

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## CONDITIONS OF CONSENT

### SCHEDULE 1

#### PART A - GENERAL

##### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application Number D/2023/265 dated 31 March 2023 and the following drawings prepared by Tonkin Zulaikha Greer:

Drawing Number	Drawing Name	Date
A031	Existing Sections	03.11.23
A011 Rev 01	Basement Demolition Plan	03.11.23
A012 Rev 01	Ground Floor Demolition Plan	03.11.23
A013 Rev 01	First Floor Demolition Plan	03.11.23
A014 Rev 01	Second Floor Demolition Plan	03.11.23
A015 Rev 01	Roof Demolition Plan	03.11.23
A021 Rev 01	Demolition Elevations 01	03.11.23
A022 Rev 01	Demolition Elevations 02	03.11.23
A101 Rev 01	Basement Floor Plan	03.11.23
A102 Rev 01	Ground Floor Plan	03.11.23
A103 Rev 02	Level 1 Floor Plan	11.03.24
A104 Rev 02	Level 2 Floor Plan	11.03.24
A105 Rev 02	Level 3 Floor Plan	11.03.24
A106 Rev 02	Level 4 Floor Plan	11.03.24
A107 Rev 02	Level 5 Roof Top Plan	11.03.24
A108 Rev 02	Roof Plant Plan	11.03.24
A202 Rev 02	Kells Lane Elevation	11.03.24
A203 Rev 02	Langley Street Elevation	11.03.24

Drawing Number	Drawing Name	Date
A204 Rev 02	Foley Street Elevation	11.03.24
A301 Rev 01	Section 1	11.03.24
A302 Rev 02	Section 2	11.03.24
A303 Rev -0	Section 3	11.03.24
A201 Rev 01	Crown Street Elevation	03.11.23

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.

#### **(1A) STAGED CONSTRUCTION CERTIFICATES**

- (a) The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a Construction Certificate for each separate stage as outlined below:

Stage	Works
Stage 1	Early works (demolition, facade retention and basement excavation)
Stage 2	Main works (concrete structure, facade, major services)
Stage 3	Fit out (finishes, fixtures, infill walls)

#### **Reason**

To allow for the staging of works associated with separate Construction Certificates.

(Condition inserted – D/2023/265/A – 10 December 2024)

#### **(2) 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 \$298,740.42 (indexed at 12 June 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 (2673sqm).
- (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 1 March 2024 to 28 February 2025.

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

### Reason

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

### (3) 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	\$14,288.83
Community Facilities	\$13,463.57
Traffic and Transport	\$2,240.00

Stormwater Drainage	\$0.00
Total	\$29,992.40

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

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

Where:

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

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

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

$CPI_{\text{consent}}$  = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 137.7 for the March 2024.

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

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

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

### **Reason**

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

## **(4) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The level 3 eastern outdoor terrace and associated noise attenuation structures are to be deleted from the plans and replaced with a non-trafficable green roof.
- (b) The glazing to the level 3 performance space is to have a minimum acoustic performance of glazing assembly of R<sub>z</sub> 48 with a typical glazing system of DGU system comprising 12.5mm VLAM Hush glass + 150mm airgap + 10mm float/toughened glass and acoustic seals.

- (c) The level 3 performance space is to include a green room/ dressing room for performers with a direct path to the stage.
- (d) The areas shown as GL2 on the Foley Street, Langley Street and Crown Street elevations of the new addition are to be solid spandrel to break up the glazing extent of the tall window proportions.
- (e) The proposed metal louvres span along the Kells Lane elevation are to be broken up into 4 portions to align with the original window design intent.
- (f) Additional details of adequate waterproofing between the concrete slabs and the existing timber floors is required to demonstrate that the retained timber floor will not deteriorate by trapped moisture.
- (g) The steam room and Female WC on the ground floor plan are to be reconfigured so that the walls do not abut windows.
- (h) The following windows are to incorporate obscure glazing (GL3) to restrict overlooking:
  - (i) Ground level Kells Lane - Wgr.2, Wgr.3, Wgr.4, Wgr.5, Wgr.6, Wgr.7.
  - (ii) Level 1 Langley Street – L1 corner window at Foley/Langley Street, W1.14, 1.13, W1.12
  - (iii) Level 2 Langley Street – W2.14, W2.12
  - (iv) Level 3 Kells Lane – W3.1 and W3.2
  - (v) Level 4 Kells Lane – W4.1 and W4.2.

The modifications are to be submitted to and approved by Council's Area Coordinator or Area Planning Manager, prior to the issue of *the Stage 2* Construction Certificate.

### **Reason**

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

*(Condition amended – D/2023/265/A – 10 December 2024)*

## **(5) AMENDED PLAN OF MANAGEMENT REQUIRED**

- (a) An amended Plan of Management is required to be submitted for Council approval prior to issue of a *relevant* Construction Certificate. The Plan of Management must be amended to:
  - (i) be consistent with all conditions of consent including hours of operation, patron capacity, use etc.
  - (ii) include further details about the operation of the cabaret space on level 1 and the entertainment space on level 3. This will include the

nature and frequency of performances and how they will be ticketed/ attended and rolling programming.

