

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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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/2017/1700 dated 8 December 2017 and the following drawings prepared by Eco.factor architects:

Drawing Number	Drawing Name	Date
DA-01 Rev 02	Site Plan	19.04.2018
DA-02 Rev 03	G/F Floor Plan	06.04.2018
DA-03 Rev 03	1/F Floor Plan	06.04.2018
DA-04 Rev 03	2/F Floor Plan	06.04.2018
DA-05 Rev 07	Roof Floor Plan	19.04.2018
DA-06 Rev 05	North East Elevation	19.04.2018
DA-07 Rev 06	South West Elevation	19.04.2018
DA-08 Rev 04	South East Elevation	19.04.2018
DA-09 Rev 04	North West Elevation	19.04.2018
DA-10 Rev 04	Section	19.04.2018

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) RESTRICTION ON STRATA SUBDIVISION

In accordance with the provisions of Clause 52 of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* and the *Sydney Development Control Plan 2012*, the boarding house must not be strata subdivided.

**(3) BOARDING HOUSE - USE AND OPERATION**

The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010, the Boarding Houses Act 2012 and regulations thereunder and the *Sydney Development Control Plan 2012 – 4.4.1*.

**(4) HOURS OF USE FOR COMMON AREAS**

- (a) Use of the common open space is not permitted between 10.00pm and 7.00am, the following day.
- (b) The doors to the common room are to be closed at all times between 10.00pm and 7.00am, the following day.

**(5) CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – SOUTH 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 Section 94 Contributions 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	\$72,879.65
Community Facilities	\$14,796.50
Traffic and Transport	\$11,903.80
Stormwater Drainage	\$4,707.16
Total	\$104,287.11

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 – 113.3 for December 2017.

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 or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

**(6) REMOVAL OF EXISTING VERTICAL PROJECTING SIGN**

- (a) The existing vertical projecting sign located at first floor level is to be removed from the King Street elevation of the building prior to the issue of an occupation certificate for the development.

**(7) DESIGN MODIFICATIONS**

- (a) A Lighting Plan for use of the roof top terrace is to be submitted for approval. Any lighting is to be minor in nature, contain any lighting spill within the site and no lighting structures are to be visible from the public domain.
- (b) The stove tops in boarding rooms 1.7, 1.9, 2.9 and 2.10 must be setback from the door opening to provide clearance from the full extent of the door opening.
- (c) All boarding rooms must provide refrigerators.

The above details must be submitted to Council's Area Planning Manager for approval prior to the issue of any Construction Certificate.

**(8) GROUND FLOOR FAÇADE**

Details of the ground floor façade including a sample of each material are to be submitted to the satisfaction of Council's Director City Planning prior to the issue of any Construction Certificate.

**(9) HANDRAIL TO HERITAGE STAIR**

Details of the proposed stainless steel handrail to the heritage stair affixed to the side of the lift shaft are to be submitted to the satisfaction of Council's Area Planning Manager prior to the issue of any Construction Certificate.

**(10) EXTERNAL PAINTING AND COLOUR SCHEME**

- (a) Repainting of surfaces intended for painting is to be based on documentary evidence, and/or historically appropriate colour schemes such as the City of Sydney's King Street and Encore Road Paint Scheme. Site investigations should be carried out by the nominated heritage consultant on the timber window framing and render entablature to determine to if any evidence of the original external colour scheme has survived.

- (b) Details of the external colour scheme, keyed to drawings, are to be prepared and submitted to the satisfaction of Council's Area Planning Manager prior to the issue of any Construction Certificate.

#### **(11) HERITAGE INTERPRETATION PLAN**

- (a) An interpretation plan for the site must be submitted to and approved by Council's Area Planning Manager, prior to any Construction Certificate being issued.
- (b) The interpretation plan must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts, early plans and photographs are some of the means that can be used.
- (c) The plan, must specify the location, type, materials, finishes and contents of the interpretation device proposed. It is to specifically address the interpretation of the retained lift car on the ground floor and the lifting equipment at the roof top level.
- (d) The plan is to be prepared by a suitably experienced heritage consultant or historian.
- (e) Prior to an Occupation Certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Area Planning Manager.

