

Attachment A

Recommended Conditions of Consent
--

Conditions Part A - General

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/122 dated 23 February 2023 and the following architectural drawings prepared by SJB Architecture:

Drawing Number	Drawing Name	Date
DA-0102 / 6	Site Plan	13/11/2024
DA-0301 / 4	Demolition Plan	15/02/2024
DA-1001 / 7	Floor Plan – Basement 01	13/11/2024
DA-1002 / 7	Floor Plan – Lower Ground	13/11/2024
DA-1003 / 8	Floor Plan – Ground	13/11/2024
DA-1004 / 7	Floor Plan – Level 1	13/11/2024
DA-1005 / 7	Floor Plan – Level 2	13/11/2024
DA-1006 / 8	Floor Plan – Level 3	25/11/2024
DA-1007 / 7	Floor Plan – Level 4 (Roof Terrace)	13/11/2024
DA-1008 / 8	Floor Plan – Roof	13/11/2024
DA-1401 / 8	Elevations - North	25/11/2024
DA-1402 / 7	Elevations – South	13/11/2024
DA-1403 / 7	Elevations - East	13/11/2024
DA-1404 / 7	Elevations - West	13/11/2024
DA-1501 / 7	Section A	13/11/2024
DA-1502 / 8	Section B	25/11/2024
DA-1503 / 8	Section C	25/11/2024
DA-1511 / 2	Detail Sections – Entries	13/11/2024

Drawing Number	Drawing Name	Date
DA-1512 / 3	Detail Sections – Driveway Sections	13/11/2024
DA-1701 / 6	Façade Module	13/11/2024
DA-9001 / 6	Schedules – External Finishes	13/11/2024

And the following landscape drawings prepared by Site Image Landscape Architects:

Drawing Number	Drawing Name	Date
000 D	Landscape Coversheet	24/07/2024
001 D	Canopy Coverage Level 4	24/07/2024
002 D	Soil Depth Plan Level 4	24/07/2024
101 D	Landscape Plan Level 1	24/07/2024
102 D	Landscape Plan Level 3	24/07/2024
103 D	Landscape Plan Level 4	24/07/2024
500 A	Maintenance Schedule	24/07/2024
501 B	Landscape Plan Level 4	15/01/2024

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) APPROVED DESIGN ROOF - TOP PLANT

All roof-top plant and associated equipment must be located within the approved building envelope.

Reason

To ensure the constructed development complies with the approved height.

(3) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 38.40 (AHD) to the top of the lift overrun, RL 36.80 (AHD) to the top of other approved rooftop structures and RL 34.90 (AHD) to the rooftop parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(4) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the development must not exceed 3.12:1 and the total Gross Floor Area must not exceed 2,852sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area in the development, utilising the definition under the Sydney LEP 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Reason

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

(5) 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 \$439,225.53 (indexed at 18 December 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 3,930sqm).
- (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 2024 to March 2025.

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

Reason

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

(6) HOUSING AND PRODUCTIVITY CONTRIBUTION

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

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$85,560
Transport project component	\$0
Total housing and productivity contribution	\$85,560

The HPC must be paid using the NSW planning portal.

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

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

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

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

Reason

To require contributions towards the provision of regional infrastructure.

(7) 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	-\$129,034.80
Community Facilities	\$175,510.10
Traffic and Transport	\$19,316.35
Stormwater Drainage	\$0.00
Total	\$65,791.64

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 – 139.8 for the September 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.

(8) SIGNAL SYSTEM

A system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for a construction certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

Reason

To maintain the orderly operation of vehicle parking areas.

(9) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

Reason

To ensure the public domain is kept free from physical obstructions.

(10) 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.

(11) ASSOCIATED ROADWAY COSTS

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

Reason

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

(12) 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.

(13) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

Reason

To ensure no element of the development obstructs the use of the public way.

(14) 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.