**Reason**

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

*(Condition amended – D/2023/265/A – 10 December 2024)*

**(6) PLAN OF MANAGEMENT**

The use must always be operated / managed in accordance with the Plan of Management referred to in Condition 5. 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.

**(7) MODIFICATION OF DEVELOPMENT CONSENT D/2008/1595**

- (a) Prior to Occupation Certificate, development consent D/2008/1594 (as modified), must be modified pursuant to Section 4.17(1)(b) and (c) of the Environmental Planning and Assessment Act 1979.
- (b) The drawings set out in the following schedule shall be modified by the approved drawing A0102 Rev01 Ground Floor Plan dated 3.11.23 at Condition 1 (Approved Development) of this consent.

Schedule – plans to be replaced

Drawing Number	Architect	Date
DA 01	Eeles Trelease	20 May 2008
0818/CC03/P3	Eeles Trelease	06/05/2009
0818/CC05/P9	Eeles Trelease	21/12/2009
Floor Plan	Alexandra Webb	30 June 2010

- (c) Notice of such modifications shall be given to Council in accordance with Section 67 of the *Environmental Planning and Assessment Regulation, 2021* prior to the commencement of any works pursuant to this consent.

**Reason**

To ensure D/2008/1594 remains consistent with this consent.

## **(8) INTERNAL HOURS OF OPERATION**

The internal hours of operation are regulated as follows:

- (a) The base internal hours of operation must be restricted to between 10.00am and 10.00pm Monday to ~~Saturday~~ **Sunday** inclusive.
- (b) Notwithstanding (a) above, the use may operate between 7.00am and 10.00am and 10.00pm and 12 midnight for a trial period of 1 year from the date of issue of Occupation Certificate. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to [liquor@cityofsydney.nsw.gov.au](mailto:liquor@cityofsydney.nsw.gov.au). No alcohol is to be served prior to 10.00am.
- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council not less than 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 the Police.

### **Reason**

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

***(Condition amended – D/2023/265/B – 21 May 2025)***

## **(9) EXTERNAL HOURS OF OPERATION - ROOFTOP**

The external hours of operation are regulated as follows:

- (a) The base external hours of operation must be restricted to between 10.00am and 8.00pm Monday to ~~Saturday~~ **Sunday** inclusive.
- (b) Notwithstanding (a) above, the use may operate between 8.00am and 10.00am and 8.00pm and 10.00pm for a trial period of 1 year from the date of issue of Occupation Certificate. No alcohol is to be served prior to 10.00am.
- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council not less than 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 the Police.

### **Reason**

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

***(Condition amended – D/2023/265/B – 21 May 2025)***



## **(10) MAXIMUM CAPACITY OF PERSONS**

- (a) The maximum number of persons (including staff, patrons and performers) permitted in the premises at any one time is 851 persons.
- (b) Notwithstanding (a) above, the maximum capacity for the outdoor areas shall not exceed the maximum numbers below at any given time:
  - (i) The maximum capacity of the roof terrace is 40 patrons until 6pm and 60 patrons between 6pm and 10pm.
  - (ii) The maximum capacity of the pool and pool deck is 16 patrons between 7am and 6pm and 20 patrons between 6pm and 10pm.
- (c) The capacity for each area must not exceed the maximum numbers at any given time.
- (d) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- (e) 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 are to be provided to the satisfaction of the Accredited Certifier prior to issue of a *relevant* Construction Certificate and the Principal Certifier is to confirm compliance prior to the issue of an Occupation Certificate.

Note: Clause 73 of the *Environmental Planning and Assessment Regulation, 2021* requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- (i) entertainment venue,
- (ii) function centre,
- (iii) pub,
- (iv) registered club,
- (v) restaurant.

### **Reason**

To ensure the premises can safely accommodate patrons, staff and performers and safeguard the amenity of the surrounding neighbourhood.

*(Condition amended – D/2023/265/A – 10 December 2024)*

## **(11) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 62.150 (AHD) to the top of the plant and lift overrun and RL 59.355 (AHD) to the parapet of the new addition and RL 60.350 (AHD) to the top of the acoustic rooftop screen.

- (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.

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

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the use must not exceed 3.79:1 (1,956 square metres of gross floor area).
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

**Reason**

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

**(13) 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.

**(14) CULTURAL OR CREATIVE FLOOR SPACE**

- (a) A plan(s) showing the location of floorspace for cultural or creative purposes to the amount of 10% of gross floor area of the building resulting from the development (to a total of at least 195.6 square metres) is to be submitted to and approved by Council's Area Planning Manager prior to issue of ~~a~~ *the* Stage 2 Construction Certificate. The plan is to include:
  - (i) The 83.95 square metre Cabaret Room on level 1; and
  - (ii) The 111.65 square metre performance space on level 3.
- (b) The use of the Cabaret Room on level 1 and the performance space on level 3 are to be for live entertainment and music and performing arts.

**Reason**

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

*(Condition amended – D/2023/265/A – 10 December 2024)*

**(15) RESTRICTION ON FLOORSPEACE FOR A CULTURAL OR CREATIVE PURPOSE**

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant must be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act, 1919*. The Restriction on the Use of Land must be to the effect that the amount of Gross Floor Area of the building required by condition “Cultural or Creative Floor Space” above is to be used only for a “cultural or creative purpose” as defined in clause 6.60D of Sydney Local Environmental Plan 2012. The restriction is to be created appurtenant to Council and at no cost to Council.

