, but is not limited to, the following:

- (i) Retention of the existing staircase to No. 28 Bayswater Road. A performance solution is to be developed to ensure the staircase is not altered.
- (ii) Drawing DA-311 indicates that proposed new ceilings are to be hung from the existing floor structure at a ceiling level 300mm lower than the existing level. This new level is likely to interfere with the fanlights facing Bayswater Road. The ceiling levels, as shown in section 1 on Drawing DR-312 is to be applied so the fanlights remain clear of the new ceilings. Accurate new ceiling levels are required.
- (iii) Confirmation is to be provided that the new cast iron balustrades to the front balconies of No. 28-30 and 32-34 will be acceptable in terms of climbability.
- (iv) Any egress performance solutions to address accessibility compliance, are to be provided.

Signage strategy

- (l) A signage strategy is required. Details of the signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the buildings.

Privacy screening and fencing

- (m) Dimensioned details, at a scale of 1:20, of all privacy screens/fencing are to be provided. The submission must demonstrate the efficacy of the proposed screens/fencing in mitigating privacy impacts. This includes to:

- (i) The Mansion Lane elevation.
- (ii) Level 1 - To the internal courtyards, corridors and balcony of Unit 104.
- (iii) Level 2 – To the courtyard of Terrace 4, the corridor and communal sitting area, and balcony of Unit 204.
- (iv) Level 3 – To the southern edge of the communal open space.
- (n) The proposed vertical screening panels to Mansion Lane are to be appropriately spaced to maximise solar access, while also providing appropriate levels of privacy.
- (o) The rooftop plant and equipment are to be provided with a screen enclosure. Details, including the materials, finishes and colours, of the proposed enclosure/s are to be provided.

Tree protection

- (p) Any ground level building works or excavation (including footings) proposed adjacent to the Ward Avenue street frontage boundary, which is proposed outside of the existing building footprint, must be supported with a construction methodology incorporating a cantilevered design that eliminates any potential impact to the Structural Root Zones of the Ward Avenue street trees (i.e. trees 7, 8 or 9 as identified in the 'TREES THAT MUST BE RETAINED' condition of this consent).

Alternatively, the architectural plans must be amended to exclude any excavation or ground level building works adjacent to the Ward Avenue boundary and outside of the existing building footprint, unless it can be demonstrated with root mapping that the works will not impact on the Structural Root Zones of the Ward Avenue street trees.

- (q) A hydraulic plan is to be submitted to demonstrate that all hydraulic works and services will be located outside of the Structural Root Zones of the Ward Avenue street trees as identified in the 'TREES THAT MUST BE RETAINED' condition of this consent.
- (r) An updated 'Pruning Specification Report' is to be provided which demonstrates that the proposed Ward Avenue awnings will not negatively impact on the adjacent Ward Avenue street tree canopies (i.e. trees 7, 8 or 9 as identified in the 'TREES THAT MUST BE RETAINED' condition of this consent).

The 'Pruning Specification Report' is to be prepared by a qualified Arborist (minimum AQF Level 5) and is to provide details of any proposed additional pruning to these street trees. As a minimum, the report is to include:

- (i) the number of branches and orientation of the branches proposed to be pruned
- (ii) details of the diameter of each branch proposed to be pruned

- (iii) the overall percentage of canopy proposed to be pruned
- (iv) photos clearly marking the individual branches which are recommended for pruning/removal. Note: Reports which include photos with a single vertical line as the area recommended for pruning will not be accepted
- (v) any proposed pruning specified in accordance with the Australian Standards AS4373 'Pruning of Amenity Trees'.

The updated 'Pruning Specification Report' is to be submitted to Council's Area Planning Manager for separate approval. Where additional pruning of the street trees is not supported by Council officers, the proposed Ward Avenue awning/s must be redesigned/deleted to eliminate any impact to the canopies of street trees 7, 8 or 9. Any required redesign/deletion of the awnings must be submitted to Council's Area Planning Manager for separate approval, and must reflect the detailing proposed at the north-eastern corner of the building.

Landscaping

- (s) The perimeter planting to the rooftop of the new building at No.36 (as shown on Drawing DA-105), is to be replaced with an extensive green roof which is integrated with the solar panels (i.e. bio-solar roof).
- (t) The louvred privacy screen provided within the planter box of the Level 3 communal open space (as shown on Drawing DA-307), is to be relocated to the outside edge of the planter bed. This is required to avoid specialist access to maintain the planter bed.
- (u) The awning over the Level 4 communal open space (as shown on Drawing DA-105), is to be reduced in size to accommodate additional tree planting within the planter box located to the north of the Level 4 fire stairs.
- (v) The planter box located within the south-western corner of the Level 3 communal open space (as shown on Drawing DA-103) is to be widened to approximately 3m x 3m to accommodate the proposed tree planting shown on Landscape Plan DA-L04 issue A prepared by McIntosh & Phelps.
- (w) The trees provided to the Level 3 communal open space area, as shown on Landscape Plan DA-L04 issue A prepared by McIntosh & Phelps, are to be repositioned so that they are centred within the planter bed areas.

Floor and entry levels

- (x) Amended plans are to be submitted which demonstrate compliance with Council's flood planning levels in the *Interim Floodplain Management Policy*, including floor and garage entry levels off Mansion Lane that are a minimum of 300mm above the adjacent gutter invert levels.

Driveway gradient

- (y) The driveway gradient does not comply with Australian Standard (clause 2.6 for the design of domestic driveways). The ramp is to be redesigned to meet this requirement, and a vertical swept path analysis is to be submitted demonstrating that there will be no ground scraping by vehicles.

Fire booster cabinet

- (z) Details of the fire hydrant and booster cupboard (at a scale of 1:20), including the enclosure materials, finishes and colours, are required.

Plant and equipment

- (aa) Detailed reflected ceiling plans and sections, with details of colours, sizes and finishes of the services, ducts, fixings, vents, grilles etc., are required for the retained terraces. All details must be heritage compatible.
- (bb) Details of all mechanical ventilation and air extraction vents, required for the future commercial uses, are to be provided.
- (cc) Drawing DA-105 includes a notation stating that an 'indicative exhaust zone' is to be provided at the rooftop level. Final details are to be provided.
- (dd) Detailed plans, including elevation plans, are required to demonstrate any external impacts from the required mechanical services.
- (ee) Drawing DA-311 provides a 'typical' services layout for the Terrace Apartments. Final details are to be provided.
- (ff) Details of the proposed location of the air conditioning condensers required for the commercial tenancies are to be provided, noting that they must not be located within the residential component of the development. All air conditioning condensers required for the commercial tenancies must be located within the basement.
- (gg) Details of the proposed location of the air conditioning condensers required for the Terrace Apartments are to be provided, noting that no air-conditioning equipment is to be provided on the facades, roof or balconies of the terraces.

