

Attachment A

Recommended Conditions of Consent
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CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2017/1399 dated 12 October 2017 and the following drawings prepared by Studio DOT:

Drawing Number	Revision	Drawing Name	Date
DA3102	M	Proposed lower ground level plan	23.04.2018
DA3103	M	Proposed ground level plan	23.04.2018
DA3104	M	Proposed first level plan	23.04.2018
DA3105	M	Proposed second level plan	23.04.2018
DA3106	M	Proposed roof plan	23.04.2018
DA3200	M	South elevation	23.04.2018
DA3201	M	East elevation	23.04.2018
DA3202	M	North elevation	23.04.2018
DA3203	M	West elevation	23.04.2018
DA3300	M	Section A-A	23.04.2018
DA3301	M	Section B-B	23.04.2018
DA3302	M	Section C-C	23.04.2018
DA3303	M	Section D-D	23.04.2018
DA3304	M	Section E-E & view line reference	23.04.2018

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.

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) All openings to the building shall be no less than 0.3m above the surrounding gutter invert at Bettington Street and Rodens Lane.

- (b) Details of proposed balustrades, gates, privacy screens and awnings are to be submitted at a scale of 1:20 and include specifications of materials and colours.
- (c) North facing courtyards and decks (terraces) are to have perimeter planters and full height privacy screens / louvres for sun shading and privacy.

The modifications are to be submitted to and approved by Council's Director City Planning prior to the issue of any Construction Certificate.

(3) LETTERBOXES

- (a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.
- (b) Letterboxes are to be discreetly located, shall not obstruct and/or dominate the public way and shall be of a type and specification that minimises opportunities for mail theft.
- (c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

Note: The applicant is strongly advised to contact Australia Post to discuss how the letterboxes within the lobby will be accessed.

(4) EXTERNAL WALLS AND CLADDING FLAMMABILITY

The external walls of the building including attachments must comply with the relevant requirements of the *National Construction Code (NCC)*. Prior to the issue of a Construction Certificate and Occupation Certificate the Principal Certifier must:

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

(5) MATERIALS AND SAMPLES BOARD

A materials sample board detailing all proposed finishes must be submitted to and approved by Council's Director, Planning, Development and Transport prior to any Construction Certificate being issued.

(6) BUILDING HEIGHT

- (a) The height of the building must not exceed RL27.50 (AHD) to the top of the building.
- (b) Prior to any 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.

(7) SECTION 61 CONTRIBUTIONS PAYABLE - COST SUMMARY REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the *City of Sydney Act 1988* and the *Central Sydney Development Contributions Plan 2013* in accordance with the following:

- (a) Prior to any Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney - Cost Summary Report" indicating the itemised cost of the development must be completed and submitted to Council by the Certifying Authority (CA) together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney - Cost Summary Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, *Building Code of Australia* compliance works, replacement of existing materials, fixtures and fittings, construction

related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.

- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to confirm the amount payable, prior to payment.

(8) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations, and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- (c) All conservation and adaption works are to be in accordance with the Articles of the Australia ICOMOS Burra Charter 1999.
- (d) Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works to the buildings.
- (e) New services are to be installed with minimum intervention to significant fabric and spaces.

(9) MAKING GOOD TO EXISTING BUILDING

All new internal and external finishes and works of making good to the terrace at 60 Bettington Street shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.

(10) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to any Construction Certificate being issued, an archival photographic recording of the existing buildings and site of 60 - 62 Bettington Street is to be prepared. A copy is to be submitted to Council and the NSW Heritage Council and prepared to the satisfaction of Council's Area Planning Manager. The recording is to be in a digital format, and prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture".

The form of the recording is to include the following:

- (a) An A4 report, submitted in PDF format created directly from the digital original. The report is to include:

- (i) Development Application number, project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
 - (ii) Location plans that clearly indicate the location and direction from which images were taken, and the image number.
 - (iii) Digital image catalogue sheets containing the following data for each image: Image file number, image number cross referenced to the location plan, image subject/description and date photograph taken.
 - (iv) 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.
- (b) Include electronic images taken with a minimum 8 megapixel camera, saved as TIF or JPEG files of a size of approximately 4-6 megabytes (MB). Each digital image is to be labelled so as to enable the cross reference to the digital image catalogue sheets and location plans.