**Reason**

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

**(16) ENTERTAINMENT VENUE**

- (a) A copy of the current development consent with the latest hours of operation must be kept in the premises and must be produced upon demand for inspection to any member of the Police Service, Council Officer or Special Investigator.
- (b) The approved signage indicating the capacity of the entertainment area(s) must be maintained at all times.
- (c) The essential fire safety measures must be maintained in accordance with the *Environmental Planning and Assessment Regulation, 2021*.
- (d) The Licensee or Manager on duty must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management must be responsible for the control of noise, loitering and litter generated by patrons of the premises and must ensure that people leave the premises and area in an orderly manner.
- (e) Unobstructed access must be provided and maintained to all exits at all times.

**Reason**

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

**(17) ASSOCIATED ROADWAY COSTS**

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

**Reason**

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

**(18) 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.

**(19) WASTE AND RECYCLING MANAGEMENT - GENERAL**

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

**Reason**

To ensure that waste and recycling is appropriately managed.

**(20) 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.

**(21) NO OBSTRUCTIONS**

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

**Reason**

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

## **(22) 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 the Amended Preliminary Public Art Plan (2024/184355), dated March 2024, the Sydney Development Control Plan 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 prior to issue of ~~any~~ *the relevant* 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 for further information at:

[publicartreferrals@cityofsydney.nsw.gov.au](mailto:publicartreferrals@cityofsydney.nsw.gov.au)

### **Reason**

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

*(Condition amended – D/2023/265/A – 10 December 2024)*

## **(23) VEHICLE FOOTWAY CROSSING**

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required, *prior to the issue of the Stage 2 Construction Certificate*.

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

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

**Reason**

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

*(Condition amended – D/2023/265/A – 10 December 2024)*

**(24) MATERIALS FOR MAKING GOOD**

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

**Reason**

To ensure appropriate materials and finishes are used.

**(25) REDUCTION OF RISING DAMP AND SALT ATTACK IN BUILDINGS CONSTRUCTED PRIOR TO 1920**

- (a) To avoid potential damage caused by rising damp and migrating salts the following is to apply to the ground floor.
  - (i) No concrete slab is to be laid directly on the ground within the building;
  - (ii) Expansion strips should be used in conjunction with external walls; and
  - (iii) External slabs must be set down from internal levels to improve cross ventilation.
- (b) The existing suspended timber floors are to be retained.

**Reason**

To avoid potential damage caused by rising damp and migrating salts.

**(26) WASTE AND RECYCLING MANAGEMENT - GENERAL**

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

**Reason**

To ensure that waste and recycling is appropriately managed.

## **(27) EXTERNAL LIGHTING**

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

### **Reason**

To clarify that consent has not been granted for the external floodlighting or illumination of the development.

## **(28) AIR CONDITIONERS GENERALLY**

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

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

### **Reason**

To ensure the visual impact of air conditioners is minimised.

## **(29) PARTITION WALLS**

Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

### **Reason**

To ensure an appropriate design outcome.

## **(30) 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.

## **(31) SIGNS - SEPARATE DA REQUIRED**

A separate development application for any proposed signs additional to those approved as part of this consent (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.

**(32) SIGNS/GOODS IN THE PUBLIC WAY**

No signs or goods are to be placed on the footway or roadway adjacent to the property.

**Reason**

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



## PART B – BEFORE THE ISSUE OF A *RELEVANT* CONSTRUCTION CERTIFICATE

(Heading amended – D/2023/265/A – 10 December 2024)

### **(33) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM**

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

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.
- (b) Include a drawing(s) that clearly shows:
  - (i) location of site boundaries and adjoining roads
  - (ii) approximate grades and indications of direction(s) of fall
  - (iii) approximate location of trees and other vegetation, showing items for removal or retention
  - (iv) location of site access, proposed roads and other impervious areas
  - (v) existing and proposed drainage patterns with stormwater discharge points
  - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
  - (i) timing of works
  - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
  - (iii) access protection measures
  - (iv) nature and extent of earthworks, including the amount of any cut and fill
  - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
  - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
  - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
  - (viii) frequency and nature of any maintenance program

- (ix) other site-specific soil or water conservation structures.

### **Reason**

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

### **(34) 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 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.

**(35) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO *THE RELEVANT* 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 Renzo Tonin and Associates, dated 4 November 2023, ref TN09901F01 Soho House Darlinghurst DA Acoustic Assessment (r2), titled Soho House Darlinghurst, Council Ref 2023/678645 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.

*(Condition amended – D/2023/265/A – 10 December 2024)*

### **(36) 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.

**(37) BICYCLE PARKING AND END OF TRIP FACILITIES**

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

Bicycle Parking Type	Number	Requirements
Staff/ Employee	13	Spaces must be a class 2 bicycle facilities
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	15	

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

**Notes:**

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the *Stage 2* 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.

*(Condition amended – D/2023/265/A – 10 December 2024)*

### **(38) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council's *Area Planning Manager* prior to a *Stage 1* 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.

