

# **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/2018/903 dated 8 August 2018 and the following drawings prepared by Neeson Murcutt Architects Pty Ltd, and Jane Irwin Landscape Architecture:

Drawing Number	Drawing Name	Date
LFS-108 Rev X	Proposed Ground Floor Plan	21/2/19
LFS-109 Rev V	Proposed First Floor Plan	29/11/18
LFS-110 Rev V	Proposed Second Floor Plan	29/11/18
LFS-111 Rev R	Proposed Roof Plan	13/7/18
LFS-112 Rev U	Proposed Elevations	29/11/18
LFS-113 Rev U	Proposed Elevations	21/2/19
LFS-114 Rev U	Proposed Sections	29/11/18
LFS-119 Rev Q	Stair Details - Plan - Heritage	13/7/18
LFS-121 Rev O	Stair Details - Proposed Typical - Heritage	13/7/18
LFS-122 Rev O	Stair Details - Ext Trinity Ave - Heritage	13/7/18
LFS-123 Rev P	Stair Details - Prop Trinity Ave - Heritage	29/11/18
LFS-124 Rev P	Stair 1:10 Details - Heritage	13/7/18
LFS-125 Rev Q	Rear Addition Details - Heritage	13/7/18
LFS-126 Rev M	Rear Addition Details - Heritage	13/7/18
LFS-127 Rev O	Internal Opening Details - Heritage	13/7/18
LFS-128 Rev M	Bathroom/Kitchen Insertion Details - Heritage	13/7/18
LFS-129 Rev M	Material Palette	13/7/18
LA-01 Issue E	General Arrangement + Schedules	21/2/19
LA-02 Issue D	Demolition Plan	28/11/18
LA-03 Issue F	Landscape Plan - 30 & 32	21/2/19
LA-04 Issue E	Landscape Plan - 34 & 36	21/2/19
LA-05 Issue E	Landscape Plan - 38 & 40	21/2/19
LA-06 Issue F	Landscape Plan - 42 & 2	21/2/19
LA-08 Issue C	Landscape Sections + Details	28/11/18
LFS-130 Rev C	Draft Strata Sub Division Plan	13/7/18
LFS-131 Rev A	Interunit Privacy Design Intent	29/11/18
LFS-132 Rev A	Bicycle Storage Design Intent	29/11/18

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) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST 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 a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and 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 Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Principal Certifier, 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 Registered Quantity Surveyor's Detailed Cost 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](http://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 Principal Certifier 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. Any item for which an exemption has been granted is still to be included in the total cost of development, together with an itemised value to enable the City to calculate the value of the exemption.

- (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](mailto:Planningsystemsadmin@cityofsydney.nsw.gov.au) to confirm the amount payable, prior to payment.

### **(3) DESIGN MODIFICATIONS**

- (a) The design of the building must be modified to include a clothes drying line to each ground level private open space and to the south-eastern end of each common space between the buildings.
- (b) The proposed bicycle storage space behind each entry stair is to be deleted and replaced by additional rubbish/recycling storage space.

The amended design must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

Drawings must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.

### **(4) NEW ENTRY GATES**

The new entry gates to each entry point are to be of an open construction allowing views into the premise. The gates must not open over Council's footway.

The detailed gate design must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

The drawings must also be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.

### **(5) MODIFICATIONS SUBMITTED TO HERITAGE COUNCIL ALSO TO BE SUBMITTED TO COUNCIL**

Any drawings submitted to the Heritage Council of NSW (or its delegate) in order to satisfy requirements contained in Schedule 3 of this document are to also be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

### **(6) CYCLICAL MAINTENANCE PLAN (MODIFIED WORDING)**

A cyclical maintenance plan specifying frequency and methodologies to conduct building inspections and maintenance works to building elements and services must be submitted to and approved by Council's Area Planning Manager prior to the issue of an Occupational Certificate or Strata Certificate, whichever is the earliest.

The maintenance plan is to be prepared by a suitably qualified heritage consultant and endorsed by the building owner.

The Plan is to be based on the NSW Heritage Division of the Department of Environment and Heritage publication: 'Preparing a maintenance plan', and the General Cyclical Maintenance Plan in Appendix B, on page 78 of the Conservation Management Plan for the site prepared by Lucas Stapleton Johnson and Partners dated May 2017.

