

Attachment A

<h3>Recommended Conditions of Consent</h3>

Terms and Reasons for Conditions

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

Schedule 1A – General Conditions

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application D/2024/1027 lodged on 12 November 2024 and the following drawings prepared by SRH Architecture Pty Ltd:

Drawing Number	Drawing Name	Date
DA 1200 Rev 03	Demolition Basement Floor Plan	11/04/2025
DA 1201 Rev 04	Demolition Ground Floor Plan	11/04/2025
DA 1202 Rev 03	Demolition First Floor Plan	11/04/2025
DA 1203 Rev 03	Demolition Second Floor Plan	11/04/2025
DA 1300 Rev 03	Proposed Basement Floor Plan	11/04/2025
DA 1301 Rev 06	Proposed Ground Floor Plan	11/04/2025
DA 1302 Rev 05	Proposed First Floor Plan	11/04/2025
DA 1303 Rev 04	Proposed Second Floor Plan	11/04/2025
DA 1304 Rev 03	Proposed Roof Plan	11/04/2025
DA 1400 Rev 03	Proposed First Floor RCP – Banking Chamber	11/04/2025
DA 3100 Rev 03	Elevations	11/04/2025
DA 3101 Rev 03	Elevations	11/04/2025
DA 3200 Rev 05	Sections	11/04/2025
DA 4000 Rev 02	Fire Booster Plans	11/04/2025
DA 4001 Rev 04	Retained Pilaster/Pier Detail	11/04/2025

and as amended by the conditions of this consent.

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

Reason

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

(2) GROUND FLOOR OXFORD STREET TENANCY

No consent is granted or implied for the fit out or specific use of the ground floor Oxford Street tenancy. A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fit out and use of the tenancy prior to that fit out or use commencing.

Reason

To require separate consent to be obtained for a use.

(3) USE AND OPERATION OF THE BALANCE OF THE PREMISES

The use and operation of the balance of the premise are not approved under this consent. The 'restricted premises' use and the operation of the premise is to be in accordance with the conditions of consent of development consent D/2016/810 and D/2022/1055 (both as may be modified).

Reason

To clarify the use and operation of the balance of the premises.

(4) MODIFICATION OF DEVELOPMENT CONSENT D/2016/810

- (a) Development consent D/2016/810 (as modified), dated 25 January 2018, must be modified pursuant to Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979.
- (b) The description of the 'approved development' of the existing base development consent D/2016/810 (as modified) must be replaced by the description *"Use of the ground, mezzanine, first and second levels as a Restricted Premises for a Strip Club"*.
- (c) Condition (1) 'Approved Development' of the existing base development consent D/2016/810 (as modified) must be modified to include the following text: *"and as altered under development consent D/2024/1027"*.
- (d) The following conditions of the existing base development consent D/2016/810 (as modified), must be replaced by the conditions set out in Schedule 1B of this consent:
- (i) Condition 4 (Restrictions on, and design of, Levels 1 and 2);
 - (ii) Condition 5 (Maximum Capacity of Persons);
 - (iii) Condition 7 (Compliance with Plan of Management);

- (e) The following conditions set out in Schedule 1C of this consent must be inserted into the existing base development consent D/2016/810 (as modified):
 - (i) Condition 12C (Noise – Amplified sound and the upkeep and operation of limiters);
 - (ii) Condition 12D (Noise – Structure borne impact on separate residential premise);
 - (iii) Condition 12E (Noise – Structure borne impact on separate commercial premise);
 - (iv) Condition 12F (Vibration);
- (f) Notice of such modifications shall be given to Council in accordance with Section 67 of *Environmental Planning and Assessment Regulations 2021*, prior to issue of an Occupation Certificate pursuant to this consent.

(5) MODIFICATION OF DEVELOPMENT CONSENT D/2022/1055

- (a) Development consent D/2022/1055 (as modified), dated 16 December 2022, must be modified pursuant to Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979.
- (b) The following conditions of the existing base development consent D/2022/1055 (as modified), must be replaced by the conditions set out in Schedule 1D of this consent:
 - (i) Condition 11 (Restrictions on, and design of, Levels 1 and 2);
 - (ii) Condition 24 (Maximum Capacity of persons);
 - (iii) Condition 29 (Plan of Management);
- (c) Notice of such modifications shall be given to Council in accordance with Section 67 of *Environmental Planning and Assessment Regulations 2021*, prior to issue of an Occupation Certificate pursuant to this consent.