*(Condition amended – D/2023/265/A – 10 December 2024)*

### **(39) INACCESSIBLE GREEN ROOFS**

- (a) A detailed green roof design including plans and details drawn to scale, and technical specification, by a qualified landscape architect, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of *the Stage 2* Construction Certificate. These documents must include:
  - (i) Location and details of existing and proposed services, walls, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (ii) Engineers report confirming structural capacity of building for proposed green roof loads.
  - (iii) Details of soil types and depth including any mounding.
  - (iv) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
  - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (vi) Green roof maintenance plan. This plan is to be complied with during occupation of the property, and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
  - (vii) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.
- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.

- (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.
- (d) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

**Reason**

To ensure that the inaccessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

*(Condition amended – D/2023/265/A – 10 December 2024)*

**(40) 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 *relevant* Construction Certificate being issued.

**Reason**

To ensure the provision of water efficient toilets.

*(Condition amended – D/2023/265/A – 10 December 2024)*

**(41) 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 *relevant* Construction Certificate being issued.

**Reason**

To ensure the provision of water efficient urinals.

*(Condition amended – D/2023/265/A – 10 December 2024)*

**(42) 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.



#### **(43) INTERNAL LIGHTING SYSTEM**

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

##### **Reason**

To ensure the provision of energy efficient lighting.

*(Condition amended – D/2023/265/A – 10 December 2024)*

#### **(44) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Deposit calculated on the basis of 123 square metres of asphalt/ concrete for the site frontages of Crown Street, Kells Lane, Langley Street and Foley Street 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~~ *the Stage 1* 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.

*(Condition amended – D/2023/265/A – 10 December 2024)*

#### **(45) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES**

The level difference between ground floor building levels and the adjacent public footpath must not exceed 1200mm. Detailed plans demonstrating compliance with this requirement must be submitted to and approved by Council as part of the Alignment Levels application prior to the issue of ~~a~~ *the Stage 1* Construction Certificate for any excavation, construction work or building work (whichever is earlier), excluding any approved preparatory or demolition work.

The following performance criteria must apply to the design of buildings and structures on the site:

- (a) All proposed habitable floor levels, ground floor levels and basement car park entry levels within the site must be set 500mm above design 1% AEP flood levels; and
- (b) Suitable freeboard protection must be provided to other basement access points such as stair wells, lift wells and pedestrian entry / exit points.

A design certification report for floor levels of buildings and structures must be submitted to the Registered Certifier prior to the issue of ~~a~~ *the Stage 1 Construction Certificate*.

#### **Reason**

To ensure appropriate levels are established.

*(Condition amended – D/2023/265/A – 10 December 2024)*

#### **(46) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the Langley Street frontage 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~~ *the Stage 1* 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.

*(Condition amended – D/2023/265/A – 10 December 2024)*

## **(48) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR**

Prior to the issue of ~~any~~ *the Stage 1* Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at:

<https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

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

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

### **Reason**

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

*(Condition amended – D/2023/265/A – 10 December 2024)*

## **(49) STORMWATER DRAINAGE DESIGN**

Prior to issue of ~~any~~ *the Stage 1* Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professional

must be submitted to and approved by the City's Public Domain Unit and must include:

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

This information is available for download from the City's website at:

<https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

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

#### **Reason**

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

*(Condition amended – D/2023/265/A – 10 December 2024)*

### **(50) STORMWATER ON-SITE DETENTION**

The requirements of Sydney Water with regard to the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the approval must be submitted to Council prior to issue of ~~any~~ *the Stage 1* Construction Certificate other than demolition.

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

#### **Reason**

To ensure the requirements of Sydney Water are complied with.

*(Condition amended – D/2023/265/A – 10 December 2024)*

### **(51) FLOOD PLANNING LEVELS**

The development must be constructed to comply with the recommended flood planning levels indicated in Table 1 of the report titled Flood Risk Management Assessment prepared by NORTHROP, Revision 4, Dated 15 March 2023.

Details must be submitted to the Registered Certifier prior to the issue of ~~any~~ *the Stage 2* 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.

*(Condition amended – D/2023/265/A – 10 December 2024)*

## **(52) DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition and preparatory works being granted or the issue of ~~any~~ *the* Stage 1 Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at:

<https://www.cityofsydney.nsw.gov.au/>

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

### **Reason**

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

*(Condition amended – D/2023/265/A – 10 December 2024)*

## **(53) 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 the 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 *relevant* 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 the food business comply with relevant standards.

*(Condition amended – D/2023/265/A – 10 December 2024)*

#### **(54) CONSTRUCTION AND FITOUT OF FOOD PREMISES**

The construction, fit-out and finishes of the 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](http://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](mailto:info@foodstandards.gov.au) or by visiting the website at:

[www.foodstandards.gov.au](http://www.foodstandards.gov.au)

##### **Reason**

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

#### **(55) FOOD PREMISES – ADDITIONAL MECHANICAL VENTILATION REQUIREMENTS**

- (a) The cooking appliances require an approved air handling system designed in accordance with *AS1668.1 - The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings* and *AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and must incorporate the following:
  - (i) The discharge exhaust air must be directed in a vertical, or near vertical direction above the roof, and
  - (ii) The cooking appliances must not burn any charcoal, wood or other solid fuel.
- (b) Details of the proposed system must be submitted to and approved by Council's Health and Building Unit in writing prior to the issue of a *relevant* Construction Certificate.