(15) TREES APPROVED FOR REMOVAL

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

Table 1 – Tree Removal:

Tree No	Species:	Location
5	<i>Ficus longifolia</i> (Narrow Leaf Fig)	141-155 Commonwealth Street (Boundary wall on Reservoir Street)
6	<i>Ficus longifolia</i> (Narrow Leaf Fig)	141-155 Commonwealth Street (Boundary wall on Reservoir Street)
7	<i>Ficus longifolia</i> (Narrow Leaf Fig)	141-155 Commonwealth Street (Boundary wall on Commonwealth Street)

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

Reason

To identify the trees that can be removed.

(16) TREES THAT MUST BE RETAINED

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

Table 2 – Tree Retention:

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

Tree No	Species:	Location
1	<i>Fraxinus pennsylvanica</i> (Green Ash)	Reservoir Street (Street Tree)
2	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Commonwealth Street (Street Tree)
3	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Commonwealth Street (Street Tree)
4	<i>Angophora costata</i> (Sydney Red Gum)	Commonwealth Street (Street Tree)

Reason

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

(17) 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.

(18) 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 type of Occupation Certificate.

Reason

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

(19) PUBLIC ART

Public art must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.

- (a) The public artwork must be in accordance with Preliminary Public Art Plan (Council ref: 2024/659536), dated November 2024, the *Sydney DCP 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.
- (b) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Area Planning Manager or Area Coordinator Planning Assessments prior to issue of any Construction Certificate for above ground works.
- (c) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's 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/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art> Please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

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

(20) LAND SUBDIVISION – SEPARATE DA REQUIRED

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

Reason

To ensure separate development consent is sought for land subdivision.

(21) 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.

(22) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

(23) ENCROACHMENTS – PUBLIC WAY

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

Reason

To protect the public way.

(24) SIGNAGE STRATEGY

A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

Reason

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

(25) USE - SEPARATE DA REQUIRED

No consent is granted or implied for the fitout or specific use of each individual tenancy.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fitout and use of each individual tenancy prior to that fitout or use commencing.

Reason

To require separate consent to be obtained for a use.

Conditions Part B - Before the issue of a construction certificate

(26) 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-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.

(27) ALLOCATION OF PARKING

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

Car Parking Type	Number
Retail parking	3
Office and business parking (2 small car)	12
Accessible retail / office and business parking	2
Motorcycle parking	2
Subtotal	17
Service vehicle spaces (Australian Standard B99 / Van size vehicle)	1
Total	18

Reason

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

(28) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Non-residential	19	Spaces must be Class 2 bicycle facilities
Non-residential visitor	10	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	25	

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.

- (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.

(29) SMALL PARKING SPACES

The design and layout of all off-street small car parking spaces must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

All small car spaces must be clearly marked and identifiable as small car spaces. The signs or line markings must be in place and approved by the Principal Certifying Authority prior to an Occupation Certificate being issued and must be maintained in good order at all times.

Reason

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

(30) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan for the site, including its former use by Sydney Rescue Work Society, the early terrace houses and hotel facing Reservoir Street must be submitted to and approved by Council's 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 occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Area Planning Manager or Area Coordinator Planning Assessments.

Reason

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

(31) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

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

The form of the recording is to be as follows:

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

Reason

To ensure appropriate archival documentation of the building.

(32) ARCHAEOLOGICAL ASSESSMENT

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

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

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

Reason

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

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

Sandstone, trusses, timber joinery and decorative architectural elements to be demolished, which include windows and doors 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.

Reason

To ensure the salvaging and reuse of traditional building materials.

(34) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

Reason

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

(35) SITE SUPERVISION AND REPORTING

- (a) An arborist with minimum AQF Level 5 qualification in arboriculture must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:
 - (i) The installation of tree protection measures prior to the commencement of any construction works;
 - (ii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
 - (iii) During construction of the proposed building;
 - (iv) During any excavation and trenching within the TPZ which has been approved by Council;
 - (v) During any landscape works within the TPZ which has been approved by Council.
- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and approved by Council's Area Planning Coordinator | Area Planning Manager at each hold point listed below:
 - (i) Certification that tree protection measures have been installed in accordance with these consent conditions;
 - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
 - (iii) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
 - (iv) A final compliance report confirming tree protection measures have been removed from all trees and details of the health and condition of the trees at the completion of the works.
- (c) Evidence demonstrating that all tree compliance reports have been submitted at each key milestone listed above must be submitted to and approved by Council's Area Planning Coordinator | Area Planning Manager prior to the issue of any Occupation Certificate.