The plan is to be a guide for the effective, continuous, protective maintenance of all significant heritage fabric for a minimum period of 20 years.

**(7) POSITIVE COVENANT – CYCLICAL MAINTENANCE PLAN**

A documentary Positive Covenant is to be created burdening all lots and common property in the Strata Plan, pursuant to Section 88B of the *Conveyancing Act 1919* and appurtenant to Council, in terms to the satisfaction of Council requiring the compliance with the obligations and requirements of the approved Cyclical Maintenance Plan for the building. The Cyclical Maintenance Plan is to be prepared in accordance with the NSW Heritage Council Maintenance of Heritage Assets Guidelines and is to guide future maintenance of the site which is to be carried out at regular intervals by the owners of all lots and the common property.

**(8) COMPLIANCE WITH ACOUSTIC REPORTS PRIOR TO CONSTRUCTION AND/OR OCCUPATION CERTIFICATES SUBJECT TO HERITAGE CONSIDERATIONS**

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic reports prepared by Resonate, dated 13.06.18 and 29.11.18, ref S180094RP1 and S180094LT2, titled Lower Fort Street, Dawes Point. D.A. Application – Planning Acoustic Report and Natural Ventilation - Internal Noise Review, Council Ref 2018/418503 and 2018/617262, 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 (c) and (d) below and to the satisfaction of Council's Area Planning Manager. However, internally lined ducting or a mechanically ventilated system for the purpose of borrowed natural ventilation is not support.
- (b) Amended drawings must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.
- (c) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant\* (see definition below) to be in accordance with the requirements of the DA acoustic report. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Council's Area Planning Manager.
- (d) Prior to the issue of an Occupation Certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of Council's Area Planning Manager 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.

**(9) USE OF INTRUSIVE APPLIANCES – NOT APPROVED**

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

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

**(10) WASTE MANAGEMENT PLAN TO BE SUBMITTED**

The submitted Waste Management Plan is not approved.

The waste management plan must comply with the criteria in City of Sydney *Guidelines for Waste Management in New Developments Policy 2017*. This includes (but is not limited to) the following points:

- a) Waste generation calculations to support proposed number and configuration of bins
- b) Plans and drawings of the proposed development that show location and space allocated to the waste and recycling storage area(s);
- c) Nomination of the waste collection point for the site (i.e. must be from inside the property and no more than 10m from waste storage location);
- d) Identification of the path of access to be used by collection vehicles;
- e) Details of the ongoing management of the storage and collection of waste, including responsibility for cleaning, transfer of bins between storage areas and collection points, maintenance of signage and security of storage areas

The waste management plan should clearly address the storage, waste and recycling collection.

If there is insufficient storage space on-site in relation to available Council collection services, additional collection service(s) should be arranged through a commercial supplier.

The amended Waste Management Plan must be submitted to and approved by Council’s Area Planning Manager prior to the issuing of the Construction Certificate.

**(11) WASTE AND RECYCLING COLLECTION**

The maximum travel distance between the storage point and collection point for all waste and recycling bins and bulky waste shall be no more than 10 metres.

Unimpeded access must be provided for collection from the waste and recycling storage location(s) at all times.

Unimpeded access shall be provided for collection vehicles to set down within 10 metres of waste storage area(s) between 6am and 6pm on collection day(s).

Must contact Council's Waste Services Unit for information on installation of a compatible (GAR) key system to allow for the City's staff to collect residential waste and recycling receptacles and bulky waste directly from the nominated waste holding room(s).

Waste and recycling containers will not be supplied until construction in developments is completed unless otherwise organised with Waste Services.

The development must have a residential rating or have applied for a residential rating prior to a City Of Sydney waste service commencing.

## (12) TREES APPROVED FOR REMOVAL

- (a) All trees detailed in Table 1 below are approved for removal.