Storage

- (hh) Drawing DA-603 Revision C, dated 13 September 2024, is to be updated to include the storage areas within the car parking area at the lower ground level.
- (ii) The lower ground storage cages are to be enclosed. Details, including the height, materials, finishes and access/security arrangements of the enclosures, are to be provided.

Waste

- (jj) The door to the residential waste storage room, facing Mansion Lane, is to be no less than 1.2m wide.

Acoustic measures

(kk) Final details of all required acoustic treatments and noise attenuation measures, included those required by the conditions of this consent, are to be provided including but not limited to:

- (i) The required amendments to the sub ground commercial tenancy, including the secondary access point.
- (ii) Any required acoustically treated car park entry garage door and operating mechanism.
- (iii) Any treatment required for the selected plant and equipment.
- (iv) All acoustically rated external doors and windows. Note: The existing original timber door and window frames must be retained.

All higher performing ceiling, floor, wall elements required to improve noise separation. All existing ceilings and timber floor structures within the terraces must be retained and conserved.

The additional information and modifications in items (a) to (kk) above are to be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager prior to the issue of any Construction Certificate and are to be included as part of the Construction Certificate drawings.

Reason

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

(18) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services, any skylights, solar panels, glazing type, acoustic enclosures, fencing, balustrades and any other external element) 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'.

The proposed opaque glazing facing the street/laneway is to be replaced with patterned (not etched) glass for increased amenity to the rooms

Lighter colour roof and wall materials, with a reduced solar absorptance within the light or medium thermal value (light ($L < 0.475$), medium ($0.475 \leq M \leq 0.7$)), will be required.

Reason

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

(19) FOOTPATH AWNINGS

Footpath awnings which are proposed to be constructed above the public domain (including a public footway) must have separate approval(s) obtainable through an application under Section 68 of the Local Government Act 1993 and/or Section 138/139 of the Roads Act 1993 prior to any Construction Certificate for aboveground works.

Documentation must be submitted to the City's Construction and Building Certification Services Unit with the application demonstrating that the awning height complies with Council's Development Control Plan 2012.

Plans are to include dimensions confirming the awning width and setback from the kerb. Awning gutters are to be concealed from the public domain and plans are to confirm downpipes are located within or recessed into the ground floor frontage of the building.

The design of the awning must also comply with the required design modifications specified in the 'DESIGN DETAILS AND MODIFICATIONS' condition of this consent.

Reason

To ensure that any footpath awnings do not obstruct the public domain and comply with Council's controls.

(20) 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.

(21) 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 and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To ensure the salvaging and reuse of traditional building materials.

(22) SITES IN THE VICINITY OF A HERITAGE ITEM – MAJOR DEVELOPMENT

- (a) A Protection and Vibration Strategy for the duration of the demolition, excavation and construction works, is to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior any demolition works or the issue of a construction certificate, whichever occurs first.
- (b) The Strategy is to detail how the proposed works will ensure that the adjoining buildings, including 20-26 Bayswater Road (and any other properties identified by the qualified professional engaged to prepare the strategy) are to be suitably protected and stabilized during the development process including from any vibration or structural disturbance or damage.
- (c) The Strategy required by (a) above, is to include:
 - (i) a 'zone of influence' plan nominating which properties require protection during the proposed works
 - (ii) a geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. The report must address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of the structural engineer's proposal for support to adjacent footings
 - (ii) details of the proposed method to be adopted to support the ground and neighbouring properties. Access restrictions to neighbouring properties are to be considered
 - (iv) prescribed vibration limitations to ensure demolition, excavation and construction activities do not adversely impact upon the subject retained structure or on any adjoining property, including 20-26 Bayswater Road (and any other properties identified by the qualified professional engaged to prepare the strategy)
 - (v) details of continuous vibration monitoring on site and/or at adjacent buildings as required, with an appropriate alarm or notification mechanism in place during the demolition, excavation and construction activities on the site
 - (vi) details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors
 - (vii) details of the proposed protection of party walls from damp and water ingress during the works
 - (viii) construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.

- (d) The Protection Strategy must be prepared by a qualified structural engineer or other relevant qualified professional experienced in vibration monitoring.

Reason

To ensure the protection of adjacent/nearby heritage items and building in the heritage conservation area.

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

- (a) Prior to any demolition works or the issue of a construction certificate, whichever occurs first, a Final Schedule of Conservation Works detailing the works to be undertaken, is to be submitted and approved by Council's Urban Design and Heritage Manager.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage significant/value.
- (c) The schedule is to include the required Heritage Works listed at the 'DESIGN DETAILS AND MODIFICATIONS' condition of this consent.
- (d) The schedule is to detail the methodologies for implementing (b) and (c) above, and all relevant recommendations of the Conservation Management Plan prepared by Weir Phillips Heritage and Planning dated April 2023 (TRIM ref: 2024/342637) and the Heritage Impact Statement prepared by Weir Phillips Heritage and Planning dated December 2022 (TRIM ref: 2023/068365).
- (e) The schedule is to be supported by detailed architectural sections, elevations and plans at 1:20 and 1:5 scales, and is to outline specifications and methodologies to achieve the implementation of the conservation works. The details should incorporate any structural and/or building services design for the building.
- (f) 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 the approved plans which requires additional demolition/chasing of significant fabric, is to be separately approved by Council's Urban Design and Heritage Manager.
- (g) A proposed schedule of site inspections at key points during development (e.g. after demolition, before covering significant fabric with new ceilings and floors and/or when design changes impacting significant fabric need to be implemented) is to be submitted to Council's Urban Design and Heritage Manager for separate approval. The schedule of site inspections is to be approved prior to any demolition works or the issue of a construction certificate, whichever occurs first.
- (h) 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.

- (i) **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 (g) 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.

(24) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan for the site must be submitted to and approved by Council's Urban Design and Heritage Manager / 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 site 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 / Area Planning Manager.

Reason

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

(25) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the building 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 and approved by Council 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.

(26) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council's Urban Design and Heritage Manager / 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.

(27) 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 for approval by Council's Urban Design and Heritage Manager / 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.

(28) PUBLIC ART PLAN

- (a) Public artwork is to be provided in accordance with the Sydney DCP 2012, Council's Public Art Policy, and the Interim Guidelines: Public art in private developments.
- (b) A Detailed Public Art Plan with details of the proposed public artwork must be submitted to and approved by Council's Area Planning Manager prior to issue of any Construction Certificate for above ground works.
- (c) Notwithstanding (b) above, the proposed public artwork must be separately approved by Council's Urban Design and Heritage Manager and must be heritage compatible.

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

Reason

To ensure the public art is to the City's satisfaction and is compatible with the heritage item.

(29) LANDSCAPING OF THE SITE

- (a) Updates to the landscape plans by McIntosh & Phelps are required and must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. The updated plan must include:
 - (i) Landscape design amendments which match the landscaping changes required by the 'DESIGN DETAILS AND MODIFICATIONS' condition of this consent.
 - (ii) An updated plant schedule to indicate the proposed pot sizes for each plant species.