Reason

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

(36) TREE SPECIES SELECTION

The Landscape Plan must be updated and submitted to the City of Sydney Tree Team for approval prior to the release of the Construction Certificate. The updated Landscape Plan must substitute the *Betula nigra* (River Birch) and *Fraxinus* 'Urbanite' (Ash cvs) with more reliable species.

Reason

To ensure appropriate tree species are selected to support the ongoing health of trees on the site.

(37) INSTALLATION OF DUAL-FLUSH TOILETS

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

Reason

To ensure the provision of water efficient toilets.

(38) INSTALLATION OF WATER EFFICIENT TAPS

All taps installed must be water efficient with at least a 5-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Registered Certifier, prior to any Occupation Certificate being issued.

Reason

To ensure the provision of water efficient taps.

(39) INSTALLATION OF WATER EFFICIENT URINALS

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

Reason

To ensure the provision of water efficient urinals.

(40) INSTALLATION OF WATER EFFICIENT SHOWER HEADS

All shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Registered Certifier, prior to any Occupation Certificate being issued.

Reason

To ensure the provision of water efficient shower heads.

(41) DESIGN FOR ENVIRONMENTAL PERFORMANCE

- (a) Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Tianlu Yang dated Monday, February 5, 2024 (Council Ref: 2024/481122) are incorporated into the relevant construction plans and accompanying documentation:
- i. Section 4 – Energy Efficiency and Greenhouse Gas Emissions Abatement
 - ii. Section 5 – Passive Design for Thermal Performance – Building Envelope Design
 - iii. Section 6 – On site Renewable Energy Generation and Storage
 - iv. Section 7 – Design for Resilience to Climate Change
 - v. Section 8 – Designing for mains potable water savings and water efficiency
 - vi. Section 9 – Storm water quality
 - vii. Section 10 – City Greening
 - viii. Section 11 – Promoting Active Transport and Reducing Transport Emissions
 - ix. Section 12 – Materials, Embodied Carbon and Circularity
 - x. Section 13 – Waste Management and Resource Recovery
 - xi. Section 14 – Third Party Certification and Design, Construction or Technology Innovations
- (c) Changes to any commitments as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager/Coordinator prior to the issue of any relevant Construction Certificate.

Reason

To ensure the environmental performance of the development.

(42) ENERGY PERFORMANCE – NABERS

The design of the building and its services must achieve a National Australian Built Environment Rating System (NABERS) Energy rating of 5.5 Star +25% in operation for the base building. This is to be demonstrated by:

- (a) Entering into a Commitment Agreement with the NABERS National Administrator, to deliver this star rating for the base building. A copy of the signed Commitment Agreement contract is required; and

- (b) Providing a copy of the Estimator's report and Independent Design Review report to the NABERS National Administration and submitting the same reporting with the Construction Certificate application. The reporting must demonstrate the developments capacity to meet the NABERS star rating and the overperformance requirement mandated by the City.

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

Note: Definitions referred to above are as follows:

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

Reason

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

(43) NABERS WATER RATING

The design of the building and its services must achieve a National Australian Built Environment Rating System (NABERS) Water rating of 3 Stars in operation, in accordance with the NABERS Agreement to Rate submitted on 20 August 2024 with the development application.

This is to be demonstrated by providing a Water Use Assessment Report prepared by a suitably qualified person, demonstrating the building is capable of achieving the required NABERS water rating of 3 Stars. The Water Use Assessment Report should include calculations in line with the Green Building Council of Australia's (GBCA) Water Use calculator, or other equivalent methodology.

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

Reason

To ensure that the building complies with the 3 Star NABERS water rating required under the State Environmental Planning Policy (Sustainable Buildings) 2022.

(44) EMBODIED EMISSIONS REPORTING

Prior to the issue of a Construction Certificate, as per requirements under the Sustainable Buildings SEPP, embodied emissions reporting is to be updated to reflect finalised material specifications and increased design detail. If the NABERS Embodied Emissions Tool is active prior to submission of construction certificate documentation, then reporting is to be provided through the tool.