##### **Reason**

To ensure the cooking appliances comply with relevant standards and do not cause a nuisance or air pollution affecting neighbouring properties.

*(Condition amended – D/2023/265/A – 10 December 2024)*

#### **(56) COOKING EQUIPMENT – NO MECHANICAL VENTILATION**

- (a) Cooking must not commence until an air handling system, which complies with the requirements of Part F4.12 of the *National Construction Code (previously known as Building Code of Australia)* and *AS1668.2 - The Use*

*of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings* is approved, installed and operational.

Cooking is defined as the process of changing any food from raw to cooked by applying heat, and also includes the preparation of food using heat.

- (b) Use of a microwave, a sandwich press, a toaster or similar is permitted in accordance with the exemptions contained within *AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*.
- (c) The use of such equipment in (b) of this condition must not generate heated air, smoke, fumes, steam or grease vapours that is deemed by an enforcement and/or authorised officer of Council to be:
  - (i) Causing a nuisance to persons within or nearby the premises and/or building;
  - (ii) Causing air pollution as defined under the *Protection of the Environment Operations Act, 1997* or,
  - (iii) Not effectively removed from the food premises in accordance with the requirements of the *Australia New Zealand Food Standards Code*.

#### **Reason**

To ensure the cooking equipment complies with relevant standards and does not cause a nuisance or air pollution affecting neighbouring properties.

### **(57) 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.

### **(58) 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.

## **(59) WASTE STORAGE AREA**

- (a) To ensure the adequate storage and collection of waste from the 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 *relevant* 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 the food premises.

*(Condition amended – D/2023/265/A – 10 December 2024)*

## **(60) 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.

### **(61) 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 *relevant* 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.

(Condition amended – D/2023/265/A – 10 December 2024)

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

Prior to the issue of a *relevant* Construction Certificate, amended scale plans confirming the position of all sinks and hand wash basins within the food premises must be submitted to and approved by Council's Health and Building Unit. 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.

(Condition amended – D/2023/265/A – 10 December 2024)

**(63) 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 *relevant* 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.

(Condition amended – D/2023/265/A – 10 December 2024)

**(64) 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 *relevant* Construction Certificate.

**Reason**

To ensure adequate storage and collection of waste.

*(Condition amended – D/2023/265/A – 10 December 2024)*

**(65) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Registered Certifier prior to the issue of a *relevant* Construction Certificate.
- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

**Reason**

To ensure the ventilation complies with relevant standards.

*(Condition amended – D/2023/265/A – 10 December 2024)*

## **(66) MICROBIAL CONTROL IN WATER SYSTEMS**

The installation, operation and maintenance of water-cooling or warm water systems installed on the premises must comply with the following:

- (a) AS/NZS 3666:1:2011 - Air-handling and water systems of buildings-Microbial Control Part 1: Design, installation and commissioning.
- (b) AS/NZS 3666:2:2011 - Air-handling and water systems of building-Microbial Control Part 2: Operation and maintenance.
- (c) AS/NZS 3666:3:2011 - Air-handling and water systems of buildings-Microbial Control Part 3: Performance based maintenance of cooling water systems.
- (d) AS/NZS 3666:4:2011 – Air-handling and water stems of buildings-Microbial Control Part 4: Performance – based maintenance of air – handling systems (ducts and components).
- (e) Prior to the issue of an Occupation Certificate associated with the Cooling Water System the occupier of the premise at which the system is installed, must notify the Council in writing on the prescribed form, of the installation of all water-cooling tower systems within the premises under the Public Health Act 2010. Warm water systems other than hospitals (hospitals (which also includes nursing homes, declared mental health facilities, private health facilities) are exempt from notifying Council.

Notification forms are available on Council's website at:

[www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)

### **Reason**

To ensure water systems comply with relevant standards.

## **(67) MECHANICAL VENTILATION – ADDITIONAL ODOUR AND SMOKE CONTROLS**

A Professional Engineer (as defined in Volume One of the National Construction Code) (previously known as Building Code of Australia) must:

- (a) Prior to the issue of a *relevant* Construction Certificate, specify filtration and odour control systems as part of the proposed mechanical ventilation design and drawings (including specifications of the proposed mechanical kitchen exhaust ventilation system) to ensure that exhaust air can be discharged to the atmosphere in accordance with AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and will not cause a danger or a nuisance to occupants within the building, occupants of neighbouring buildings or members of the public; and
- (b) Certify the design in accordance with the *National Construction Code (previously known as Building Code of Australia)* and AS1668.2 - *The Use of Mechanical Ventilation and Air conditioning in Buildings*; and

- (c) Prior to the issue of any Occupation Certificate inspect the mechanical ventilation and filtration/odour control systems and certify that the system/s have been installed to the approved design; and
- (d) Certify the satisfactory performance of the installed system/s.

**Reason**

To protect the amenity of the surrounding area.