- (iii) A landscape maintenance plan, including details of who will be responsible for each of the landscaped areas including the central areas at Level 1. This plan is to be complied with during occupation of the property and must include any relevant maintenance access arrangements and the methodology for safe working at height such as access requirements, location of any anchor points, gates and transport of materials and green waste.
- (iv) Location and details of proposed structures including, but not limited to, paving, services, furniture, shade structures, lighting and other features.
- (v) Details of drainage, waterproofing and watering systems.

Reason

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

(30) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CONSTRUCTION CERTIFICATE

A copy of the required completed BASIX certificate/s accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2021.

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 EP&A Regulation, 2021).

(31) EXTERNAL WALLS AND CLADDING FLAMMABILITY

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

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

Reason

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

(32) 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.

(33) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS

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

Reason

To ensure the existing structure can support the new loads.

(34) 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.

(35) 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 (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) Lift installations – Part E3
 - (ix) Visibility in an emergency, exit signs and warning systems - Part E4
 - (x) Sound transmission and insulation - Part F5.
- (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.

Note: The 'BUILDING WORKS TO COMPLY WITH NATIONAL CONSTRUCTION CODE – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA' condition requires that any required works must not damage existing heritage fabric or building features.

Reason

To ensure the works comply with relevant regulations.

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

Any building works required to ensure compliance with the National Construction Code (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.

Note: In circumstances where building works required by the NCC are not consistent with this consent (including any conflict with the required heritage conservation works), the inconsistency must be resolved to the satisfaction of Council via a section 4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*.

Reason

To ensure an appropriate heritage outcome

(37) CAR PARK VENTILATION

Prior to the relevant Construction Certificate being issued, the Registered Certifier must ensure the basement car park will be ventilated in accordance with the National Construction Code (previously known as Building Code of Australia) and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

Reason

To ensure car park ventilation complies with relevant standards

(38) MECHANICAL VENTILATION

The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings.

Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate. All details must be consistent with the details submitted to satisfy the 'DESIGN DETAILS AND MODIFICATIONS' condition of this consent.

Reason

To ensure the ventilation complies with relevant standards.

(39) 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 the future.

Systems must be designed in accordance with *AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and *AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings*, with all details also being consistent with the details submitted to satisfy the 'DESIGN DETAILS AND MODIFICATIONS' condition of this consent.

Reason

To ensure the mechanical ventilation complies with relevant standards.

(40) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION CERTIFICATE

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report Revision 2 (ref TM264-01F02), prepared by Renzo Tonin & Associates dated 27 May 2024 (Council TRIM reference 2024/342638) must be implemented in the development prior to the commencement of its use.
- (b) Notwithstanding (a) above, the following must be addressed:
 - (i) The acoustic assessment recommends that a 'Detailed Acoustic Review' be undertaken by an acoustic consultant at the detailed design/construction certificate stage. The 'Detailed Acoustic Review' is to provide details of all required acoustic treatments, including (but not limited to) the required Acoustic Measures listed at the 'DESIGN DETAILS AND MODIFICATIONS' condition of this consent. All acoustic treatments and noise attenuation measures are to be detailed and separately approved by Council's Area Planning Manager/Coordinator prior to release of a construction certificate.
 - (ii) The acoustic report considers the potential patron noise and background music impacts from an enclosed courtyard within the front setback of 32-34 Bayswater Road and makes recommendation for the use of this space. No consent is granted for an enclosed courtyard area as part of this consent and as such, these recommendations are not to be included as part of the 'Detailed Acoustic Review'.
 - (iii) The acoustic report recommends that partition flooring be provided to separate the upper-level apartments from the lower ground and ground level retail tenancies and recommends that a minimum 150mm thick concrete slab is to separate the use. While a concrete slab is to be provided for any new portion of the building, the retained terrace group (No. 28-30 and 32-34 Bayswater Road) must retain their original floor structure as shown in the approved DA plans.
 - (iv) Where the 'Detailed Acoustic Review' requires that existing original fabric be altered/removed, an alternative solution is required to ensure that all original existing fabric that has been nominated for retention is retained. The 'Detailed Acoustic Review' is to include plans/details of any alternative solution for approval by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate.
- (c) 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 Acoustic Assessment and Detailed Acoustic Review in (a) and (b) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below) and is to be submitted to the accredited certifiers satisfaction.

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

Reason

To require updated documentation to be provided following assessment of the development.

(41) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

Subject to the receipt of permission of the affected landowner/s, dilapidation report/s, including a photographic survey of 20-26 Bayswater Road (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works.

A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of any demolition or prior to the issue of a Construction Certificate, whichever occurs first.

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

Reason

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

(42) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the issue of a Construction Certificate a Construction Environmental Management Plan (CEMP) must be prepared by appropriately qualified person for the site and submitted to Council's Area Planning Coordinator | Area Planning Manager for written approval.

The CEMP must consider all potential environmental impacts from the approved works including the matters listed in the 'DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT' condition of this consent. This includes but not limited to sedimentation control, contamination containment, stockpiles, odours, dust emissions, construction waste, dust, damp and water runoff.

Reason

To ensure that construction is appropriately managed.

(43) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

A site-specific noise management plan must be submitted to the Council for comment and approval by Council's Area Coordinator Planning Assessments | Area Planning Manager prior to issue of any Construction Certificate or any demolition, whichever occurs first.

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

The Plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations, and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within Council'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 (including but not limited to any air conditioning and the spa pool), 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 noise management plan is prepared.

(44) SITE AUDIT STATEMENT

- (a) Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:- hbapplications@cityofsydney.nsw.gov.au
- (b) The Site Audit Statement must confirm that the site has been remediated in accordance with the approved recommendations within the Detailed Site Investigation Report prepared by eiaustralia dated 14 October 2024, reference number E26396.E02_Rev2 (TRIM reference: 2024/586930) and clearly state that site is suitable for the proposed use.
- (c) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.
- (d) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the Environmental Planning & Assessment Act 1979).

Reason

To ensure that the site is appropriately remediated.

(45) CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN

A Construction Traffic and Pedestrian Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued or prior to demolition, whichever occurs first.

The Construction Traffic and Pedestrian Management Plan must be prepared in accordance with Council's requirements as located at the following website: <http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>

Reason

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

(46) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 'Parking facilities - Part 1: Off-street car parking', AS/NZS 2890.2 'Parking facilities - Part 2: Off-street commercial vehicle facilities' and AS/NZS 2890.6 'Parking facilities - Part 6: Off-street parking for people with disabilities'. The details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

Reason

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

(47) ALLOCATION OF PARKING

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

Vehicle Parking Type	Number
Residential spaces	10
Accessible residential spaces	2
Car share parking	1
Motorcycle parking	1
Service vehicle space (Australian Standard B99)	1

Reason

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

(48) 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
Residential	22	Spaces must be a class 1 bicycle locker [1]
Residential visitor	2	Spaces must be Class 3 bicycle rails
Non-residential staff	5	Spaces must be Class 2 bicycle facilities
Non-residential customer/visitor	13	Spaces must be Class 3 bicycle rails

End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	8	

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

Notes:

If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.