Reason

To ensure quantification of embodied emissions from the development.

(45) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 165 square metres of asphalt 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.

(46) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the [Street Name/s] frontage[s] 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.

(47) PUBLIC DOMAIN CONCEPT PLAN

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

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

Reason

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

(48) 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 and Flood Report recommended Flood Planning Levels 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.

(49) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 9 Flood Planning Levels Compliance Table of the report titled Flooding Report/Revision 2.0 prepared by Henry & Hymas dated 13 November 2024.

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

Reason

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

(50) PUBLIC DOMAIN LIGHTING UPGRADE

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

The lighting upgrade plan must cover all adjacent street frontages, being Commonwealth Street, Reservoir Street and Beauchamp Lane, and shall be designed to include the following requirements;

Commonwealth St:

Lighting must comply with requirements of AS1158 under Category PR3 on roadway & PP3 on footway If required, supply and install COS light poles or upgrade Ausgrid street lighting network to achieve compliance.

Reservoir St:

Lighting must comply with requirements of AS1158 under Category PR3 on roadway & PP3 on footway If required, supply and install COS light poles or upgrade Ausgrid street lighting network to achieve compliance.

Beauchamp Ln:

Lighting must comply with requirements of AS1158 under Category PP3 on roadway If required, supply and install COS light poles or upgrade Ausgrid street lighting network to achieve compliance.

This could be achieved by using wall mounted lights fixed to the property. If this is the case they must NOT be supplied from the building supply.

Notes:

- i. The roundabout on Commonwealth & Reservoir will need to be assessed to meet AS1158 Lighting designs must be certified by a suitably qualified practising lighting engineer and must consist of two parts: illumination design and electrical supply reticulation design. COS can only review electrical reticulation design once receiving final illumination designs.
- ii. Lighting design submission requirements are specified in "Sydney Streets Technical Specifications A5: Street Lighting Design". Notes:
 1. Plans should show calculation points as per Australian Standards.
 2. Calculation plot scale should not be smaller than 1:250 @ A1
 3. Provide a Calculation Summary table showing all relevant light technical parameters and compliance, including Maximum lux levels
 4. Highlight all areas of non-compliance
- iii. If applicable, Developers must submit site-specific structural footing designs certified by a practising structural engineer for council review before footing construction.
- iv. If applicable, Provide temporary lighting complying with COS public domain lighting specifications prior to removal of existing public lights – if applicable.
- v. If applicable, Undertake ASP works required to modify and remove redundant Ausgrid assets and carry out all electrical/civil works to ensure continuity of supply to the remainder of Ausgrid assets on the affected circuits.

- vi. Proposals for Building exterior lighting, signage lighting, terrace lighting and lighting of landscape features are to be assessed under a separate DA.
- vii. If applicable, under awning lighting must comply with the requirements of COS Awnings Policy using LED luminaires.
- viii. All relevant engineering design plans (incl electrical and lighting), design certificates, As-Builts plans, WAE plans, and construction certificates must be submitted for COS review.
- ix. All works shall comply with the requirements of all applicable standards and guidelines, including (but not limited to) AS1158, AS4282, and the City of Sydney's A5, B8 and Ausgrid NS119 documents.
- x. All new COS lights must be connected to COS's nearest metered supply point (subject to suitability assessment by Developer's electrical contractor). Otherwise, if required, supply and install a new COS 3 phase MSB.
- xi. Wall mount lights: Installation must be accessible for maintenance and upgrade by COS authorised technicians/contractors along the entire length. All cabling shall be installed on the building surface within galvanised steel conduits, MIMS cabling or a similar approved method. Establish an access easement in favour of COS for ongoing maintenance and upgrade of wall-mounted council lighting, if applicable.

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.

(51) DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages, including the CCTV of the adjacent drainage network (per the Sydney Streets Technical Specifications 4.6.3 CCTV Footage requirements), 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.

(52) 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.