*(Condition amended – D/2023/265/A – 10 December 2024)*

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

Pursuant to Section 64 of the *Environmental Planning and Assessment Regulation, 2021*, where currently non-compliant, the whole of the existing building must be upgraded to comply with the performance requirements relevant to the following Parts of the Building Code of Australia:

- (a) Fire resistance - Part C1;
- (b) Fire resistance and stability – Part C2;
- (c) Compartmentation and separation - Part C3;
- (d) Protection of openings - Part C4;
- (e) Access and egress - Part D1;
- (f) Provision of escape - Part D2;
- (g) Construction of exits - Part D3;
- (h) Fire fighting equipment - Part E1;
- (i) Smoke hazard management (Performance Requirements) - Part E2;
- (j) Lift installations - Part E3; and
- (k) Visibility in an emergency, exit signs and warning systems - Part E4.

**Reason**

To ensure the works comply with relevant regulations, in particular for fire and safety.

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

A qualified practising registered structural engineer must provide structural certification to the Registered Certifier verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of the *Building Code of Australia* prior to a *relevant* Construction Certificate being issued. The proposed additional loads and/or

alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

### **Reason**

To ensure the existing structure can support the new loads.

*(Condition amended – D/2023/265/A – 10 December 2024)*

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

- (a) The Waste and Recycling Management Plan accompanying this Development Application has been approved by this consent (Reference 2023/163459).
- (c) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
  - (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.
  - (ii) Collection points for waste and recycling must be wholly located within the boundary of the development.
  - (iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments* 2018.
  - (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.
  - (v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading.
  - (vi) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

Note: The building manager/strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's policies, and best practice waste and recycling source separation.

## **UPON COMPLETION OF THE DEVELOPMENT**

- (d) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent

conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

**Reason**

To ensure that waste and recycling is appropriately managed.

**(71) ~~STRUCTURAL CERTIFICATION FOR EXISTING BUILDING ALTERATIONS AND ADDITIONS~~**

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

~~**Reason**~~

~~To ensure the existing structure can support the new loads.~~

*(Condition deleted – D/2023/265/A – 10 December 2024)*

**(72) 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 prior to a *relevant* 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.

*(Condition amended – D/2023/265/A – 10 December 2024)*

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

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

**Reason**

To ensure an appropriate heritage outcome.

**(74) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)**

Prior to a Construction Certificate being issued, an archival photographic recording of the contributory building 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.

**(75) REFLECTIVITY**

Prior to issue of the *relevant* Construction Certificate the Registered Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

**Reason**

To ensure the development does not result in adverse reflectivity impacts and to protect the amenity of the public domain.



**(76) INSTALLATION OF ARTWORK AND IMAGES ON SCAFFOLDING  
(DEMOLITION / CONSTRUCTION WRAPS)**

- (a) Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality and add visual and public art in the streetscape.
- (b) The artwork installation must be printed, installed and maintained in accordance with Council's *Guidelines for Hoardings and Scaffolding*. Details of the proposed installation must be submitted to and approved by Council prior to the issue of a construction certificate or work commencing.

Note: The scaffolding system on which a required artwork wrap is to be installed must be designed to safely and adequately accommodate and support the wrap mesh material on which the artwork is printed/displayed. This includes designing the scaffold to address potential increased wind loads that may be encountered in the locality.

**Reason**

To minimise adverse visual impacts on the locality.

## **PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK**

### **(77) HAZARDOUS MATERIALS SURVEY REQUIRED**

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

#### **Reason**

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

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

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
  - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
  - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);

- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

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

#### **Reason**

To ensure the necessary approval is obtained for temporary structures over a public road.

### **(79) PUBLIC DOMAIN WORK – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993**

Prior to the construction of any public domain works, *and prior to the issue of the Stage 2 Construction Certificate*, 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.

*(Condition amended – D/2023/265/A – 10 December 2024)*

### **(80) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD**

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council prior to the installation of such devices.

Note: Building maintenance unit means a power operated suspended platform and associated equipment on a building specifically designed to provide

permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation, 2017*).

**Reason**

To ensure appropriate approvals are sought for operating hoisting devices.

**(81) 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.

**(82) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS**

Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council's Urban Design and Heritage Manager / Area Coordinator Planning Assessments / Area Planning Manager. The report must explain how the retained building elements, such as building facades or chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

**Reason**

To ensure the preservation of the building elements that are proposed to be retained.

**(83) 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.

## **PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

### **(84) HOURS OF WORK AND NOISE**

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.

### **(85) 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.

## **(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) 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 *and prior to the issue of the Stage 2 Construction Certificate*.

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.

*(Condition amended – D/2023/265/A – 10 December 2024)*

## **(88) 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, *and prior to the issue of the Stage 2 Construction Certificate*.

## **Reason**

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

*(Condition amended – D/2023/265/A – 10 December 2024)*

### **(89) 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, *and prior to the issue of the Stage 2 Construction Certificate*. This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as *City of Sydney's Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights: Public Domain Design Code* and *Sydney Streets Technical Specification*. The documentation must be checked, accurate, and comply with specified requirements. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be for Construction issue and will be approved under Section 138 of the *Roads Act, 1993*.