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

(49) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 390 square metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

Reason

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

(50) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Bayswater Road and Mansion Lane frontages of the site are to be retained and properly protected during demolition, excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs

may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.

- (c) Note the following:
- (i) all costs associated with the works are to be borne by the developer.
 - (ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
 - (iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
 - (iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
 - (v) Council approval is required before kerbs are removed.
 - (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
 - (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

Reason

To ensure the protection of stone kerbs.

(51) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

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

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

- (a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or
- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under

Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

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

Reason

To ensure the preservation of existing survey infrastructure.

(52) 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 of this consent).

Reason

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

(53) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

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

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

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

Reason

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

(54) STORMWATER DRAINAGE DESIGN

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

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

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

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

Reason

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

(55) STORMWATER ON-SITE DETENTION

The requirements of Sydney Water about 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.

(56) STORMWATER QUALITY ASSESSMENT

The development must comply with Music-link report by Acor Consultants dated 14 December 2022 approved with this development application.

Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NPER) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit.

The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

Reason

To ensure appropriate stormwater quality on the site.

(57) PUBLIC DOMAIN LIGHTING UPGRADE

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

The lighting upgrade plan must cover the adjacent street frontage to Ward Avenue and Mansion Lane and shall be designed to include the following requirements:

- (i) Investigation of existing lighting levels to check compliance with City standards.
- (ii) Wall mounted lighting to Mansion Lane to meet Category P Lighting compliance and City standards, and removal of existing Ausgrid lights/poles.

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

Reason

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

(58) 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.

(59) WASTE AND RECYCLING MANAGEMENT

The Operational Waste Management Plan prepared by Elephants Foot, revision D dated 4 December 2022 (TRIM ref: 2023/068356) has not been approved by this consent. An Operational Waste Management Plan is to be submitted to and reviewed by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Coordinator/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* and include:

- (a) Waste arrangements and diagrams as per the final plans, including the required waste amendments specified in the 'DESIGN DETAILS AND MODIFICATIONS' condition of this consent.

Reason

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

BEFORE DEMOLITION, EXCAVATION OR BUILDING WORK COMMENCES

(60) UTILITY SERVICES

Prior to the commencement of work, the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with any required relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

Reason

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

(61) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) The following details must be submitted to and be approved by the Registered Certifier in accordance with the timing indicated. A copy must also be submitted to Council:
 - (i) Prior to the commencement of any demolition works: 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).
 - (ii) Prior to the commencement of any excavation works: An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iii) Prior to the commencement of any basement construction or above ground works: A Construction Work Method Statement prepared by appropriately qualified person.
 - (iv) Prior to the commencement of any demolition, excavation or construction works: A Waste and Recycling Management Plan, which meets the requirements as set out in Council's Guidelines for Waste Management in New Developments 2018. The plan is to include details of materials that will be demolished and excavated and their proposed destination or reuse.
 - (v) Prior to the commencement of any demolition, excavation or construction works: 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 Council-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 (in accordance with the 'DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN' condition of this consent).
 - (x) Measures to control vibration impacts from the site (in accordance with the 'SITES IN THE VICINITY OF BUILDINGS WITHIN HERITAGE CONSERVATION AREAS' condition of this consent).
 - (xi) Measures to suppress odours.
 - (xii) Enclosing and making the site safe.
 - (xiii) Induction training for on-site personnel.

- (xiv) 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.
- (xv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
- (xvi) Disconnection of utilities.
- (xvii) 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).
- (xviii) 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).
- (xix) Waterproofing of any exposed surfaces of adjoining buildings.
- (xx) 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*).
- (xxi) Working hours, in accordance with this development consent.
- (xxii) Any SafeWork NSW requirements.

Reason

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

(62) SITE SUPERVISION AND REPORTING

- (a) An arborist with minimum AQF Level 5 qualification in arboriculture must oversee various stages of work within the Tree Protection Zone of any tree listed for retention as identified at the condition titled 'TREES THAT MUST BE RETAINED'. The Arborist must certify compliance with each key milestone detailed below:
 - (i) The installation of tree protection measures prior to the commencement of any demolition, excavation or construction works;
 - (ii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
 - (iii) During any excavation and trenching within the TPZ;
 - (iv) During construction of the building;
 - (v) During any landscape works within the TPZ which has been approved by Council.

- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and approved by Council's Area Planning Coordinator | Area Planning Manager at each hold point listed below:
 - (i) Certification that tree protection measures have been installed in accordance with these consent conditions;
 - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
 - (iii) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.

Reason

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

(63) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM

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

- (a) Conform to the specifications and standards contained in *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004); the *Guidelines for Erosion and Sediment Control on Building Sites* (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.
- (b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas
 - (v) existing and proposed drainage patterns with stormwater discharge points
 - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures

- (iv) nature and extent of earthworks, including the amount of any cut and fill
- (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
- (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
- (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
- (viii) frequency and nature of any maintenance program
- (ix) other site-specific soil or water conservation structures.

Reason

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

(64) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council's Urban Design and Heritage Manager / 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.

(65) DEMOLITION, EXCAVATION AND CONSTRUCTION METHODOLOGY

- (a) A detailed Demolition, Excavation and Construction Methodology is to be prepared. The methodology must be endorsed by the structural engineer and geotechnical engineer engaged as per the 'USE OF A STRUCTURAL AND GEOTECHNICAL ENGINEER' conditions below and submitted to the Principal Certifier prior to commencement of demolition, excavation or construction works whichever is the earlier.
- (b) The recommendations of the following reports and are to be considered when preparing the Detailed Demolition, Excavation and Construction Methodology required by (a) above.
 - (i) Structural design statement prepared by M+G Consulting dated 13 September 2024 (TRIM ref: 2024/534453)

- (ii) Geotechnical Assessment prepared by JK Geotechnics dated 10 November 2021 (TRIM ref: 2023/068350).
- (c) A report/certificate, prepared by the structural engineer and geotechnical engineer engaged as per the 'USE OF A GEOTECHNICAL ENGINEER' and 'USE OF A STRUCTURAL ENGINEER' conditions below and with experience in dealing with heritage buildings, is to be submitted to Council confirming that if the Demolition, Excavation and Construction Methodology is adopted, there will be no damage to adjoining properties.
- (d) Structural plans, prepared by the structural engineer engaged as per the 'USE OF A STRUCTURAL ENGINEER' condition below and with experience in dealing with heritage buildings, are to be submitted to Council demonstrating how the retained building elements are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed, and must not rely on any adjoining building for support. The structural plans are to be approval by Council's Area Coordinator Planning Assessments | Area Planning Manager prior to commencement of demolition, excavation or construction works whichever is the earlier.

