

Attachment A

Recommended Conditions of Consent

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/14 dated 4 January 2024 and the following drawings prepared by Basalt Studio:

Drawing Number	Drawing Name	Date
A00 Issue A	Cover Page	28 Nov 23
P01 Issue A	Proposed Plan	28 Nov 23
P03 Issue A	Electrical Plan	28 Nov 23
E01 Issue A	Shopfront Elevation	28 Nov 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 drawings will prevail.

Reason

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

(2) TIME LIMITED CONSENT

The mural must be removed, and the building facade reinstated within a period of 10 years from the date of this consent. If any artwork is to be retained after this period, a Section 4.55 application is to be lodged with Council before the expiration of the consent.

Reason

To restrict the time the artwork is displayed on the building to a period where it will remain in good condition.

(3) PUBLIC ART

The following conditions apply in relation to the approved mural:

- (a) Final artwork drawings including a detailed drawing of lighting, must be submitted to the City's satisfaction and approved by Council's Area Coordinator / Area Planning Manager prior to installation of the mural.
- (b) Details including:
 - (i) ownership and ongoing maintenance of the mural as the sole responsibility of the building owner;
 - (ii) anticipated required maintenance and contact details of persons responsible for maintenance of the mural;
 - (iii) confirmation of the artwork lifespan as 10 years as per the Plan of Management

must be confirmed in writing by way of an updated Plan of Management and submitted to the City's satisfaction and approved by Council's Area Coordinator / Area Planning Manager prior to installation of the mural.
- (c) The artwork must not involve the display of an advertisement.
- (d) Public art must be in accordance with the Sydney DCP 2012 the Public Art Policy, and the Interim Guidelines: Public art in private developments.
- (e) Prior to the installation of any new artwork in this location other than the content already approved, separate development consent must be obtained.
- (f) Public artwork must be installed to the City's satisfaction and approved by Council's Area Coordinator / Area Planning Manager prior to the issue of any Occupation Certificate.

Reason

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

BUILDING WORK DURING BUILDING WORK

(4) COVERING OF LOADS

All vehicles 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.

(5) 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.

(6) 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.

(7) HOURS OF WORK AND NOISE – CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, 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.

ONGOING USE

(8) PLAN OF MANAGEMENT

The artwork must be managed in accordance with the Plan of Management submitted to satisfy Condition (2)(b) above. 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.

(9) MURAL ILLUMINATION

- (a) At no time is the intensity, period of intermittency and hours of illumination of the mural to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with AS4282-2019 Control of Obtrusive Effects of Outdoor Lighting.
- (b) The mural must not flash, pulsate or flicker.
- (c) The maximum nighttime luminance of the mural is not to exceed 300 cd/sqm.
- (d) Upward facing light sources onto the mural are not permitted.
- (e) Dimming control devices are to be provided to allow future reduction of luminous intensity if directed by Council.

Reason

To protect the amenity of the locality.