(6) RELIANCE ON PREVIOUS DEVELOPMENT CONSENTS D/2016/810 AND D/2022/1055 (AS MODIFIED)

- (a) This development consent relies on, and must be read in conjunction with, the existing base development consents D/2016/810 and D/2022/1055 (as modified).
- (b) This consent is subject to compliance with all conditions of consent contained in existing base development consents D/2016/810 and D/2022/1055 (as modified, except as may be amended by this development consent).

Reason

To ensure the responsible operation of the premise.

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

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

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

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

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

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

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

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

Reason

To ensure development contributions are paid to address the increased demand for public facilities, amenities, and services in Central Sydney by a growing residential and workforce population.

(8) 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 \$8,547.59 (indexed at April 2025). This is calculated by establishing the sum of the equivalent monetary contribution \$11,646.80 multiplied by 1% of the total floor area for non-residential development (73.39sqm) and the equivalent monetary contribution \$11,646.80 multiplied by 3% of the total floor area for residential development (0sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2025 to 28 February 2026, 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 = $C \times MDP2 / MDP1$, 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 1 March 2025 to 28 February 2026.

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.

(9) 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)	\$2,358.21
Transport project component	Nil
Total housing and productivity contribution	\$2,358.21

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.

(10) COMPLIANCE WITH ACOUSTIC REPORT

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the Acoustic Report prepared by Pulse White Noise Acoustics Pty Ltd, dated 20 September 2024, titled 37-41 Oxford Street, Darlinghurst – Acoustic Assessment, Council Reference 2024/654624 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 approved supporting documentation that applies to the development.

(11) ADULT ENTERTAINMENT REQUIREMENTS

Prior to the issue of an Occupation Certificate, the Principal Certifier must be satisfied that the premises meets the design and signage requirements and relevant, health, safety and security standards under Section 4.4.6 "Sex industry premises and adult entertainment" section under the Sydney DCP 2012, including:

- (a) The reception and waiting room must be separate from working rooms and staff areas.
- (b) Alcoves and other entrapment spaces are not permitted within the building.
- (c) Staff facilities including adequate toilets, hand basins, dressing rooms, soaps, showers, lockers, a rest area with seating, lighting and CCTV surveillance must be provided.

- (d) The design of private performance areas and performance rooms are to include secured entry, controlled access and a duress alarm system linked to a central base monitored at all times.

Reason

To ensure the restricted premises design accords with relevant controls under the Sydney DCP 2012.

(12) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the original fabric of the existing building which is listed as a heritage item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be installed with minimal impact to heritage fabric and significant spaces. Where possible new services are to use existing service runs.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The new windows and doors on the existing building must match the original material, which is timber joinery and steel-framed.
- (g) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.
- (h) New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties unless otherwise approved.

Reason

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

(13) MATERIALS FOR MAKING GOOD

All new repairs and works for making good of existing building fabric are to match the existing in regard to materials, colours, finishes, sizes, profile and properties.

Reason

To ensure appropriate materials and finishes are used.

(14) NOISE – INSTALLATION, SETUP, TESTING AND CALIBRATION OF LIMITERS PRIOR TO AN OCCUPATION CERTIFICATE

Prior to the issue of an Occupation Certificate, a suitably Qualified Acoustic Consultant* is to provide a Noise Limiter/s Verification Report to the written satisfaction of the Principal Certifying Authority that the development complies with the requirements set out as follows, and any relevant requirement in the COMPLIANCE WITH THE ACOUSTIC REPORT condition:

- (a) All sound amplification equipment in the premises must be controlled by a Root Mean Square (RMS) noise limiter with an attack time constant not exceeding 0.5 seconds, release time constant not less than 1 second and a compression ratio equal of at least 20:1. The limiter shall be set by a suitably qualified acoustic consultant* as per the manufacturer's specification. The consultant must ensure that resultant amplified sound complies with the Council's criteria for entertainment noise.
- (b) All Limiters and all post-limiter equipment including power amplifiers must be tamper proof and only operable by the acoustic consultant, a licensee and business owner who must keep a completed report on the premises.
- (c) This report must certify that limiter/s were installed, tested and calibrated so amplified noise will comply with the NOISE – ENTERTAINMENT Condition. The report will be prepared in accordance with and provide detail on the following requirements:
 - (i) An initial calibration of the operation of the limiter with the sound amplification equipment is to be undertaken. This assessment must include setting of the amplification system in addition to a documented overview of the system so that compliance is achieved with the noise criteria as referenced in parts (a) to (c) above.
 - (ii) Limiter settings and subsequent equipment must be benchmarked at the time of the above operational assessment. Pink noise and a swept sine wave signal must be fed into the amplification system and the level of the noise increased until the limiter operates continuously to comply with criteria. The LAeq, LA1, LCEq and LC1 (1/1 octave bands - 31.5 Hz to 8 kHz centre frequencies) levels must be measured at suitable relevant reference location/s in the premises, with the premises empty other than essential staff. Correlating LAeq/LA1 and LCEq/LC1 measurements must be taken at identified nearby noise sensitive receivers during this process.
 - (iii) Music must then be played through the sound system(s) with the limiter(s) in continuous operation to verify the limiters work correctly and meet noise criteria at the locations detailed above.
 - (iv) The report will address the limiter installed within the premises (including but not limited to its brand, type specifications and location) including the noise control levels the limiter was set to (including a copy of the software configuration file for any digital signal processing device used). Furthermore, all post limiter equipment will be photographed, documented and catalogued in the report including location on a layout drawing.

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

Reason

To protect the acoustic amenity of surrounding properties.

(15) ACOUSTIC TREATMENT OF NEW ADDITION

- (a) The new addition at the rear of the second floor is to be appropriately acoustically treated to ensure noise from the use of this space is not reasonably likely to exceed the noise criteria outlined in Part 3.18.1.1 of the Sydney Development Control Plan 2012. Any required acoustic treatment is to be implemented within the approved building envelope of the addition.
- (b) Prior to the issue of an Occupation Certificate, a letter from a Suitably Qualified Acoustic Consultant* confirming that the addition has been acoustically treated in accordance with (a) above is to be submitted for review and approval by Council's Area Planning Manager.

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

Reason

To protect the acoustic amenity of surrounding properties.

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

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

Reason

To ensure structural certification is undertaken.

(17) SIGNAGE NOT PROPOSED - SEPARATE DA REQUIRED

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

Reason

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

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(18) BUILDING WORKS COMPLIANCE WITH NCC – HERITAGE BUILDINGS

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

Reason

To ensure an appropriate heritage outcome.

(19) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS

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

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

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

Reason

To ensure the salvaging and reuse of traditional building materials.

(20) HERITAGE CONSERVATION WORKS – HERITAGE ITEM

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Urban Design and Heritage Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage significance including but not limited to the following: door and window joinery, glazing, hardware, street awning, roofing and painting.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.

- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building. Any departure from approved plans requiring additional demolition/chasing of significant fabric is to be discussed with City of Sydney Heritage Specialists for acceptance.
- (e) A schedule of site inspections at key points during construction (like after demolition, before covering significant fabric with new ceilings and floors and/or when design changes impacting significant fabric need to be implemented and required to be discussed with Council) is required to be submitted to City of Sydney for approval.
- (f) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.

Reason

To ensure the carrying out of appropriate heritage conservation works.

(21) USE OF HERITAGE CONSULTANT

A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project. Evidence and details of the above commission on the above terms are to be provided to Council's Area Planning Coordinator / Area Planning Manager prior to the commencement of work on site.