Reason

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

(66) USE OF A STRUCTURAL ENGINEER

A suitably qualified practising structural engineer is to be commissioned to work with the consultant team throughout the design development, contract documentation and excavation stages of the project. The engineer is to be involved in the resolution of all matters relating to the retention of the building façade and the excavation of the basement. The structural engineer is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of demolition, excavation and construction issues throughout the project.

Reason

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

(67) USE OF GEOTECHNICAL ENGINEER

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

The recommendations of the Geotechnical Assessment prepared by JK Geotechnics dated 20 June 2022 (TRIM ref: 2022/487342) must be implemented, and where relevant be included in the Detailed Excavation and Construction Methodology required by the 'DEMOLITION, EXCAVATION AND CONSTRUCTION METHODOLOGY' condition above.

Reason

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

(68) SYDNEY WATER CERTIFICATE (TAP-IN)

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, (see Plumbing, Building & Development and then Sydney Water "Tap-in").

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.

(69) TEMPORARY DEWATERING DURING CONSTRUCTION

Prior to discharging any water collected during excavation and construction into the City's stormwater drainage system, approval must be sought from the City's Public Domain Unit. A dewatering management plan must be submitted with an Application for Temporary Dewatering available to download on the City's website.

Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

To ensure dewatering is managed appropriately.

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

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.

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.

Reason

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

(71) 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.

(72) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, 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 prior to the installation of such devices.

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 appropriate approvals are sought for operating hoisting devices.

(73) PUBLIC DOMAIN WORK – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993

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

Reason

To ensure relevant approvals for public domain work are obtained.

(74) 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)
- (g) temporary ground anchoring and shoring to support a roadway when excavating
- (h) any other structure or encroachment including facade elements/architectural features.

Reason

To ensure use of a public place is managed appropriately.

(75) TREE PROTECTION ZONES

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

TPZ Schedule

Tree No.	Species Name	Location	Radius (m) From Trunk
1	Platanus x hybrida (London Plane)	Front of 26 Bayswater Road (Street Tree)	2.0
2	Platanus x hybrida (London Plane)	Front of 28-30 Bayswater Road (Street Tree)	4.9
3	Platanus x hybrida (London Plane)	Front of 28-30 Bayswater Road (Street Tree)	5.4
4	Platanus x hybrida (London Plane)	Front of 28-30 Bayswater Road (Street Tree)	5.8
5	Platanus x hybrida (London Plane)	Front of 32 Bayswater Road (Street Tree)	5.8
6	Platanus x hybrida (London Plane)	Front of 36 Bayswater Road (Street Tree)	5.9

7	Ficus macrocarpa var. hillii (Hills Weeping Fig)	Side of 36 Bayswater Road in Ward Avenue (Street Tree)	9.0
8	Ficus macrocarpa var. hillii (Hills Weeping Fig)	Side of 36 Bayswater Road in Ward Avenue (Street Tree)	7.0
9	Ficus macrocarpa var. hillii (Hills Weeping Fig)	Side of 36 Bayswater Road in Ward Avenue (Street Tree)	11.4

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

- (c) Ground surface protection must be installed if construction access is required through any TPZ where the existing ground surface material is not a hard surface or paving. The ground protection must be:
- (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
 - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (d) The following works must be excluded from within any TPZs:
- (i) excavation
 - (ii) soil cut or fill including trenching
 - (iii) soil cultivation, disturbance or compaction
 - (iv) stockpiling, storage or mixing of materials
 - (v) the parking (except existing on street parking), storing, washing and repairing of tools, equipment and machinery
 - (vi) the disposal of liquids and refuelling
 - (vii) the disposal of building materials
 - (viii) the siting of offices or sheds
 - (ix) any action leading to the impact on tree health or structure.
- (e) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.

- (f) All work undertaken within or above the TPZ must be:
 - (i) carried out in accordance with a work methodology statement prepared by an Arborist with a minimum AQF Level 5 qualification in arboriculture and written approval is obtained from Council's Tree Management Officer before its implementation
 - (ii) supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

Reason

To ensure the protection and ongoing health of trees.

(76) STREET TREE PRUNING

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.

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.

DURING DEMOLITION, EXCAVATION AND BUILDING WORKS

(77) SURVEYS

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.

(78) GENERAL HERITAGE

- (a) The fabric and features to be retained by the proposal must be properly protected during the process of demolition, excavation and construction. The protection measures are to be in accordance with the approved strategy submitted to satisfy the 'DEMOLITION, EXCAVATION AND CONSTRUCTION METHODOLOGY' condition of this consent.
- (b) All building works, including but not limited to any required acoustic attenuation works or any services, must ensure that the existing ceilings (with the exception of the existing ground floor ceiling), the structure of the ceilings, the existing floorboards, and the timber floor structures, are all retained and conserved.
- (c) 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.
- (d) 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.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (f) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
 - (i) New services must use existing service runs;
 - (ii) Where this is not possible, details of an alternative solution must be shown on drawings at a suitable scale and submitted and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to the issue of any Construction Certificate.
- (g) 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.

- (h) The new windows and doors on the existing building must match the original material, which is [Select: timber joinery, steel-framed, monel metal, bronze or brass-framed].
- (i) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (i) 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.

(79) 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 curbs 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 curbs and gutters and the like.

(80) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, including in relation to the former Summer House, 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.

(81) 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.

(82) FLUSH FITTING OF NEW ROOF STRUCTURES

The approved skylights to the rear roof slope of the Townhouse Apartments must be fitted as flush as possible to the roof slope and not intrude the ridge lines or damage the flashings.

The solar panels, approved to the roof of the new building on 36 Bayswater Road, must not be angled or visible above the building balustrade.

Reason

To ensure an appropriate heritage/streetscape outcome.

(83) 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.

(84) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

Reason

To protect the amenity of the surrounding area.

(85) NOTIFICATION OF EXCAVATION WORKS

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works are about to commence.

Reason

To protect the amenity of the surrounding area.

(86) 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.

(87) FINAL DILAPIDATION REPORTS

Following completion of the demolition and excavation works, subject to the receipt of permission of the affected landowner, a second Dilapidation Report, including a photographic survey, is to be undertaken. The Report is to be completed within one month after the completion of demolition and excavation works.

Following completion of the construction works, subject to the receipt of permission of the affected landowner, a final Dilapidation Report, including a photographic survey, is to be undertaken. The Report is to be completed within one month after the completion of the development.

A copy of the dilapidation reports, together with the accompanying photographs must be given to the property owners identified at the 'DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION' condition of this consent and a copy lodged with the Registered Certifier and the Council prior to the issue of any Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like that is attributable to the carrying out of the development must be fully rectified by the applicant or owner, at no cost to the affected property owner (provided that the affected property owner consents to such rectification and act reasonably in relation to the provision of access for, and other matters concerning, the carrying out of rectification work).