#### **(12) BICYCLE PARKING**

Bicycle parking is to be provided as shown on 2/F FLOOR PLAN DA-04 REV-03 (dated 8 April 2017) and 1/F FLOOR PLAN DA-03 REV-03 (dated 8 April 2017). An AS2890.3 compliant wall-mounted rack is to be provided.

Details must be submitted to and approved by the Certifying Authority confirming prior to any Construction Certificate being issued.

#### **(13) NOISE - GENERAL**

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
  - (i) The  $L_{Aeq, 15 \text{ minute}}$  noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW EPA Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
  - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment  $L_{A90, 15 \text{ minute}}$  / rating  $L_{A90, 15 \text{ minute}}$  process to be in accordance with the requirements for noise monitoring listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of

Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.

- (iii) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.
- (b) An  $L_{Aeq,15\text{ minute}}$  noise level emitted from the use must not exceed the  $L_{A90,15\text{ minute}}$  noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that;
  - (i) Where the  $L_{A90,15\text{ minute}}$  noise level is below the threshold of hearing,  $T_f$  at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of  $T_f$  corresponding to that Octave Band Centre Frequency shall be used instead.
  - (ii) The  $L_{Aeq,15\text{ minute}}$  noise level and the  $L_{A90,15\text{ minute}}$  noise level shall both be measured with all external doors and windows of the affected residence closed;
  - (iii) The relevant background noise level ( $L_{A90,15\text{ minute}}$ ) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the *NSW EPA Industrial Noise Policy* and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
  - (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
  - (v) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

#### **(14) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES**

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic reports prepared by Acoustic Dynamics & Ergon Consulting, **dated:** 7/9/17 & 14/9/17 , **report reference:** 4146R001.JC.170816 & Fatbox Technology Services Pty Ltd – Proposed Alterations, Additions and Change of Use of Existing Building to Proposed Boarding House – 206-208 King Street Newtown – Access Report (DA), **report title:** Road Noise Intrusion Assessment 206-208 King St, Newtown, NSW & Fatbox Technology Services Pty Ltd – Proposed Alterations, Additions and Change of Use of Existing Building to Proposed Boarding House – 206-208 King Street Newtown – Access Report (DA), **Council Ref:** 2017/620644 & 2017/ 620641 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of and (b) below and to the satisfaction of the certifying authority.

- (b) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the *Private Certifying Authority* 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 render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

#### **(15) 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*.

#### **(16) 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.

#### **(17) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building, including the timber structure, 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 building
- (e) New services are to be installed with minimum intervention to significant fabric and spaces.
- (f) Brickwork/stone must not be rendered, painted or coated.

**(18) MAKING GOOD TO EXISTING BUILDING**

All new internal and external finishes and works of making good shall match the existing original/significant work adjacent in respect of materials used, detailed execution and finished appearance.

**(19) USE OF HERITAGE CONSULTANT**

- (a) An experienced heritage consultant 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.
- (b) The heritage consultant is to inspect and advise on managing the implementation of the conservation works and heritage conditions of the approval during the program of works.
- (c) Evidence and details of the above commission on the above terms is to be provided to Council prior to the issue of any construction certificate or commencement of work on site, whichever is the earliest.
- (d) The heritage consultant must sign off the completed project and submit a final report for approval by Council's Area Planning Manager, prior to the issue of an Occupation Certificate. This report is to specify how the heritage conditions are satisfied, and outline the heritage advice given throughout the project, the decisions made during the project on heritage matters and on the completed works.

**(20) BRIEFING OF CONTRACTORS AND SUBCONTRACTORS**

All contractors and subcontractors involved in the construction works are to be briefed on the heritage significance of the existing building on site prior to the work commencing. This is to form part of the on-site induction program for all workers on the site.

**(21) HERITAGE CONSERVATION**

- (a) All new partitions on first and second floor are to be clear of the windows and their architraves.
- (b) Vegetation growing within the facade is to be carefully removed with a method that does not damage the brickwork, such as with the use of a biocide or similar.
- (c) The fibre cement sheet tiles to the roof top addition are to be set at 45 degrees to match the pattern of the existing cladding of the original lift motor room and be of similar dimensions.