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.

*(Condition amended – D/2023/265/A – 10 December 2024)*

### **(90) HOLD POINTS**

*Prior to the issue of the Stage 2 Construction Certificate and prior to an approval being issued for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works, a set of hold points will be provided by the City's Public Domain Unit in accordance with the City's Public Domain Manual and Sydney Streets Technical Specification. The list of hold point inspections will be included in the Public Domain works approval letter.*

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.

*(Condition amended – D/2023/265/A – 10 December 2024)*

**(91) STORMWATER DRAINAGE CONNECTION**

For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to approval being issued for the construction of public domain work, *and prior to the issue of the Stage 2 Construction Certificate.*

**Reason**

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

*(Condition amended – D/2023/265/A – 10 December 2024)*

**(92) PUBLIC DOMAIN LIGHTING RETICULATION**

Prior to the issue of any relevant approval for the construction of public domain works, *and prior to the issue of the Stage 2 Construction Certificate*, 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.

*(Condition amended – D/2023/265/A – 10 December 2024)*

### **(93) 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.

### **(94) 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.

### **(95) SURVEY**

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

#### **Reason**

To ensure the development does not encroach onto neighbouring properties.

**(96) 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.

**(97) VEHICLE CLEANSING**

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

**Reason**

To ensure sediment is not tracked onto the roadway.

**(98) 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.

**(99) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS – MINOR DEVELOPMENT**

Traditional building materials surplus to the project (including stone, bricks, timber joinery, doors, windows, stairs, chimney pieces etc) must not be scrapped and are to be carefully salvaged and transferred to an established dealer in second hand heritage building materials for recycling.

**Reason**

To ensure the salvaging and reuse of traditional building materials.

#### **(100) USE OF HERITAGE CONSULTANT**

- (a) 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 submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to commencement of work on site.
- (b) 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.

#### **(101) SYDNEY WATER CERTIFICATE**

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

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

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

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

##### **Reason**

To ensure the requirements of Sydney Water are met.

## **(102) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993*.

### **Reason**

To ensure mobile cranes are used appropriately.

## **PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

### **(103) 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.

### **(104) 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.

### **(105) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to any Occupation Certificate being issued, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. Waste is to be stored and collected from within the curtilage of the site at all times.

#### **Reason**

To ensure that waste and recycling is appropriately managed.

### **(106) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate:

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

**Reason**

To protect underground drainage system.

**(107) CONSTRUCTED FLOOR LEVELS**

A certification report prepared by a suitably qualified practitioner engineer (NPER) 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 Flood Risk Management Assessment prepared by Northrop (Revision 4) dated 15 March 2023.

**Reason**

To ensure the development achieves the required floor levels.

**(108) 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](http://www.cityofsydney.nsw.gov.au).

**Reason**

To ensure Council is notified of food business details.

**(109) 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, 1979*) that affect the external appearance of the building.

**Reason**

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

**(110) 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.

**(111) SURVEY CERTIFICATE AT COMPLETION**

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

**Reason**

To ensure the development does not encroach onto neighbouring properties.

## **PART F – OCCUPATION AND ONGOING USE**

### **(112) NO SPEAKERS OR MUSIC OUTSIDE**

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

#### **Reason**

To safeguard the amenity of the surrounding neighbourhood.

### **(113) LOADING SERVICE MANAGEMENT PLAN**

A Loading Management Plan, must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being granted. The Loading Management Plan will include a strategy for the management of all servicing of the site including delivery vehicles and waste collection and should include information such as arrivals to the site, the anticipated numbers of arrivals per week, time of day of the arrivals, length of stay, vehicle type etc. The Plan must include, but is not limited to, management of deliveries to prevent disruption to public streets. The Plan must identify how loading for all tenants in the building will be managed.

Once approved, this management plan must be provided to all tenants and external users.

#### **Reason**

To ensure appropriate management of deliveries to prevent disruption to public streets.

### **(114) TRANSPORT ACCESS GUIDE**

A Transport Access Guide must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times. The following information shall be submitted to and approved by Council prior to the issue of an Occupation Certificate for the site/use:

- (a) A Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes.
- (b) Information regarding lack of off-street car parking and passenger pickup and setdown areas at the development site.
- (c) Suitable nearby drop off/pickup locations.
- (d) Identify areas where drop off/pickup is prohibited and instruct visitors to avoid use of these areas.

- (e) Suitable nearby Taxi Zones.
- (f) Public Transport options adjacent to the site.
- (g) Pedestrian access to the site.
- (h) Bicycle Parking and cycleway networks to the site.
- (i) Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

### **Reason**

To ensure staff, clients, customers and visitors are aware of all transport options to access the site.

### **(115) SURVEILLANCE CAMERAS – HIGH RISK**

- (a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:
  - (i) principal entrance/s and exits;
  - (ii) all areas within the premise occupied by the public (excluding toilets);
  - (iii) staircases in multilevel premises; and
  - (iv) the area within a 10 metre radius external to the public entrance(s) to the premise.
- (b) Suitable and clearly visible signage must be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words “Closed Circuit Television in use on these premises”.
- (c) All CCTV recording equipment and cameras must be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera must be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be auto recorded on the disc or hard drive. The CCTV recording equipment must be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Stored digital copies of CCTV recordings must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras must be checked daily to ensure the equipment is operating correctly. The Licensee must record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered

at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.