The heritage consultant must sign off the completed project and submit a final report to Council's Area Coordinator Planning Assessments / Area Planning Manager specifying how the heritage conditions are satisfied prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

Reason

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

(22) ADDITIONAL DESIGN DETAILS

Updated plans, elevations and sections, and, 1:20 scale minimum plans, elevation and section details which demonstrate high quality; design, integration with the heritage facade, detailing, and materiality and finishes of the following are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate. The details must show:

- (a) Retention of the existing wall portion/lintel on the boundary face over the top of the window/fire hydrant booster opening and the fire exit opening which aligns with the head of the new tenancy door. Recesses extending to the awning underside are not approved.
- (b) Fine steel framing to new glazed windows and doors to the Oxford Street frontage which is sympathetic to the heritage facade and existing entrance door design and detailing.
- (c) Fine steel framing and infill panel to the Fire Hydrant Booster Valve Cabinet to the Oxford Street frontage which is sympathetic to the heritage facade and existing entrance door design and detailing.
- (d) Existing awning pressed metal ceiling to be retained and repaired. Surface mounted conduit removed, and new sympathetic surface mounted lighting provided with fully concealed conduit.
- (e) Stair Connection of the addition/junction with the existing building on second floor including its walls and roof are to be wholly accommodated underneath the retained rear wall existing gutter
- (f) Metal wall cladding to addition including stair connection to be high quality vertical standing seam.
- (g) Box gutters to addition (including the stair connection junction) are to demonstrate:
 - (i) Provision of adequate falls, sumps and overflows
 - (ii) All downpipes fully concealed into the building design and wholly contained within the site
 - (iii) Box gutter width which enables easy trafficable access for servicing and maintenance (typically 500mm wide minimum)

The required information must include detailed material, finishing, spacing, dimensioned elemental sizing details, including sections demonstrating window reveals. The information submitted should show a level of detail equivalent to For Construction detailing.

Reason

To ensure high quality design details and interfaces with the public domain

(23) STRUCTURAL INDEPENDENCE OF ADDITIONS

All approved additions must be structurally independent and must not rely upon vertical or lateral support of the shared party wall with 35 or 43 Oxford Street.

Reason

To ensure the approved scope of works do not place additional structural loads on party walls or rely upon adjoining properties for structural support.

(24) STORMWATER AND DRAINAGE

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

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

Reason

To ensure stormwater and drainage meet relevant requirements.

DURING BUILDING WORK

(25) USE OF INTRUSIVE APPLIANCES – NOT APPROVED

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

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

Reason

To ensure the acoustic amenity of surrounding developments is maintained.

(26) ASBESTOS REMOVAL WORKS

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

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

Reason

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

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

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

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

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

Reason

To ensure relevant applications are made for construction works.

(28) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(29) HAZARDOUS AND INDUSTRIAL WASTE

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

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

Reason

To ensure hazardous/ industrial waste is managed appropriately.

(30) 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.

(31) 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.

(32) WORKS REQUIRING USE OF A PUBLIC PLACE

Where construction/building works require the use of a public place including a road or footpath, a separate application under Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

Reason

To protect the amenity of the public domain and obtain relevant approvals.

(33) 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 (e.g. 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.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(34) SIGNS - RESTRICTED PREMISES

Prior to the issue of an Occupation Certificate, a sign must be erected, displayed or exhibited at the restricted premises, to the satisfaction of the Principal Certifier.

- (a) The sign must not exceed 600 millimetres in height or width, and an area of 0.36 sqm, must not contain neon illumination, must not flash, and contains only:
 - (i) the words 'RESTRICTED PREMISES' in capital letters, 50 millimetres in height; and
 - (ii) the name of the person who conducts the business at the restricted premises or registered name of the business carried out at the restricted premises is required.
- (b) No more than one such sign is to be erected, displayed or exhibited.

Reason

To ensure the signage relating to the restricted premises accords with relevant controls under the Sydney DCP 2012.

(35) 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.

OCCUPATION AND ONGOING USE

(36) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(37) ANNUAL FIRE SAFETY FORM

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

Reason

To ensure annual checks on fire safety measures.

(38) 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.

(39) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed works can encroach onto the adjoining properties.

Reason

To ensure the proposed works do not encroach onto neighbouring properties.