- (d) The pressed metal ceilings are to be retained and conserved. As much of the conserved pressed metal lining system is to be made visible within the building. The pressed metal panels may be taken down temporarily for the purposes of conservation. This includes reshaping of pressed metal elements, the concentration of matching good panels if extensive damage is found to the pressed metal systems. Missing or highly damaged elements are to be replaced with matching pressed metal panels.

**(22) HEALTH DATABASE REGISTRATION**

The business is to be registered with Council's Health and Building Unit prior to the issue of an Occupation Certificate, or the issue of an interim occupation certificate. Registration forms are available on Council's website [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au) or by calling Council's Health Unit on 02 9265 9333.

**(23) PLAN OF MANAGEMENT**

The use must always be operated / managed in accordance with the Plan of Management, signed and dated 11 April 2018 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

**(24) 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 and the Security Management Plan must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

## **SCHEDULE 1B**

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

#### **(25) LANDSCAPED ROOFS**

- (a) A detailed plan of the roof terrace, 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 a Construction Certificate. The plan must include:
  - (i) A statement that includes details of proposed use of the roof terrace, general accessibility, as well as noise and privacy treatments.
  - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (iii) Access review report to ensure the rooftop terrace layout achieves equitable access and path of travel between fixtures (tables, benches, coffee tables, sofa, skylights, planters) and compliance with Australian Standards
  - (iii) Details of earthworks including retaining walls and planter boxes.
  - (iv) Details of the location, sizes and numbers of plants used with reference to Australian Standards, with preference for drought resistant species.
  - (v) Details of the soil media/substrate type and depth.
  - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
  - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
  - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of any Construction Certificate, the following details are to be submitted to and approved by the Principal Certifier:
  - (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
  - (ii) Evidence the green roof 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 an Occupation Certificate.

- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifier. 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 green roofs are required to remain inaccessible during occupation of the property.

**(26) WASTE/RECYCLING COLLECTION**

The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

**(27) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted or a 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 a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

## **(28) PUBLIC DOMAIN DAMAGE DEPOSIT**

A Public Domain Damage Deposit, calculated on the basis of **approximately 31 lineal metres of concrete and 10 lineal metres of granite** 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 a 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 a 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) WORKS REQUIRING USE OF A PUBLIC PLACE**

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* is to be obtained from Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

### **(32) STREET TREE PROTECTION**

Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and truck at all times;
  - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,

- (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding [Tree Management Team to insert location of hoarding and affected trees] to protect branches during the construction works.
- (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

**(33) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)**

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Cause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of the Certifying Authority (Council or a private accredited certifier). A copy of the certificate must be submitted to Council if Council is not the CA.

**(34) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

**(35) 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 comply with the *Building Code of Australia* (BCA) including:
  - (i) Structural provisions - Part B1;
  - (ii) Fire resistance and stability - Part C1;

- (iii) Compartmentation and separation - Part C2;
- (iv) Protection of openings - Part C3;
- (v) Provision for escape - Part D1;
- (vi) Construction of exits - Part D2;
- (vii) Access for people with disabilities - Part D3;

Note: Compliance with the access provisions of Part D3 may necessitate design modifications prior to a Construction Certificate being issued.

- (viii) Fire fighting equipment - Part E1;
- (ix) Smoke hazard management - Part E2;
- (x) Lift installations - Part E3;
- (xi) Visibility in an emergency, exit signs and warning systems - Part E4;
- (xii) Sanitary and other facilities - Part F2;
- (xiii) Room heights - Part F3;
- (xiv) Light and ventilation - Part F4;
- (xv) Sound transmission and insulation - Part F5;
- (xvi) Air-conditioning and ventilation systems - Part J5;
- (xvii) Artificial lighting and power - Part J6;
- (xviii) Heated water supply - Part J7;
- (xix) Facilities for energy monitoring - Part J8;

- (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 a Construction Certificate being issued.