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

Reason

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

(88) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;

- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

Reason

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

(89) COMPLIANCE WITH CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN

The approved plan submitted to satisfy the 'CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN' condition of this consent must be complied with during any demolition and/or construction work.

Reason

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

(90) COMPLIANCE WITH NOISE AND VIBRATION MANAGEMENT PLANS

All works conducted on site which form part of this development must be carried out in accordance with the plans/details submitted to satisfy the 'SITES IN THE VICINITY OF BUILDINGS WITHIN HERITAGE CONSERVATION AREAS' and 'DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN' conditions of this consent.

Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

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

Reason

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

(91) COMPLIANCE WITH DEMOLITION, EXCAVATION AND CONSTRUCTION METHODOLOGY

The development is to be carried out in accordance with the methodology approved by the 'DEMOLITION, EXCAVATION AND CONSTRUCTION METHODOLOGY' condition of this consent.

Reason

To ensure that the demolition, excavation and construction is appropriately managed.

(92) COMPLIANCE WITH DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT PROCEDURES

All works must be undertaken on-site in accordance with the approved CEMP submitted to satisfy the 'CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN' condition of this consent. The approved work method statements and waste management plan as required by the 'DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT' condition of this consent must be implemented in full during the period of demolition, excavation and construction. All waste records from the recycling and/or disposal of any demolition, excavation 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.

(93) LAND REMEDIATION

The site is to be remediated and validated in accordance with the Remedial Action Plan recommended within the Detailed Site Investigation prepared by eiaustralia dated 14 October 2024, reference number E26396.E02_Rev2 (TRIM reference: 2024/586930).

All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997.

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

Reason

To ensure that the site is appropriately remediated.

(94) 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

(95) IMPORTED FILL MATERIALS

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

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

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

Reason

To ensure that imported fill is not contaminated.

(96) 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.

(97) DISCHARGE OF CONTAMINATED GROUNDWATER

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

Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

To ensure that the discharge of ground water is appropriately managed.

(98) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW EPA Waste Classification Guidelines, Part1: Classifying Waste (November 2014)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for a particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Reason

To ensure that waste from site is classified and disposed of appropriately.

(99) 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.

(100) EROSION AND SEDIMENT CONTROL

The Erosion and Sediment Control Plan (ESCP) submitted to satisfy the 'EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM' condition of this consent and 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.

(101) HAZARDOUS AND INDUSTRIAL WASTE

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

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

Reason

To ensure hazardous/ industrial waste is managed appropriately.

(102) 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.

(103) 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.

(104) 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.

(105) 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.

(106) 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.

(107) COMPLIANCE WITH ARBORIST’S REPORT

All recommendations, Tree Protection Plans and Methodology Statements contained in the approved Arboricultural Impact Assessment Reports prepared by Xylology, dated 19/12/2022 (TRIM: 2023/068396) and 12/09/2024 (TRIM: 2024/534454) must be implemented during the demolition, construction and use of the development.

Reason

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

(108) TREE SENSITIVE EXCAVATION

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

Tree (Root) Protection Zone Schedule

Tree No.	Species Name	Location	SRZ (m) from trunk	TPZ radius (m) from trunk
7	Ficus macrocarpa var. hillii (Hills Weeping Fig)	Side of 36 Bayswater Road in Ward Avenue (Street Tree)	3.0	9.0
8	Ficus macrocarpa var. hillii (Hills Weeping Fig)	Side of 36 Bayswater Road in Ward Avenue (Street Tree)	2.6	7.0

9	Ficus macrocarpa var. hillii (Hills Weeping Fig)	Side of 36 Bayswater Road in Ward Avenue (Street Tree)	3.4	11.4
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(a) Within the SRZ:

- (i) Excavation must not occur within the SRZ. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately, and the excavation must be carried out in accordance with Council's direction.

(b) Within the TPZ:

- (i) Tree sensitive excavation, such as small hand tools, compressed air or water jetting only must be used. Roots with a diameter equal to or greater than 40mm shall not be severed or damaged unless approved in writing by Council's Tree Management Officer.
- (ii) Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.
- (iii) All excavations must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

- (c) Footings must be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance must be provided between the tree root and footing.

- (d) All excavations located within the TPZ must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

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

Reason

To ensure the protection and ongoing health of trees.

(109) STREET TREE PROTECTION

All street trees located directly outside the site, as specified in the 'TREES THAT MUST BE RETAINED' condition of this consent, 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 the SRZ 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 40mm 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.

(110) TREE PRUNING APPROVED

- (a) All pruning must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373-2007 Australian Standard 'Pruning of Amenity Trees'.
- (b) Pruning of the 3 X Ficus microcarpa var. hillii (Hills Weeping Fig) (i.e Ward Avenue Street Trees 7, 8 & 9) trees is limited to pruning of branches outlined within the pruning specification report prepared by Xylogy dated 09/04/2024 (TRIM: 2024/342635).

Reason

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

(111) TREE PRUNING – FURTHER APPROVAL REQUIRED

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

Reason

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

(112) PROTECTION OF NATIVE WILDLIFE

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

Reason

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

(113) PUBLIC DOMAIN WORKS SECURITY BOND

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

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

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

Reason

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

(114) FLASHINGS TO BOUNDARY WALLS

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties. Note: Attachments or connections to party walls may require the consent of the adjoining property owner/s.

Reason

To prevent water entering between the walls of adjoining properties.

(115) DRAINAGE AND SERVICE PIT LIDS

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

Reason

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

(116) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works.

This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights: Public Domain Design Code* and *Sydney Streets Technical Specification*. The documentation must be *checked, accurate, and comply with specified requirements*. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be for construction issue and will be approved under Section 138 of the Roads Act.

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

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

Reason

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

(117) HOLD POINTS

A set of hold point inspections will be included in the Public Domain works approval letter for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works.

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

Reason

To ensure hold points are adhered to during construction works.

(118) STORMWATER DRAINAGE CONNECTION

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

Reason

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

(119) PUBLIC DOMAIN LIGHTING RETICULATION

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

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

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

Reason

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

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(120) SURVEY CERTIFICATE AT COMPLETION

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

Reason

To ensure the development does not encroach onto neighbouring properties.

(121) DELIVERY OF PUBLIC ART

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

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and Council's Urban Design and Heritage Manager prior to installation.

Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art> or contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au.

Reason

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

(122) LETTERBOXES

Letterboxes are to be of a type and specification that minimises opportunities for mail theft. The letter box should be secured with quality lock sets (non-master key locks) and be located where there is CCTV coverage.

Note: The applicant is strongly advised to contact Australia Post to discuss how the letterboxes at the building entries will be accessed.

Reason

To ensure letterboxes are designed to prevent mail theft.