Table 1 – Tree Removal:

Tree No	Botanical Name / Common Name	Location
2	<i>Ficus benjamina</i> (Weeping Fig)	Rear yard of 2 Trinity Avenue
3	<i>Ficus rubiginosa</i> (Port Jackson Fig)	Rear yard of 2 Trinity Avenue
4	<i>Magnolia soulangeana</i> (Saucer Magnolia)	Rear yard of 42 Lower Fort Street
5	<i>Dyopsis luescens</i> (Golden Cane Palm)	Rear yard of 40 Lower Fort Street
6	<i>Celtis sinensis</i> (Chinese Hackberry)	Rear yard of 40 Lower Fort Street
7	<i>Ficus rubiginosa</i> (Port Jackson Fig)	Rear yard of 38 Lower Fort Street
8	<i>Celtis sinensis</i> (Chinese Hackberry)	Rear yard of 36 Lower Fort Street
9	<i>Schefflera arboricola</i> (Dwarf Umbrella Tree)	Rear yard of 36 Lower Fort Street
10	<i>Celtis sinensis</i> (Chinese Hackberry)	Rear yard of 32 Lower Fort Street
12	<i>Celtis sinensis</i> (Chinese Hackberry)	Rear yard of 30 Lower Fort Street

**NOTE:** Reference should be made to the Arboricultural Impact Assessment Report prepared by Arboricultural Impact Assessment prepared by 'Earthscape Horticultural Services' dated June 2018 for tree numbering and locations.

- (b) Tree removal must not occur until the Construction Certificate has been issued.
- (c) 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.

## (13) TREES THAT MUST BE RETAINED

- (a) The existing trees detailed in Table 2 below must be retained and protected in accordance with the conditions of consent throughout the construction and development.

Table 2 – Tree Retention:

Tree No	Botanical/Common Name	Location
13	<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear yard of 26-28 Lower Fort Street
14	<i>Celtis australis</i> (Southern Hackberry)	Footpath outside 26-28 Lower Fort Street
15	<i>Celtis australis</i> (Southern Hackberry)	Footpath outside 32 Lower Fort Street
16	<i>Celtis australis</i> (Southern Hackberry)	Footpath outside 34 Lower Fort Street
17	<i>Celtis australis</i> (Southern Hackberry)	Footpath outside 38 Lower Fort Street
18	<i>Celtis australis</i> (Southern Hackberry)	Footpath outside 42 Lower Fort Street
19	<i>Celtis australis</i> (Southern Hackberry)	Footpath outside 2 Trinity Avenue

**NOTE:** Reference should be made to the Arboricultural Impact Assessment Report prepared by Arboricultural Impact Assessment prepared by 'Earthscape Horticultural Services' dated June 2018 for tree numbering and locations.

**(14) CHANGES TO KERB SIDE CAR PARKING RESTRICTIONS**

A separate submission must be made for any changes to kerbside parking arrangements. There is no guarantee kerbside parking will be changed or that any change will remain in place for the duration of the development/use.

All costs associated with any parking changes would be borne by the developer.

Note: The applicant is to contact the Area Traffic Engineer to discuss the proposal before making a submission. If new parking signage is installed, the developer is to immediately notify the City's Public Domain team.

**(15) COST OF SIGNPOSTING**

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

**(16) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

**(17) TRAFFIC WORKS**

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

**(18) WASTE/RECYCLING COLLECTION**

- (a) 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.



- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

## SCHEDULE 1B

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

#### **(19) 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.

#### **(20) GENERAL HERITAGE**

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.

The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.

All conservation and adaption works are to be in accordance with the Articles of the Australia ICOMOS Burra Charter 1999.

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.

New services are to be installed with minimum intervention to significant fabric and spaces.

#### **(21) MAKING GOOD TO EXISTING BUILDING (AMENDED STANDARD CONDITION)**

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

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

A heritage consultant, experienced in the conservation of similar period buildings, is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence of the above commission on the above terms is to be provided to Council in writing prior to commencement of work on site. The heritage consultant must sign off the completed project prior to the issue of an Occupation Certificate.

**(23) BUILDING WORKS TO COMPLY WITH BCA – HERITAGE BUILDINGS**

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

Amended drawings must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.

**(24) 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) Smoke hazard management - Part E2;
- (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 Principal Certifier illustrating how the relevant performance provisions are to be satisfied, and must form part of the approval prior to a Construction Certificate being issued.
- (c) If the above works have impact or potentially have impact on existing fabric and features, details of the works must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.
- (d) Drawings must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.