### **(36) 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.

### **(37) ANNUAL FIRE SAFETY STATEMENT FORM**

An **annual Fire Safety Statement** must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued.



**(38) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued.

**(39) ROAD OPENING PERMIT**

A separate Road Opening Permit under Section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

**(40) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT**

- (a) The drainage system is to be constructed in accordance with the City's standard requirements as detailed in the City of Sydney's Stormwater Drainage Manual, 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) Where a drainage system includes On-site Detention (OSD), the following requirements must be satisfied prior to the issue of any Occupation Certificate, including any Interim Occupation Certificate:
  - (i) A Positive Covenant must be registered on the title for all drainage systems involving OSD to ensure the 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 accepted by the Principal Certifier. 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 Certifier;
  - (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 Certifier;
  - (v) The Principal Certifier must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.

**(41) SYDNEY WATER CERTIFICATE (TAP-IN)**

- (a) The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's "Tap-in" online service is available at [www.sydneywater.com.au](http://www.sydneywater.com.au), (see Plumbing, Building & Development and then Sydney Water "Tap-in").
- (b) The Consent Authority or a Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

**(42) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.

UPON COMPLETION OF THE DEVELOPMENT

- (b) Prior to an 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 Management Plan; other relevant development consent conditions; and Council's *Policy for Waste Minimisation in New Developments 2005*.

**(43) 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.

**(44) BUILDING WORKS TO COMPLY WITH BCA – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA**

- (a) Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plans must not damage existing fabric and building features. If such upgrading works are likely to have an adverse impact on existing fabric and features, details of the works must be submitted and approved by Council's Area Planning Manager prior to issue of a Construction Certificate.

## SCHEDULE 1C

### DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

#### (45) 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.

#### (46) 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.

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 96 of the *Environmental Planning and Assessment Act 1979*.

#### (47) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

#### (48) 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 the 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.
- (d) 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 must be obtained.

**(49) 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.

**(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 operations warranting the on-street use of mobile cranes (such as delivery of materials, hoisting of plant/equipment, erection and dismantling of onsite tower cranes, etc), 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) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

## 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>

## IMPORTANT ADDITIONAL INFORMATION

**Advisory note:** The State Government has commenced planning for the construction of the CBD South East Light Rail (CSELR). You may need to consider the potential impacts of this project in programming your development. The CSELR route includes Alfred St, George St, Rawson Place, Eddy Ave, Chalmers St, and Devonshire St. For construction and programming information contact the Transport for NSW Infoline on 1800 684 490 or [www.transport.nsw.gov.au/projects](http://www.transport.nsw.gov.au/projects).

### The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. **Note: it is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to the link below for any further information about digital requirements and electronic files.**  
**<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/digital-requirements>.**
3. Nominate a **Principal Certifier** which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
4. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
5. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

### You may also need to:

6. Obtain approval through the lodgement of an application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* for an activity which is proposed to be undertaken in, on or above a road reservation (including footways). Such activities include:
  - (a) installation of hoardings/scaffolding;
  - (b) installation and/or alterations to advertising/business signs and street awnings;
  - (c) crane operation and other hoisting activities;
  - (d) temporary works (e.g.: barricading, road openings, mobile hoisting devices);
  - (e) works zone (for loading and unloading from the roadway); and
  - (f) temporary ground anchoring and shoring to support a roadway when excavating.Application forms are available on the City's website.
7. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act, if strata title of the development is proposed.
8. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
9. Contact Sydney Water regarding the water and sewerage services to this development. For further information go to [www.sydneywater.com.au](http://www.sydneywater.com.au).
10. Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000.

#### Applications and submissions referred to in this consent may be lodged at:

**CBD** Level 2, Town Hall House, 456 Kent St, Sydney.

**KINGS CROSS** 50-52 Darlinghurst Rd, Kings Cross.

**GLEBE** Customer Service Centre, 186 Glebe Point Rd, Glebe.

**If you have any enquiries on any aspect of this consent, contact Sheena McGuire ph. 02 9246 7269, email [smcguire@cityofsydney.nsw.gov.au](mailto:smcguire@cityofsydney.nsw.gov.au).**