- (f) All CCTV recording devices and cameras must be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- (g) The CCTV recording device must be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

**Reason**

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

**(116) COPIES OF CONSENTS AND MANAGEMENT PLANS**

A full and current copy of all current development consents for the operation of the licensed premises, and the Plan of Management must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

**Reason**

To ensure all relevant approved documents are available on-site upon request.

**(117) REMOVAL OF GLASS**

Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises (except from any approved bottle shop area) or approved outdoor dining area included in the boundaries of the licensed premises.

**Reason**

To reduce waste generation within the public domain and to safeguard the amenity of the surrounding neighbourhood.

**(118) NOISE FROM GLASS REMOVAL**

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

**(119) NEIGHBOURHOOD AMENITY**

- (a) Signs must be placed in clearly visible positions within the licensed premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage must be in bold letters not less than 25mm in height on a contrasting background.
- (b) The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

**(120) CESSATION OF SERVICE**

The premises may be open for business only between the operating hours in condition 7 above. The operator must cease providing food /alcohol/entertainment at the premises 15 minutes before the required closing time.

**Reason**

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

**(121) INCIDENTS – RECORDING AND NOTIFICATION**

The manager/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

**Reason**

To safeguard the amenity of staff, patrons and the surrounding neighbourhood.

**(122) DELIVERY VEHICLES**

Deliveries associated with the site that involve the movement of vehicles, must only occur between the hours of 7am and 6pm.

**Reason**

To ensure deliveries to the site do not adversely impact on local traffic movements.

### **(123) WASTE/RECYCLING COLLECTION - COMMERCIAL**

- (a) Waste storage and the collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.
- (c) Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

#### **Reason**

To ensure that waste and recycling is appropriately managed.

### **(124) 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.

### **(125) 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.

### **(126) QUEUING**

The manager/licensee must ensure that a clear footway width 1m is maintained at all times along all footpaths immediately adjoining the premises. Patrons waiting to enter the premises must queue along the immediate frontage of the premises. The queue must not obstruct any fire exit of any building or entrance to any other premises.

#### **Reason**

To safeguard the amenity of the surrounding neighbourhood.

## (127) 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.

**(128) NOISE – INSTALLATION, SETUP, TESTING AND CALIBRATION OF LIMITER/S, 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 PRIOR TO RELEVANT CONSTRUCTION OR OCCUPATION CERTIFICATES 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  $L_{Aeq}$ ,  $L_{A1}$ ,  $L_{Ceq}$  and  $L_{C1}$  (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  $L_{Aeq}/L_{A1}$  and  $L_{Ceq}/L_{C1}$  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 of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

**Reason**

To protect the acoustic amenity of surrounding properties.

*(Condition amended – D/2023/265/A – 10 December 2024)*

**(129) CROWN STREET AND FOLEY SHOP FRONTS**

- (a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- (b) The ground floor reception windows and the associated internal casement windows to Crown and Foleys Streets are to be transparent with full visibility through both elements. Any artwork is not to obscure visibility more than 20% to each window.
- (c) Security roller shutters must not be installed on the outside of the shop front. Any security grill is to be a dark recessive colour, located on the inside of the shop front, must be an open grille / see through and not a solid metal type. Details are to be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.
- (d) No flashing signage visible from the public way shall be installed.
- (e) The approved layout must not be altered, without the prior approval of Council, where it would result in the shopfront being obscured in any way.

**Reason**

To ensure an appropriate presentation to the public domain.

**(130) 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.

**(131) OPERATIONAL NOISE**

- (a) Appropriate attended noise monitoring must be undertaken by a suitably qualified acoustical consultant\* during operation of the premises at 3

months and 12 months following the commencement of use. The acoustic consultant must verify noise emanating from the premises, at the nearest residential receiver, does not exceed the noise criteria detailed in Condition 127 "Noise Entertainment".

- (b) An acoustic report detailing the results of monitoring undertaken should be submitted to the Council's Area Planning Manager within 7 days after monitoring has taken place.
- (c) Where noise is found to exceed the noise criteria, the acoustic report must recommend further measures to ensure compliance with the criteria. Evidence that these measures have been implemented must be provided to 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 of member) or the Association of Australasian Acoustical Consultants (grade of member firm). With respect to (i), in selecting a consultant, the proponent may wish to consider previous relevant experience of the consultant.

### **Reason**

To ensure the acoustic amenity of the surrounding area is reasonably maintained.

## **SCHEDULE 2**

### **PRESCRIBED CONDITIONS**

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation, 2021* apply:

- Clause 69      Compliance with *National Construction Code (previously known as Building Code of Australia)* and insurance requirements under the *Home Building Act, 1989*
- Clause 70      Erection of signs
- Clause 71      Notification of *Home Building Act, 1989* requirements
- Clause 72      Conditions relating to entertainment venues
- Clause 73      Conditions relating to maximum capacity signage
- Clause 74      Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 2 conditions of the *Environmental Planning and Assessment Regulation, 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>.