## **(25) LANDSCAPING OF THE SITE**

- (a) A detailed landscape plan, 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 for above ground building works. The plan must include:
  - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, raised concrete deck, seats, planted areas on slab, planted areas in natural ground, lighting and other features;
  - (ii) Plan and details for new works within the TPZ of existing retained Tree 13 and retained adjacent brick retaining wall.
  - (iii) Plan and details of the raised concrete deck in deep soil areas. Demonstrate the decking detail supported on steel beam and Krinner ground screws has minimal impact on existing ground.
  - (iv) Plan and details for the location of new fence posts and footings
  - (v) Details of earthworks and soil depths including mounding, retaining walls, planter boxes and freestanding pots. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers. Noting minimum soil depths exclude drainage and mulch layers;
  - (vi) Location, numbers, type and supply of plant species, with reference to Australian Standards, with a preference for local native species;
  - (vii) Details of the proposed growing medium, including soil depth and type, planting procedure and maintenance, including a landscape specification;
  - (viii) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifier;
- (c) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued.

## **(26) PUBLIC DOMAIN DAMAGE DEPOSIT (MODIFIED)**

A Public Domain Damage Deposit calculated on the basis of 64 lineal metres of asphalt 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 or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).

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 Guarantee in this condition will be retained in full until the Public Domain Works Deposit Guarantee required by this consent is lodged with Council. Upon lodgement of the Public Domain Works Deposit Guarantee, the Guarantee in this condition will be released.

**(27) ALIGNMENT LEVELS – MINOR DEVELOPMENT**

- (a) Where ground floor levels of existing buildings are being retained, alignment levels for the buildings and site frontages of those buildings must be submitted to and approved by Council prior to a Construction Certificate being issued for public domain works or above ground building works, whichever is earlier. The submission must be prepared by a Registered Surveyor or suitably qualified engineer and must be submitted with a completed Footpath Levels and Gradients Approval Application form (available on the City's website).
- (b) If a *Public Domain Plan* condition applies to the development consent 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 a Construction Certificate being issued for public domain work.

**(28) 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.

#### **(29) PUBLIC DOMAIN PLAN (MODIFIED)**

- (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 a Construction Certificate being issued for public domain work or above ground building work, whichever is later.
- (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 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 a 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.

#### **(30) PUBLIC DOMAIN WORKS BOND**

Public Domain Works Deposit will be required as security for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for completion of the obligations under this consent (Guarantee).

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 a Construction Certificate being issued.

The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to City of Sydney standards and approval 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 security will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**(31) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

- (a) Prior to a 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 a 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.

**(32) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

- (a) Prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work a detailed drainage engineering design, calculations and design for the stormwater overland flow path for the development must be:
  - (i) prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and
  - (ii) prepared in accordance with the City of Sydney's *Stormwater Drainage Manual*, technical specifications, standards and policies, as amended from time to time; and
  - (iii) submitted to and be approved by the City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.
- (b) For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges.

- (i) The application must be approved by the City of Sydney prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.
- (ii) All proposed connections to the City's underground drainage system require the owner to enter into a Deed of Agreement with the City of Sydney and obtain registration on Title of a Positive Covenant prior to an Occupation Certificate being issued, including an Interim Occupation Certificate.

### **On-site Detention**

- (c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with.
  - (i) Evidence of the approval by Sydney Water of the detailed design of the on-site detention must be submitted to and be accepted by the City of Sydney and a copy of the City's letter of acceptance must be provided to the Principal Certifying Authority prior to a Construction Certificate being issued, excluding for any approved preparatory, demolition or excavation works.
  - (ii) Prior to the issue of an Occupation Certificate, including an Interim Occupation Certificate, a Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

### **Stormwater Quality Assessment**

- (d) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent); and
- (iii) demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;



- b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.
- (iv) include certification from a suitably qualified practicing professional that the requirements of parts d) (i), (ii) and (iii) of this condition have been met.

Prior to the issue of an Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and be approved by the Principal Certifying Authority and a copy provided to the City of Sydney.