(53) STORMWATER DRAINAGE DESIGN FOR STATE ROADS/OTHER AUTHORITIES

A detailed stormwater management plan prepared by suitably qualified and experienced civil engineer and complying with Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design must be submitted to and approved by Sydney Water prior to issue of any Construction Certificate other than demolition. Evidence of this approval must be submitted to Council.

Reason

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

(54) PERSONAL LOCKERS

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

Reason

To ensure appropriate personal lockers are provided for staff.

(55) WASTE STORAGE AREA

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

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

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

Reason

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

(56) CONSTRUCTION AND FITOUT OF FOOD PREMISES

The construction, fit-out and finishes of any food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – 2004 *Design, Construction and Fit-out of Food Premises*.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au

Reason

To ensure the construction, fitout and finishes of any food premises comply with relevant standards.

(57) FOOD PREMISES – DETAILED PLANS

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

Reason

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

(58) COOLROOMS

Coolrooms, refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the *National Construction Code (previously known as Building Code of Australia)*, and:(a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.

- (b) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (c) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (d) Must be fitted with a door that can be opened at all times from inside without a key.
- (e) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 dB(A) when measured 3 metres from a sounding device.

Reason

To ensure coolrooms are constructed appropriately in accordance with relevant standards.

(59) TOILETS FOR FOOD HANDLERS

- (a) Adequate toilet facilities must be available for food handlers working for the food business. Toilets and associated facilities must be provided in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code, 3.2.3 - Food Premises and Equipment*.
- (b) Details of the location of toilets which are provided exclusively for the use of food handlers and staff working at the business must be submitted for the approval of the Registered Certifier prior to the issue of a Construction Certificate.
- (c) The toilet(s) must be provided with a hand wash basin, with hot and cold running water mixed through a common spout, hand wash soap, hygienic hand drying facilities and hands-free taps.

Reason

To ensure food handlers have access to adequate toilet facilities.

(60) ADDITIONAL REQUIREMENTS ON PLANS – SINKS AND HAND WASH BASINS

Prior to the issue of Construction Certificate, amended scale plans confirming the position of all sinks and hand wash basins within any food premises must be submitted to and approved by the Registered Certifier. The location and accessibility of sinks and hand wash basins must comply with the requirements of *AS4674 Design, Construction and Fit-out of Food Premises* and *Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment*.

Reason

To ensure sinks and hand wash basins comply with relevant standards.

(61) SANITARY FACILITIES – FOOD PREMISES

The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the *National Construction Code (previously known as Building Code of Australia)*, Part F 3.1, 4.8 and 4.9.

Reason

To ensure sanitary facilities comply with relevant standards to protect food handling areas.

(62) GREASE AND LIQUID WASTE TRAPS

- (a) A grease trap as required by Sydney Water must be installed in accordance with the relevant Sydney Water requirements.

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

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

Reason

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

(63) WASTE ROOMS (GENERAL WASTE AREAS)

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

- (b) Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate.

Reason

To ensure adequate storage and collection of waste.

(64) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL

The Operational Waste Management Plan dated August 2024 (Council reference 2024/481138) accompanying the Development Application has been approved by this consent responsive to the architectural plans approved under this consent.

Should the architectural plans be updated, an updated Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

Reason

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

(65) WASTE INFRASTRUCTURE – COMMERCIAL

- (a) Prior to the issue of Construction Certificate, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager. The waste management facilities to be provided are to be responsive to Council's controls, policies, and guidelines, including but not limited to:

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

Reason

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

(66) 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.

(67) BOUNDARY SURVEY PRIOR TO CONSTRUCTION CERTIFICATE

- (a) Prior to the issue of any approval for demolition or Construction Certificate, a boundary survey over the subject site shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter to the Principal Certifier certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate.
- (b) A plan or CAD file showing the surveyed boundaries shall be provided to the project architect, who shall certify in writing that the proposed development as designed will fit within the surveyed boundaries, without causing any encroachment of the proposed development or any overhangs to adjoining properties. This written confirmation shall be provided to the PCA prior to the issue of a Construction Certificate.

Advisory note: It is recommended that the Construction Certificate plans provide for the external walls of any new building to be set back a minimum of 20 millimetres from the boundaries to allow for construction tolerances and minimise risk of encroachment and consequent delays and expenses.