(123) COMPLETION OF LANDSCAPING WORKS

All landscaping, as provided in the approved plans submitted to satisfy the 'LANDSCAPING OF THE SITE' condition of this consent, is to be completed prior to an Occupation Certificate being issued.

Reasons

To ensure the development is supported by good quality landscaping that meets the Council's controls.

(124) COMPLIANCE WITH TREE PROTECTION

- (a) A final compliance report, prepared in accordance with the 'SITE SUPERVISION AND REPORTING' condition of this consent, must be submitted to and approved by Council's Area Planning Coordinator or Area Planning Manager prior to the issue of any Occupation Certificate.

Reason

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

(125) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO OCCUPATION CERTIFICATE

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 Registered Certifier that the development complies with the requirements set out in:

- (i) The Acoustic Report as referred to in the 'COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION CERTIFICATE' condition of this consent; and
- (ii) The 'Detailed Acoustic Review' as recommended by the Acoustic Report as referred to in the 'COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION CERTIFICATE' condition of this consent.

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).

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 protect the acoustic amenity of surrounding properties.

(126) SYDNEY WATER CERTIFICATE

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

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

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

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

Reason

To ensure the requirements of Sydney Water are met.

(127) BASIX

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate being issued.

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 EP&A Regulation 2021).

(128) RESTRICTION ON USE OF CAR SPACES AND STORAGE SPACES

The following conditions apply to the basement car spaces and storage spaces:

- (a) The on-site car parking spaces, excluding the service vehicle space, are to be used only by an occupant, tenant or resident of the subject building.
- (b) The on-site storage spaces are not to be used other than by an occupant, tenant or resident of the apartments for storage of items related to the residential apartment with which the space is associated.
- (c) Prior to any Occupation Certificate being issued, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act, 1919, to the effect of (a) and (b) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (d) Any future strata subdivision of the site is to include a restriction on User pursuant to Section 63 of the Strata Schemes Development Act 2015, as amended, burdening all car parking and storage allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to Section 88B of the Conveyancing Act, 1919 burdening all car parking/storage lots in the strata scheme.

Reason

To ensure the storage spaces on the site are used for permanent residential purposes

(129) CAR SHARE SPACE

The car share space is to be available prior to the issuing of any Occupation Certificate/s. The car share scheme operator is to confirm operational arrangements to the Principle Certifying Authority prior to the issuing of the Occupation Certificate.

Reason:

To ensure car share spaces are provided within the development.

(130) BICYCLE PARKING SIGNAGE AND WAYFINDING PLAN

Signage directing users to the bicycle parking facilities are to be installed from the street level, between the bicycle riders entry point/s at the site boundary and the entry point to the bike parking and End of Trip facilities.

Signage is to be generally in accordance with signage shown in Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. The signage plan must be submitted to and approved by Council's Area Planning Manager/Coordinator prior to the Occupation Certificate for the site being granted.

Signage is to be installed before the issue of any Occupation Certificate.

Reason

To ensure the bicycle parking can be easily located.

(131) COMPLIANCE WITH MECHANICAL VENTILATION

Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems as required by the 'MECHANICAL VENTILATION' condition of this consent, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

Reason

To ensure the ventilation complies with relevant standards

(132) SITE AUDIT PRIOR TO OCCUPATION CERTIFICATE

No Occupation Certificate is to be issued by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with the 'SITE AUDIT STATEMENT' condition of this consent.

Reason

To ensure that the site is appropriately remediated.

(133) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared by eiaustralia, ref. E26396.E10_Rev, dated 5 August 2024 (Council TRIM ref: 2024/499877), as approved must be complied with.

Prior to the issue of any Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (Australia Institute of Occupational Hygienists) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report and that the site is safe for future occupation in accordance with the approved use.

Reason

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

(134) 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.

(135) PUBLIC DOMAIN WORKS COMPLETION

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

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

Reason

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

(136) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION

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

Reason

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

(137) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate:

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

Reason

To protect underground drainage system.

(138) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner engineer (NER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the Certifiers approval of floor/entry levels to comply with the City's Interim Floodplain Management Policy.

Reason

To ensure the development achieves the required floor levels.

(139) SURVEY INFRASTRUCTURE – RESTORATION

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

Reason

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

(140) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL

Prior to the issue of an Occupation Certificate, 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.

(141) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL

- (a) Prior to the issue of an Occupation Certificate, Council's review and written approval of the as-built waste infrastructure, facilities, and vehicle access is required. The City Cleansing & Resource Recovery Unit of Council must be satisfied that:
 - (i) All waste management facilities, storage, and collection infrastructure comply with the stamped plans, approved Operational Waste Management Plan and Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.

- (ii) All waste rooms, corridors, doors, and gates to be accessed by Councils collection contractor(s) are to be fitted and accessible via Council's master key system. Specifications of locks, barrels, and supporting infrastructure are to be submitted to Council's City Cleansing & Resource Recovery Unit.
- (b) Site inspections are to be conducted by Council's City Cleansing & Resource Recovery Unit to review the site on-site waste collection, storage and loading bay infrastructure prior to the issue of an Occupation Certificate. The inspections are to be conducted a minimum 6-months prior to projects anticipated construction completion. Prior to the inspection an electronic copy of the latest architectural plans are to be submitted.
- (c) An updated Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery Unit that aligns with the latest version of architectural plans and waste related updates identified during the site inspections. The plan is to be reviewed by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate.
- (d) The developer is to enter into a formal agreement with the City of Sydney Council for the utilisation of Councils Waste Collection Service prior to the issue of an Occupation Certificate. The provision of Council's waste collection service will not commence until formalisation of the agreement.
- (e) The assigned strata manager for the development and direct contact details are to be provided to Council's City Cleansing & Resource Recovery Unit prior to the issue of an Occupation Certificate.

Reason

To ensure that facilities and arrangements are in place to enable the provision of a safe and efficient waste collection service responsive to Council's policies and contractual service provisions.

(142) 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.

(143) 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.

(144) 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.

OCCUPATION AND ONGOING USE

(145) 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.

(146) 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

(147) USE OF COMMUNAL OPEN SPACE

Use of the Level 3 and Level 4 communal open space areas is limited to between the hours of 6:00am and 10.00pm daily.

All external lighting associated with the communal open spaces must comply with AS/NZS 4282:2019 'Control of the obtrusive effects of outdoor lighting' and must be mounted, screened and directed in a way that does not create a nuisance or light spill on to buildings on adjoining properties.

Reason

To ensure that the use of the communal open space areas does not adversely impact on the amenity of the area.

(148) CAR SHARE SPACES

- (a) A minimum of 1 car parking spaces for the exclusive use of car share scheme vehicles is to be provided.
- (b) The space must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge and be accessible to members of the car share scheme at all times.
- (d) The space must be sign posted for use only by car share vehicles and well lit.