### **Completion / Works-as-Executed Documentation**

- (e) Prior to a Certificate of Completion being issued by the City of Sydney for stormwater drainage works:
- (i) All works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, City of Sydney technical specifications. Standards and policies, approval letters and the requirements of this consent.
  - (ii) A Works-As-Executed survey, prepared, signed and dated by a Registered Surveyor, must be submitted to and be accepted by the City of Sydney. The 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) Electronic works-as-executed (as-built) details, certifications, warranties, inspection reports (including Closed Circuit Television reports) and associated documentation for the completed work must be prepared and certified by a suitably qualified hydraulic engineer, in accordance with the requirements of the City of Sydney's technical specifications, the *Public Domain Manual*, the *Stormwater Drainage Manual*, the conditions of this consent and all letters of approval issued by the City of Sydney for works in the public domain, and must be submitted to and be accepted by the City of Sydney.
- (f) Prior to the issue of the first Occupation Certificate, including an Interim Occupation Certificate, or before the use commences (whichever is earlier):
- (i) A copy of the City's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Principal Certifying Authority;

- (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.

**(33) CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN**

A Construction Traffic and Pedestrian Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

Construction Traffic and Pedestrian Management Plans are to be prepared in accordance with Standard Requirements for Construction Traffic Management Plan on the City's website

<http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>

**(34) WASTE STORAGE**

The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City of Sydney *Guidelines for Waste Management in New Developments Policy 2017* as possible given existing heritage fabric.

Details of the works must be submitted and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

Amended drawings must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.

**(35) TREE PROTECTION PLANS**

All detailed architectural, building, engineering (structural, stormwater and drainage services) and landscape documentation submitted for the Construction Certificate shall clearly show on all drawings the retention of trees as required by these conditions of consent, the position of their trunks, full diameter of their canopies, Structural Root Zones (SRZs) and Tree Protection Zones (TPZs).

### **(36) COMPLIANCE WITH ARBORIST'S REPORT**

All recommendations contained in the Arboricultural Impact Assessment prepared by 'Earthscape Horticultural Services' dated June 2018 must be implemented during the demolition, construction and use of the development, including the following:

- (a) Section 10.2 – Prohibited Activities.
- (b) Section 10.3 – Tree Damage.
- (c) Section 10.4 – Trunk Protection (NOTE: must also include Tree 14).
- (d) Section 10.5 – Demolition Works within Tree Protection Zones (NOTE: must also include Tree 14).
- (e) Section 10.6 – Excavations within Tree Protection Zones (NOTE: must also include Tree 14).
- (f) Section 10.7 – Underground Services (NOTE: must also include Tree 14).
- (g) Section 10.8 – Pavements (NOTE: must also include Tree 14).
- (h) Section 10.9 – Pavement Sub-base (NOTE: must also include Tree 14).
- (i) Section 10.10 – Canopy and Root Pruning (NOTE: must also include Tree 14).
  - (i) Any proposed pruning must be detailed in a Pruning Specification Report and approved by Council's Tree Management team prior to being undertaken.
- (j) Section 10.11 – Tree Removal.
- (k) Section 10.12 – Temporary Hoardings (NOTE: must also include Tree 14).
  - (i) Any proposed pruning must be detailed in a Pruning Specification Report and approved by Council's Tree Management team prior to being undertaken.
- (l) Section 10.13 – Temporary Scaffolding (NOTE: must also include Tree 14).
  - (i) Any proposed pruning must be detailed in a Pruning Specification Report and approved by Council's Tree Management team prior to being undertaken.

### **(37) TREE REMOVAL**

- (a) 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.

- (b) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself.
- (c) In the event that the tree has nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

**(38) SERVICES**

- (a) Any trenching works for services / hydraulics / drainage etc must not be undertaken within a Tree Protection Zone (TPZ) of any street tree unless first approved in writing by the Council's Tree Management Officer.
- (b) Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services within the specified TPZ.

**(39) TREE PRUNING SPECIFICATION**

- (a) Prior to any tree pruning, a 'Pruning Specification Report' prepared by a qualified Consulting Arborist (minimum AQF Level 5) must be submitted to and approved by Council's Area Planning Manager prior to the issuing of the Construction Certificate.
- (b) The report must:
  - (i) Detail any pruning that is required to provide clearance from the proposed development footprint, including the installation of any hoarding and/or scaffolding.
  - (ii) Include the number of branches, and the percentage of canopy to be pruned/removed.
  - (iii) Included the diameters and orientation of all branches to be pruned/removed. Include the number of branches, and the percentage of canopy to be pruned/removed, include the diameters and orientation of all branches to be pruned/removed.
  - (iv) Include photos with individual branches which are recommended for pruning/removal to be clearly marked. (Please note reports which include photos with a single vertical line as the area recommended for pruning will not be accepted). Include photos with individual branches which are recommended for pruning/removal to be clearly marked. (NOTE: Reports which include photos with a single vertical line as the area recommended for pruning will not be accepted).
  - (v) Specify pruning work in accordance with the Australian Standard 'AS4373:2007 Pruning of Amenity Trees'.
- (c) The report must not:

- (i) Specify the removal of >5% of the canopy, specify the removal of >5% of the canopy.
  - (ii) Specify the removal of any branches >100mm in diameter.
  - (iii) Recommend tree removal.
- (d) All approved tree pruning works must be carried out by a qualified Arborist (minimum AQF Level 3), and in accordance with SafeWork NSW's 'Code of Practice: Amenity Tree Industry'.
  - (e) Any pruning works carried out under this consent must not result in the death of the tree, the creation of a hazard or in excessive or inappropriate amounts of pruning, which result in the overall shape of the tree becoming unbalanced and/or unstable.
  - (f) This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property.
  - (g) All tree works must be undertaken from within the subject property unless consent from the neighbour is obtained to enter their property.

The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any additional tree pruning works or pruning of any tree roots greater than 30mm in diameter.

#### **(40) SITE SUPERVISION AND REPORTING**

- (a) A qualified Consulting Arborist (AQF Level 5) must oversee various stages of work within the Tree Protection Zone in compliance with the the Arboricultural Impact Assessment prepared by 'Earthscape Horticultural Services' dated June 2018, and in accordance with the Australian Standard 'AS4970:2009 Protection of Trees on Development Sites'.
- (b) The Consulting Arborist must certify compliance with each key milestone detailed below, and the certification must be submitted to Council and the Principal Certifying Authority:
  - (i) Installation of the tree protection measures (prior to the issuing of a construction certificate).
  - (ii) Any demolition within Tree Protection Zones.
  - (iii) Any excavation and/or trenching within Tree Protection Zones.
- (c) Quarterly and final compliance reports shall be submitted to Council which provides details on the health and structure of all trees to be retained and protected and must include:
  - (i) Certification of compliance with each key milestone detailed above.
  - (ii) Details of any other works undertaken on any tree to be retained, or within the Tree Protection Zone of any tree to be retained.

- (iii) Documentary evidence of compliance with tree protection and measures (including photographs and site notes).

#### **(41) STREET TREE PROTECTION**

- (a) Street trees must be protected in compliance with 'Section 10.4 – Trunk Protection' of the the Arboricultural Impact Assessment prepared by 'Earthscape Horticultural Services' dated June 2018, and in accordance with the Australian Standard '4970:2009 Protection of Trees on Development Sites'.
- (b) Young street trees shall be protected by installing three (3) wooden stakes around the edge of the tree pit. Hessian shall be wrapped around the stakes. If existing stakes are already in place, these shall suffice as tree protection.
- (c) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (d) Materials or goods, including site sheds, must not be stored or placed:  
  
around or under the tree canopy; or  
  
within two (2) metres of tree trunks or branches of any street trees.
- (e) Any excavation within in any area known to, or suspected of having street tree roots greater than 40mm diameter must be undertaken by hand.
- (f) Any trenching works for services / hydraulics / drainage etc within the Tree Protection Zone/s of any street tree must be undertaken in accordance with 'Section 10.6 – Excavations within Tree Protection ZonesSection 10.6 – Excavations within Tree Protection Zones' of the Arboricultural Impact Assessment prepared by 'Earthscape Horticultural Services' dated June 2018. Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services.
- (g) Existing sections of kerbs adjacent to any street tree shall not be removed without approval from the Street Tree Coordinator. Removal of kerbs adjacent to mature trees can cause trees to become unstable and fail.
- (h) Any damage sustained to street tree/s as a result of construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9673. Any damage to street trees as a result of construction activities may result in a prosecution under the Local Government Act 1993 and/or the Environmental Planning and Assessment Act 1979.

#### **(42) ASBESTOS REMOVAL WORKS**

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

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

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW 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 must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2011* and the NSW Government and Work Cover document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (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 must 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 must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (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 written 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.

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

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

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

**(44) 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).

**(45) 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*).

**(46) 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.

**(47) 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.

#### **(48) 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 a 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).