(40) 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 ensure the proposed works do not encroach onto the public way.

Schedule 1B – Replacement conditions for Development Consent D/2016/810 (as modified)

(4) RESTRICTIONS ON, AND DESIGN OF, LEVELS 1 AND 2

- (a) No bed of any kind shall be installed at Level 1 and Level 2.
- (b) CCTV surveillance cameras complying with the design criteria in Condition 15 below shall be installed at the doorway to the stairway giving access to Levels 1 and 2 and within the stairwell between ground floor and Level 1 and between Level 1 and Level 2.
- (c) Windows to Levels 1 and 2 of the building shall have fixed blinds on the inside of the windows attached to the window frames in a reversible manner.
- (d) Design modifications to reflect this condition must be incorporated into the plans lodged for any Construction Certificate.

(5) MAXIMUM CAPACITY OF PERSONS

- (a) The maximum number of persons (including staff, patrons and performers) permitted in the premises at any one time is 319 persons.
- (b) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- (c) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details of the sign are to be submitted to Council's Health and Building Unit for approval prior to issue of a Construction Certificate.

(7) COMPLIANCE WITH PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management prepared by Planning Lab dated 25 November 2024 (TRIM Ref 2024/682156). In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

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.

Reason

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

Schedule 1C – Conditions to be inserted into Development Consent D/2016/810 (as modified)

(12C) NOISE – AMPLIFIED SOUND AND THE UPKEEP AND OPERATION OF LIMITERS

The report required by Condition 14 of Development Consent D/2024/1027 is to be kept on the premises at all times, signed and dated by the licensee and business owner. From this point forward the licensee and business owner must ensure the following:

- (a) The limiter/s and sound amplification system must be maintained and not tampered with. That unauthorised modifications are not made which are contrary to the report. Repairs and replacements may be made to the system as necessary with any like component but must not be capable of increasing the permitted noise amplification levels outlined in the report.
- (b) That additional amplification equipment must not be brought onsite which if used could cause cumulative entertainment noise (including amplified sound) from the development to exceed controls in this consent. This does not apply to:
 - (i) Equipment that is only used when routed through and controlled by the limiter/s, i.e. the limiters and amplified sound system on the premises are capable of receiving and controlling that equipment, and.
 - (ii) Such that use of the equipment must not cause amplified sound which exceeds the cumulative entertainment noise controls in this consent.

Reason

To protect the acoustic amenity of surrounding properties.

(12D) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE RESIDENTIAL PREMISE

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

- (a) LA1, Slow 15 minute \leq LA90, 15 minute dB(A).

Reason

To protect the amenity of surrounding properties.

(12E) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE COMMERCIAL PREMISE

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

- (a) LA1, Slow 15 minute \leq LA90, 15 minute +3 dB(A)

Reason

To protect the acoustic amenity of surrounding properties.

(12F) VIBRATION

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

Reason

To protect the amenity of surrounding properties.

Schedule 1D – Replacement conditions for Development Consent D/2022/1055 (as modified)

(11) RESTRICTIONS ON, AND DESIGN OF, LEVELS 1 AND 2

- (a) No bed of any kind shall be installed at Level 1 and Level 2.
- (b) CCTV surveillance cameras complying with the design criteria in Condition 15 below shall be installed at the doorway to the stairway giving access to Levels 1 and 2 and within the stairwell between ground floor and Level 1 and between Level 1 and Level 2.
- (c) Windows to Levels 1 and 2 of the building shall have fixed blinds on the inside of the windows attached to the window frames in a reversible manner.
- (d) Design modifications to reflect this condition must be incorporated into the plans lodged for any Construction Certificate.

(24) MAXIMUM CAPACITY OF PERSONS

- (a) The maximum number of persons (including staff, patrons and performers) permitted in the premises at any one time is 319 persons.
- (b) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- (c) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details of the sign are to be submitted to Council's Health and Building Unit for approval prior to issue of a Construction Certificate.

(29) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management prepared by Planning Lab dated 25 November 2024 (TRIM Ref 2024/682156). In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

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.

Reason

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