Reason

The subject boundaries are poorly defined. As the proposed building has no setback to poorly defined boundaries, it is necessary to first register a consolidation plan to define the boundaries and minimise the risk of boundary disputes, encroachment and delays.

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

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Pulse Noise Acoustics, dated 18 July 2024, ref 230589-141-155 Commonwealth St, Surry Hills-NIA-R3, titled Noise Impact Assessment, Council Ref 2024/481117 must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

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

Reason

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

(69) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.

A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm.

Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.(d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.(e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.(f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.(g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.(h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

Reason

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

(70) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of adjoining properties (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 a Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

Reason

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

(71) MATERIALS AND SAMPLES BOARD

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

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

Reason

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

(72) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

Reason

To ensure the mechanical ventilation complies with relevant standards.

(73) PHYSICAL MODELS

- (a) Prior to the issue of any Construction 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.

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

- (a) Prior to any Construction 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.

(75) AUSGRID CONDITION

Prior to the issue of a Construction Certificate, the applicant is to liaise directly with Ausgrid and provide a detailed design for excavation and shoring works, along with structural certification for temporary and permanent works demonstrating the structural integrity of the Ausgrid substation and supply to the local network will be maintained.

Evidence of Ausgrid's acceptance of the finalised engineering assessment is to be submitted and approved by Council's Area Planning Manager or Area Coordinator Planning Assessments prior to the issue of a Construction Certificate.

Reason

Ausgrid condition – to ensure the structural integrity of the Ausgrid substation and supply to the local network will be maintained.

Conditions Part C – Before the commencement of building work

(76) TREE PROTECTION ZONE

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

TPZ Schedule

Tree No.	Species Name	Location	Radius (m) From Trunk
1	<i>Fraxinus pennsylvanica</i> (Green Ash)	Reservoir Street (Street Tree)	2.0
2	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Commonwealth Street (Street Tree)	2.0
3	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Commonwealth Street (Street Tree)	2.0
4	<i>Angophora costata</i> (Sydney Red Gum)	Outside 139 Commonwealth Street (Street Tree)	2.0

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

Reason

To ensure the protection and ongoing health of trees.

(77) STREET TREE PRUNING AND REMOVAL

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

Reason

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

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

Prior to the construction of any public domain works, including stormwater drainage 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.

(79) 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 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 any Construction Certificate for the building.

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

Reason

To ensure relevant approvals for works over the public domain.

(80) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

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

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

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.
 - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.
 - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.

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

Reason

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

(81) EROSION AND SEDIMENT CONTROL

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

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

- (iv) location of site access, proposed roads and other impervious areas
- (v) existing and proposed drainage patterns with stormwater discharge points
- (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
 - (viii) frequency and nature of any maintenance program
 - (ix) other site-specific soil or water conservation structures.

Reason

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

(82) USE OF A STRUCTURAL ENGINEER

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

Reason

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

(83) EXCAVATION AND CONSTRUCTION METHODOLOGY

- (a) A Detailed Excavation and Construction Methodology is to be prepared by the builder engaged for the project. The methodology must be endorsed by the structural consultant engaged as per Condition 77 above and submitted to the Principal Certifier prior to commencement of excavation or construction works whichever is the earlier.
- (b) Excavation is to be carried out in accordance with the methodology required by (a) above.

Reason

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

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

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

Reason

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

Conditions Part D – While the building work is being carried out

(85) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

Reason

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

(86) 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.

(87) 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.

(88) 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.

(89) 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.

(90) 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.

(91) STREET TREE PROTECTION

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

- (a) Tree trunk and major branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.
 - (ii) Tree trunk/s and/or major branches to a height of two metres, must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.

- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within [specify] metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Reason

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

(92) TREE PRUNING – FURTHER APPROVAL REQUIRED

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

Reason

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

(93) 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.

(94) SURVEY SETOUT

- (a) Prior to the commencement of construction all footings, walls and floor slabs adjacent to a boundary must be set out by a surveyor registered under the *Surveying & Spatial Information Act, 2002*.