NOTE: Choose only images that are necessary to document the place and avoid duplicate images.

- (c) The report and the images are to be submitted on a CD, DVD or USB disc.

(11) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to any Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to any Construction Certificate being issued for public domain work.

(12) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT – PUBLIC DOMAIN

Prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) 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.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to any Certificate of Completion being issued for Public Domain Works or before any Occupation Certificate is issued for the development, whichever is earlier.

(13) PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of any Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(14) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the *Surveying Act 2002*.

(15) PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to any Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to any Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in

respect of the development or before the use commences, whichever is earlier.

- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to any Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(16) PUBLIC DOMAIN WORKS – HOLD POINTS AND HANDOVER

- (a) Prior to any Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*.
- (b) Prior to any Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

(17) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

- (a) The drainage system is to be constructed in accordance with the City of Sydney's standard requirements as detailed in the City of Sydney's Stormwater Drainage Manual, as amended from time to time.

The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

- (b) Prior to the issue of any Occupation Certificate:

- (i) a Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (ii) A Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Principal Certifying Authority. The Works-as-Executed plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;
- (iii) A Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Principal Certifying Authority;
- (iv) Evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Principal Certifying Authority;
- (v) The Principal Certifying Authority must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.

(18) COMPLIANCE WITH THE CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

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

(19) 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 96 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*.

(20) LANDSCAPED AREAS

- (a) A detailed plan of the landscaped areas, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate. The plan must include:
 - (i) Location of existing and proposed structures, services and hard landscaping that may interrupt the waterproofing of both existing and proposed structural elements, including cross-sectional details of all components.
 - (ii) Location and details of proposed structures and vegetated areas (both deep ground and on-slab) adjacent to the existing heritage building and sandstone wall, including cross-sectional details of all components are to be provided to ensure the integrity of the heritage building and stonewall are not compromised.
 - (iii) Details of all earthworks including retaining walls and planter boxes. Detailed levels are to be shown to ensure adequate drainage within the development.
 - (iv) Details of planter box drainage and irrigation system, including overflow provision and water retention cells in the drainage layer.
 - (v) Details of the soil media/substrate type and depth. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers. Planter boxes are restricted to a maximum width of 800mm to permit anticipated installation and maintenance requirements.
 - (vi) Details of the location, sizes, densities and numbers of plants used with reference to NATSPEC, with preference to drought resistant, native species.
 - (vii) Details of the installation and maintenance methodology e.g. safety considerations for working at heights, location of maintenance hooks, etc.
 - (viii) Details of planting procedure and maintenance are to be noted on the drawings.
- (b) Prior to the issue of any Construction Certificate, the following details are to be submitted to and approved by the Principal Certifying Authority:
 - (i) Evidence the roof structure has been assessed as part of the structural certification provided for the development; and
 - (ii) Evidence the roof structure has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of any Occupation Certificate.
- (d) Prior to the issue of any Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy

of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:

- (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) Decommissioning procedures.
- (e) Inaccessible roof areas are required to remain inaccessible during occupation of the property.

SCHEDULE 1B

PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING

(21) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the whole building must be upgraded to comply with the following parts of the *Building Code of Australia* (BCA):
 - (i) Fire resistance and stability - Part C1;
 - (ii) Compartmentation and separation - Part C2;
 - (iii) Protection of openings - Part C3;
 - (iv) Provision for escape - Part D1;
 - (v) Construction of exits - Part D2;
 - (vi) Fire fighting equipment - Part E1;
 - (vii) Smoke hazard management - Part E2;
 - (viii) Visibility in an emergency, exit signs and warning systems - Part E4;
- (b) If compliance with the conditions listed in (a) above cannot be achieved through the deemed-to-satisfy pathway, an alternative solution in accordance with Part A0 of the BCA must be prepared and submitted to the Certifying Authority illustrating how the relevant performance provisions are to be satisfied, and must form part of the approval prior to any Construction Certificate being issued.