- (e) The space must be accessible to members of the car share scheme at all times. This may require a standalone access system for car share scheme members to access the location of proposed car share space/s. Car share operators should be contacted for further information.

Reason

To ensure a care share space is provided within the development and is maintained as common property.

(149) ALLOCATIONN OF ACCESSIBLE CAR PARKING SPACES

For residential development, any accessible car parking space for people with mobility impairment, are to be allocated as visitor parking or to an adaptable unit. Where allocated to an adaptable unit, the unit(s) and car space(s) must be assigned to the unit in any future strata subdivision of the building.

Reason

To ensure accessible vehicle parking spaces are allocated to adaptable units.

(150) SERVICE VEHICLE SIZE LIMIT

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

Reason

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

(151) DELIVERY VEHICLE HOURS

Deliveries associated with the site that involve the movement of vehicles and use of the loading bay area, must only occur between the hours of 7.00am and 8.00pm daily.

Reason

To ensure deliveries to the site do not reduce any sleep disturbances to nearby residences.

(152) VEHICLE ACCESS

All vehicles are to enter and exit the car lift in a forward direction.

Reason

To increase pedestrian safety at the site access.

(153) ON SITE LOADING AREAS AND OPERATION

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

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

Reason

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

(154) SERVICE SPACE / LOADING DOCK USE AND OPERATION

The proposed service vehicle parking space/loading dock must not be reserved for the retail, or any other single tenancy, and must be available to all users within the site. A management plan, loading dock manager, loading schedule or similar must be prepared and maintained within the site so all residents, tenants and retail users are aware of their entitlements and to avoid too many deliveries being at the dock at any one time. This information is to be made available to all residents/tenants of the building.

Reason

To ensure that the loading dock is appropriately managed.

(155) SURVEILLANCE CAMERAS

CCTV equipment should be maintained in working order and the building manager and persons appointed to the Strata should be trained in the correct use of the system including downloading data in the event it is required for a police investigation.

Reason

To minimise criminal acts and prevent tampering.

(156) FUTURE USES TO COMPLY WITH THE ACOUSTIC REPORT

Any future use of the commercial/retail tenancies and accompanying plan of management, must be consistent with the operational recommendations and management strategies detailed in the Acoustic Assessment Revision 2, prepared by Renzo Tonin & Associates dated 27 May 2024 (TRIM ref: 2024/342638).

Reason

To ensure that the future commercial uses do not adversely impact on the amenity of the area.

(157) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE RESIDENTIAL PREMISE

(a) Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate residential accommodation:

(i) $L_{A1, \text{Slow 15 minute}} \leq L_{A90, \text{15 minute}} \text{ dB(A)}$.

Reason

To protect the acoustic amenity of surrounding properties.

(158) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE COMMERCIAL PREMISE

(a) Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate commercial premise:

(i) $L_{A1, \text{Slow 15 minute}} \leq L_{A90, \text{15 minute}} + 3 \text{ dB(A)}$.

Reason

To protect the acoustic amenity of surrounding properties.

(159) 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.

(160) NOISE

(a) The $L_{Aeq, \text{15 minute}}$ noise level from the use must not exceed the background noise level ($L_{A90, \text{15minute}}$) 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 $L_{Aeq, \text{15 minute}}$ noise level from the use must not exceed the background noise level ($L_{A90, \text{15 minute}}$) 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 $L_{Aeq, \text{15 minute}}$ 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 $L_{A90, \text{15 minute}}$ (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,

(ii) If the $L_{Z90, \text{15 minute}}$ 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 $L_{Zeq \text{ 15 minute}}$ noise criteria level.

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

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

Reason

To protect the acoustic amenity of surrounding properties.

(161) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

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

- (c) Corrections in [Fact Sheet C](#) of the NPfl 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.

(162) TRADE WASTEWATER REQUIREMENTS

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

Reason

To ensure that the requirements of Sydney Water are met.

(163) SCHEDULED WASTE 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. Waste collection must not occur outside of these times.
- (c) 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.

Reason

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

(164) 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.

(165) SCHEDULED WASTE COLLECTIONS - RESIDENTIAL

- (a) Scheduled collections and waste management arrangements of Council's residential waste stream(s) is to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan, and the developments Conditions of Consent.
- (b) Council's Domestic Waste Charge is applied to all residential rate accommodation properties in accordance with section 496 of the *Local Government Act 1993*. Residential accommodation is defined in accordance with the *Sydney Local Environmental Plan 2012* dictionary.

Reason

To support the safe and efficient scheduled residential waste collection service and minimise the impacts on public amenity and safety.

(166) ONGOING WASTE MANAGEMENT – RESIDENTIAL

- (a) The ongoing use of development 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 stream(s) materials emanating from the premises must be stored in the designated waste storage area(s) integrated within the built form and must not be stored outside the premises (including any public place) at any time.
- (c) The property manager is responsible for lodging requests for damaged/broken bins, managing the rotation of bins, ensuring the full allocation of relevant bins are available for scheduled collections, management of odour and the routine cleaning and maintenance of all waste storage areas.
- (d) 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.
- (e) The property manager is responsible for the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney Council responsive to the approved Operational Waste Management plan.
- (f) Commercial waste and recycling stream(s) and supporting infrastructure to be stored in a separate lockable, enclosed, and walled area free from the residential waste and recycling stream(s) rooms. The residential rooms to have relevant locks to inhibit commercial tenants access to Councils residential waste streams.

Reason

To support the safe and efficient scheduled Council waste collection service and ensure the impacts of waste management on the public domain and public health are minimised.

(167) 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.

(168) 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.

(169) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

SCHEDULE 1

WATER NSW GENERAL TERMS OF APPROVAL (REF: IDAS1148740)

The General Terms of Approval (GTA) issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

(170) GT0115-00001

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

(171) GT0116-00001

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

(172) GT0117-00001

A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity.
Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

(173) GT0118-00001

If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

(174) GT0119-00001

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

(175) GT0120-00001

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

(176) GT0121-00001

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

(177) GT0122-00001

Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme).

(178) GT0123-00001

Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in

relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering

(179) GT0150-00001

The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

(180) GT0151-00001

Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

(181) GT0152-00001

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

(182) GT0155-00001

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

NOTES:

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with D/2023/71 as provided by Council:

- Hydrogeological Report (including dewatering management plan and groundwater seepage analysis), Bayswater Development Management Pty Ltd, 28-38 Bayswater

Road, Potts Point NSW, E26396.E16_Rev0, dated 20 September 2024, prepared by EI Australia Pty Ltd.

- Architectural Plans, Retention, Restoration and New Works for a Mixed-Use Proposal at 28-38 Bayswater Road, Potts Point, DA Package, Job No. BAY2206, Issue C, Dated 13.09.2024, drawn by LA, Squillace Architects Pty Ltd.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf). <https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf> The consent should be read together with the *Conditions of development consent advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work must not be carried out until a construction certificate has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.