The building shall be sufficiently set back to ensure that no component of the building (such as the roof, guttering, or downpipes) encroach upon or overhang the boundaries of the site.

The registered surveyor shall provide a survey and report to the Principal Certifier indicating the position of the footings, walls and floor slabs in relation to the boundaries of the allotment.

- (b) During construction the registered surveyor shall inspect the site to ensure that the footings, walls and floor slabs are constructed in the correct location and shall provide a report of their findings to the Principal Certifier. Any encroachments of the subject building over the boundaries of the site must be removed prior to continuation of construction works.

Reason

To ensure the development does not encroach onto neighbouring properties.

(95) 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.

(96) 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.

(97) 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.

(98) 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 prepared, signed and dated by a registered surveyor, 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.

(99) 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.

(100) 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.

(101) 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.

(102) 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.

(103) 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.

(104) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan that is to be approved by Council before the issuing of a Construction Certificate.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit.
- (c) 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.

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.

(105) AUSGRID CONDITION

The applicant must liaise directly with Ausgrid during the construction phase and provide vibration monitoring data during excavation works.

The Ausgrid point of contact will be Chee Wong: cwong@ausgrid.com.au

Reason

Ausgrid condition – to ensure the structural integrity of the Ausgrid substation and supply to the local network will be maintained.

Conditions Part E – Prior to the issue of an Occupation Certificate

(106) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL WITH NO STRATA SUBDIVISION

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service car spaces, are not to be used other than by an occupant or tenant of the subject building.
- (b) Prior to any type of Occupation Certificate being issued or the use commencing, whichever is earlier, a Restriction on the Use of Land 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) above. The restriction must be created benefiting Council, at no cost to, and with terms to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a Restriction on the Use of Land pursuant to Section 88B of the *Conveyancing Act 1919* burdening all car parking in the Strata Scheme.
- (d) All car spaces and storage spaces must form part of a commercial strata lot. Car spaces and storage spaces must not have their own separate strata title.

Reason

To ensure the on-site car parking spaces, exclusive of service car spaces are not to be used other than by an occupant or tenant of the building.

(107) EASEMENT FOR PUBLIC ACCESS

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Easement for Public Access, limited in stratum if so desired, is to be created and registered on the Title of the development site:
- (b) The Easement is to be defined over a 2m x 2m splayed corner at the intersection of Commonwealth Street and Reservoir Street and limited in height so that its upper limit is nominally the underside of the first floor slab above the splayed corner and its lower limit is nominally the upper surface of the basement roof slab below the splayed corner.
- (c) The Easement is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction,
- (d) Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep and repair of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

Reason

To ensure a splay is dedicated for road purposes.

(108) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Prior to the issue of any type of Occupation Certificate for the building, a Final Identification Survey prepared and signed by a Surveyor registered under the Surveying & Spatial Information Act 2002 must be submitted at the completion of the building work certifying the location of the building and showing offsets in relation to the boundaries of the allotment.

Any encroachments of the building including gutters and downpipes over the side boundaries or rear lane that are not approved in the DA must be removed, or where approved, appropriate easements under Section 88B of the Conveyancing Act 1919, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to the issue of any type of Occupation Certificate. Encroachments upon public roads must, if supported, be approved by Council's Area Planning Manager prior to the issue of any type of Occupation Certificate.

Reason

To ensure that either the building does not encroach, or that any encroachments are formalised on title.

(109) REGISTRATION OF POSITIVE COVENANT

Prior to the issue of any type of Occupation Certificate, a positive covenant pursuant to Section 88B or 88E of the Conveyancing Act, 1919 with terms to the satisfaction of Council, must be registered on the title of the land and a copy of the title submitted to the Council's Area Planning Manager and the Principal Certifier.

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

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

Reason

To ensure that contamination is appropriately managed.

(110) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL

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

Reason

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

(111) 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.

(112) 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.

(113) 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.

(114) 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.

(115) 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 recommendations of the report titled Flooding Report/Revision 2.0 prepared by Henry & Hymas dated 13 November 2024.

Reason

To ensure the development achieves the required floor levels.