(22) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, Workcover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and Workcover document entitled How to manage and control asbestos in the work

place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.

- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

(23) 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) A separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).

- (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 is provided and maintained (Clauses 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 any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 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 2011*).

(24) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

(25) 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 Safe Work NSW 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.

(26) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

(27) PROTECTION OF STONE KERBS

- (a) The existing Trachyte/stone kerbs and gutter on **Rodens Lane frontage, and the Trachyte/stone kerbs on Bettington Street** of the site are to be retained and properly protected during 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. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(28) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 4.5 lineal metres of concrete paving footpath along Bettington Street site frontage, and 22.5 lineal metres of concrete footpath along Rodens Lane site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

(29) PUBLIC DOMAIN LIGHTING

- (a) Prior to any Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, *Sydney Streets Technical Specification* and *Public Domain Manual* and must include the following:
 - (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
 - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
 - (iii) Footing locations and structural details;
 - (iv) Location and details of underground electrical reticulation, connections and conduits;
 - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
 - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.

- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(30) 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.

(31) TREES APPROVED FOR REMOVAL

- (a) The one Cocos Palm located in the central courtyard is approved for removal. Tree removal must not occur until the Construction Certificate has been issued.
- (b) All tree removal works must be carried out by a qualified Arborist, with a minimum Level 3 AQF in arboriculture and in accordance with WorkCover's Code of Practice – Amenity Tree Industry.

(32) TREE PROTECTION DURING CONSTRUCTION

- (a) The row of Kentia Palms along the northern boundary must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites throughout all construction works at the site and the following:
 - (i) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds, must not occur within the garden area surrounding the Kentia Palms.
 - (ii) Excavation must not occur within 1 metre of the trunk of any Kentia Palm. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.

(33) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

(34) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to any Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the

approved Waste Management Plan must be implemented during construction of the development.

- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Policy for Waste Minimisation in New Developments 2005*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

(35) PHYSICAL MODELS

- (a) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

(36) 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 Council 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.

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(37) BASIX

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

(38) 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 Certifying Authority 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.

(39) SURVEY CERTIFICATE AT COMPLETION

A survey and report, prepared by a Registered Surveyor, must be submitted at the completion of the building work detailing the location of the building in relation to the boundaries of the allotment by offset measurements and confirming whether the new construction work lies completely within the boundaries of the land.

(40) ENCROACHMENTS – PUBLIC WAY

No portion of the structure proposed to be constructed, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area. This condition does not apply to balconies attached to the building that overhang Merriman Street.

(41) SYDNEY WATER APPROVAL

Prior to the issue of any Construction Certificate, the written consent of Sydney Water to the proposed works is to be obtained and submitted to the Principal Certifying Authority. The applicant is to comply with any conditions imposed by Sydney Water in relation to their consent.

(42) HAZARDOUS AND INDUSTRIAL WASTE

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

- (a) *Protection of the Environment Operations Act 1997*
- (b) *Protection of the Environment Operations (Waste) Regulation 2014*

- (c) *Waste Avoidance and Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2011.*

(43) 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.

(44) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 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 Unit, 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*.

(45) 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.

(46) EROSION AND SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) must be prepared and submitted for approval by the Principal Certifier and must be implemented in full during the construction period.

During the construction period;

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

(47) 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.

(48) STREET NUMBERING – SINGLE DWELLINGS/MINOR DEVELOPMENT

Prior to any Occupation Certificate being issued, a street number must be clearly displayed at in accordance with the *Policy on Numbering of Premises within the City of Sydney*. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

(49) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, 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) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(50) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

(51) 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 permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

SCHEDULE 1D

SUBDIVISION

(52) PRIOR STRATA PLAN

The strata plan of subdivision approved in this consent supersedes the strata plan of subdivision approved in Development Application D/2017/1250.

(53) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

A separate application must be made to Council or an accredited certifier to obtain approval of the Strata Plan and issue of a Strata Certificate under the *Strata Schemes Development Act 2015*.

(54) SYDNEY WATER CERTIFICATE – SUBDIVISION

Prior to the issue of a Strata Certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

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

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

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to a Strata Certificate being issued.

(55) RESTRICTION ON RESIDENTIAL APARTMENTS

A documentary Restriction on Use of Land is to be created over all residential lots in the Strata Plan, pursuant to Section 88B of the *Conveyancing Act 1919*, appurtenant to Council, in terms to the satisfaction of Council or the Strata certifier, requiring that the apartments contained within the affected lots are to be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like.

(56) ADDITIONAL EASEMENTS

Any additional easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*

Clause 98A Erection of signs

Clause 98B Notification of *Home Building Act 1989* requirements

Clause 98C Conditions relating to entertainment venues

Clause 98D Conditions relating to maximum capacity signage

Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3

TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by the NSW Heritage Council are as follows:

(57) APPROVED DEVELOPMENT

Development must be in accordance with:

- (a) Report entitled, Statement of Heritage Impact, Proposed Redevelopment of 62 Bettington street, Millers Point, prepared by AECOM, dated 28 September 2017, including architectural drawings, prepared by Studio Dot Architecture & Interiors, as listed in the table below.

Drawing No.	Title	Date	Revision
Project Name: Millers Point Development			
DA3001	Notes & Legends	23.08.17	G
DA3002	Site Analysis	23.08.17	G
DA3003	Site Plan	23.08.17	G
DA3004	FSR Calculations	23.08.17	G
DA3100	Existing Ground Level Plan	23.08.17	G
DA3101	Existing First Floor Plan	23.08.17	G
DA3102	Proposed Lower Ground Level Plan	23.08.17	G
DA3103	Proposed Ground Level Plan	23.08.17	G
DA3104	Proposed First Level Plan	23.08.17	G
DA3105	Proposed Second Level Plan	23.08.17	G
DA3106	Proposed Roof Plan	23.08.17	G
DA3200	South Elevation	23.08.17	G
DA3201	East Elevation	23.08.17	G
DA3202	North Elevation	23.08.17	G
DA3203	West Elevation	23.08.17	G
DA3300	Section A-A	23.08.17	G
DA3301	Section B-B	23.08.17	G
DA3302	Section C-C	23.08.17	G
DA3400	3D Views	23.08.17	G
DA3401	3D Views	23.08.17	G
DA3402	3D Montage	23.08.17	G
DA3403	3D Montage	23.08.17	G

DA3404	3D Montage	23.08.17	G
DA3500	Facade Diagrams	23.08.17	G
DA3501	Facade Diagrams	23.08.17	G
DA3502	Facade Materials	23.08.17	G
DA3600	Shadow Diagrams	23.08.17	G
DA3601	SEPP 65 Solar Compliance	23.08.17	G
DA3602	SEPP 65 Solar Compliance	23.08.17	G

- (b) Landscaping plans, prepared by Octopus Garden Design, drawing nos. DA 01 to 04, dated August 2017.

EXCEPT AS AMENDED by the following conditions of this approval:

(58) ARCHIVAL RECORDING

An archival recording of the affected elements shall be prepared prior to the commencement of works at the site, during works, and after the demolition of 62 Bettington Street, in accordance with the heritage publications *How to prepare archival* records of heritage items and Photographic Recording of Heritage Items using Film or *Digital Capture*. The original copy of the archival recording shall be submitted to the Heritage Division, Office of Environment and Heritage, and an additional copy provided to the City of Sydney.

Reason: to ensure changes to the place are documented for future reference.

(59) ROOF OF 58-60 BETTINGTON STREET

The proposed alterations to the roof of 58-60 Bettington Street, including removing the chimney, and replacing the corrugated galvanised steel with new materials, is not approved. A revised design that retains the existing roof shall be submitted for assessment and approval by the Heritage Council of NSW or delegate with the section 60 application.

Reason: to minimise physical and visual impacts.