(116) FLOOD RISK MANAGEMENT

Prior to the issue of any Occupation Certificate, a certification report prepared by a suitably qualified practitioner engineer (NER), for flood risk management measures including flood planning level/s demonstrating compliance with the approved construction plans must be submitted to and be approved by the Principal Certifier. A copy of the report must be provided to Council for record keeping purposes.

Reason

To ensure flood risk management measures are complied with.

(117) NOTIFICATION OF CONDUCT OF FOOD BUSINESS

- (a) The use must not commence until the food business has notified Council with their food business details in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4*.
- (b) An Occupation Certificate must not be issued until such notification has been received by Council in accordance with Clause (a) of this condition.

Note: Registration forms are available on Council's website www.cityofsydney.nsw.gov.au.

Reason

To ensure Council is notified of food business details.

(118) 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.

(119) 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.

Conditions Part F – Occupation and Ongoing Use

(120) HOURS OF OPERATION – ROOFTOP AND OUTDOOR TERRACE

The hours of operation/use of the outdoor rooftop and lower terrace on Level 1 are to be restricted to the following:

- (a) The use of these areas are restricted to between 7am and 8pm, Monday to Sunday.
- (b) Notwithstanding (a) above, these areas may be used between 8pm and 10pm, Monday to Sunday for a trial period of 1 year from the date of issue of the Occupation Certificate.
- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council at least 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received, and any views expressed by NSW Police and Liquor & Gaming.

Reason

To ensure the premises trades within the approved trading hours.

(121) PLAN OF MANAGEMENT – ROOFTOP AND OUTDOOR TERRACE

The use of the rooftop and outdoor terrace area at Level 1 must always operate in accordance with the approved Plan of Management titled '*Lower and Green Roof Terrace Updated Plan of Management*', prepared by ABC Planning Pty Ltd and dated November 2024 (Council ref: 2024/659532).

The Plan of Management can be updated at any time. Any revised Plan of Management is to be submitted to and endorsed by Council's Area Planning Manager and may be updated without the requirement for a Section 4.55 modification application

In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Reason

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

(122) ON SITE LOADING AREAS AND OPERATION

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

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

Reason

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

(123) LOADING DOCK MANAGEMENT PLAN

A Loading Dock Management Plan is to be prepared for distribution to relevant tenants outlining how the loading dock will be managed and used by all relevant tenants. The Plan must include, but is not limited to, management of deliveries to ensure vehicles are not waiting on public streets to enter the site.

The plan is to be prepared and submitted to and approved by Council's Area Planning Manager or Area Coordinator Planning Assessments prior to issue of an Occupation Certificate.

Once approved, this management plan is to be provided to all relevant tenants and external users of the loading area.

Reason

To ensure that the loading dock is appropriately managed.

(124) SCHEDULED COLLECTIONS – COMMERCIAL

- (a) Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for *Managing Waste in Public Places*.
- (b) In accordance with the approved waste management plan, waste and recycling stream(s) bins must not be placed on the street for collection. The waste contractor must wheel the bins from the waste storage area of the property to the waste collection vehicle upon arrival and return them to the waste storage area following collection. Unimpeded access must be provided to the waste and recycling storage area(s) at all times.
- (c) Unobstructed access is to be provided for waste collection vehicles to set down within 10m of the waste storage and collection area(s) during zone collection times on collection days.
- (d) The collection of waste and recycling stream(s) is to only occur during designated zone collection times outlined within the Local Approvals Policy for *Managing Waste in Public Places* to minimise impacts to residential amenity.

Reason

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

(125) 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.

(126) HOT WATER SERVICE

The capacity of the hot water service must ensure that a constant supply of hot water is provided to the premises at all times for all sinks and basins including hand wash basin/s. The temperature of the hot water provided to the sinks must be in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code 3.2.2 - Food Safety Practices* and general requirements.

Reason

To ensure the food premises has a constant supply of hot water in accordance with relevant standards.

(127) ENCROACHMENTS – PUBLIC WAY

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

Reason

To protect the public way.

(128) NOISE - ENTERTAINMENT

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

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

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

Reason

To protect the acoustic amenity of surrounding properties.

(129) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

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

- (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
 - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.