(60) NORTH ELEVATION OF THE REPLACEMENT BUILDING AT 62 BETTINGTON STREET

The design of the north elevation of the replacement building at 62 Bettington Street is not approved. A revised design that maintains the existing footprint and current envelope of the balconies, so they are not visually intrusive, shall be submitted for assessment and approval by the Heritage Council of NSW or delegate with the section 60 application.

Reason: to ensure the replacement is compatible with the character of the Millers Point area.

(61) SCHEDULE OF EXTERIOR FINISHES 44-48 MERRIMAN STREET AND 56-60 BETTINGTON STREET TERRACES (SHR 00903 & 00922)

A detailed exterior schedule which interprets the significant (Victorian) period of construction of the terrace group, shall be submitted for assessment and approval by the Heritage Council or delegate with the section 60 application.

Reason: To minimise visual impacts and to ensure works are sympathetic.

(62) SPECIALIST TRADESPERSONS

All work shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage items

(63) HERITAGE CONSULTANT

A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design and supervise the works to minimise impacts to heritage values. The nominated heritage must be consulted prior to the selection of appropriate tradespersons, and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

(64) SITE PROTECTION

Significant elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

(65) HISTORICAL ARCHAEOLOGICAL RELICS

- (a) All works shall be in accordance with an approved research design and methodology outlined in the Report titled 'Statement of Heritage Impact, Proposed Redevelopment of 62 Bettington street, Millers Point', prepared by AECOM, dated 28 September 2017, except as amended by the following conditions:
 - (i) The Heritage Council of NSW or its Delegate must be informed in writing of the start of the archaeological investigation at least five (5) days prior to the commencement of, and within five (5) days of the completion of on-site archaeological work.
 - (ii) The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in the above report, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
 - (iii) The Applicant must ensure that an appropriately qualified Excavation Director is present at the site supervising all excavation activity likely to expose relics. That person may be supported by a

secondary excavation director. The proposed Excavation Director/s must to be identified in a Section 60 Application.

- (iv) The Applicant must ensure that the nominated Excavation Director and secondary excavation director, take adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This work must be undertaken in accordance with the NSW Heritage Office guidelines, 'How to Prepare Archival Records of Heritage Items' (1998) and 'Guidelines for Photographic Recording of Heritage Items' (2006).
- (v) The Applicant is responsible for the safe-keeping of any relics recovered from the site. The Applicant must ensure that the nominated Excavation Director and secondary excavation director, or a suitably qualified specialist, cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance.
- (vi) The Applicant must ensure that a final excavation report is prepared by the nominated Primary Excavation Director, within one (1) year of the completion of the field based archaeological activity unless an extension of time or other variation is approved by the Heritage Council of NSW. Further copies of the report should be lodged with the local library and/or another appropriate local repository in the area in which the site is located.

Reason: These conditions are to manage any archaeological remains during and following works at this site.

(66) ABORIGINAL OBJECTS

Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act, 1974* (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act, 1974*.

(67) COMPLIANCE

If requested, the Applicant and nominated Heritage Consultant may be required to participate in audits of Heritage Council approvals to confirm compliance with conditions of consent.

Reason: To ensure completion of the works in accordance with the approved plans and to improve the approvals process through a better understanding of the implementation.

(68) SECTION 60 APPLICATION

An application under section 60 of the *Heritage Act 1977* must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

(69) RIGHT OF APPEAL

If you are dissatisfied with this determination, section 70 of the *Heritage Act 1977* gives you the right of appeal to the Minister for Heritage or, in the case of the determination of an application for approval, or application for modification of an approval, in respect of integrated development, to the Land and Environment Court.

ADVICE

Your attention is drawn towards the powers of entry and inspection under s.148 of the Heritage Act 1977 for authorised persons. If entry and inspection are required, reasonable notice will be provided as per the Act. The owner could voluntarily agree to allow non-authorised persons, such as Heritage Division (Office of Environment and Heritage) staff who are acting in a supporting role to the authorised persons, to enter their property for the purpose of inspection. Owners may also voluntarily grant permission to take photograph, take samples or request records.

Reason: Section 148 of the Heritage Act 1977, allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection of conditions of approval.