#### **(49) 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.

**(50) 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.

**(51) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

**(52) WASTE AND RECYCLING MANAGEMENT - MINOR**

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to minimise and manage waste and recycling generated by the proposal.

## SCHEDULE 1C

### DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

#### **(53) 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.

#### **(54) HOURS OF WORK AND NOISE – CBD**

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

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a 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*.

#### **(55) BASIX**

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

#### **(56) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a **6 month** defects liability period from the date of final completion.

The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

**(57) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the Lower Fort Street and Trinity Avenue frontages 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.

**(58) CONSTRUCTION ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

**(59) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

#### **(60) 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.

#### **(61) 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.

#### **(62) 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.

## SCHEDULE 1D

### STRATA SUBDIVISION

#### **(63) 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*.

#### **(64) 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](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

#### **(65) COMMON PROPERTY**

All access corridors, stairways and the like which are not included within a specific lot are to be designated as common property.

#### **(66) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

A documentary Restriction on Use of Land is to be created over all residential lots (numbered 1 to 30 inclusive) 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.

#### **(67) HEIGHT LIMITATIONS**

Appropriate height limitations are to be nominated on the final Plan of Strata Subdivision for those parts of lots in the Strata Plan that are not roofed or covered.



**(68) 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 Heritage Council of NSW* are as follows:

#### 1. APPROVED DEVELOPMENT

Development must be in accordance with:

a) Architectural Drawings prepared by Neeson Murcutt Architects as listed below:

Dwg No	Dwg Title	Date	Rev
<b>Project Name:</b> Architectural Drawings - Neeson Murcutt Architects			
LFS-000	Covering Page		
LFS-101	Context Analysis + Photos + Site Plan + Drawing Register		Q
LFS-102	Existing Ground Plan	13/7/18	Q
LFS-103	Existing First Plan	13/7/18	Q
LFS-104	Existing Second Plan	13/7/18	Q
LFS-105	Existing Roof Plan	13/7/18	Q
LFS-106	Existing Elevations	13/7/18	Q
LFS-107	Existing Elevations	13/7/18	Q
LFS-108	Proposed Ground Floor Plan	21/02/19	X
LFS-109	Proposed First Floor Plan	29/11/18	V
LFS-110	Proposed Second Floor Plan	29/11/18	V
LFS-111	Proposed Roof Plan	13/7/18	R
LFS-112	Proposed Elevations	29/11/18	U
LFS-113	Proposed Elevations	29/11/18	T
LFS-114	Proposed Sections	29/11/18	U
LFS-115	Shadow Diagrams - Plan View	29/11/18	R
LFS-116	Shadow Diagrams – View From Sun	13/7/18	N
LFS-117	Photomontage/Perspectives	13/7/18	Q
LFS-118	Photomontage/Perspectives	13/7/18	Q
LFS-119	Stair Details - Plan - Heritage	13/7/18	Q
LFS-120	Stair Details – Existing Typical - Heritage	13/7/18	O
LFS-121	Stair Details – Proposed Typical– Heritage	13/7/18	O
LFS-122	Stair Details - EXTG Trinity Ave - Heritage	13/7/18	O
LFS-123	Stair Details - PROP Trinity Ave - Heritage	29/11/18	P
LFS-124	Stair Details - 1:10 Details – Heritage	13/7/18	P
LFS-125	Rear Addition Details – Heritage	13/7/18	Q

LFS-126	Rear Addition Details – Heritage	13/7/18	M
LFS-127	Internal Opening Details – Heritage	13/7/18	O
LFS-128	Bathroom/Kitchen Insertion Details – Heritage	13/7/18	M
LFS-129	Material Palette	13/7/18	M
LFS-130	Draft Sub Division Plan	13/7/18	C
LFS-131	Interunit Privacy Design Intent	29/11/18	A
LFS-132	Bicycle Storage Design Intent	29/11/18	A

- b) Landscape Drawings prepared by Jane Irwin Landscape Architecture as listed below:

Dwg No	Dwg Title	Date	Rev
<b>Project Name:</b> Landscape Drawings - Jane Irwin Landscape Architecture			
LA-01	General arrangement + schedules	21/02/19	E
LA-02	Demolition Plan	11/7/18	D
LA-03	Landscape Plan – 30 & 32	21/02/19	F
LA-04	Landscape Plan 34 & 36	21/02/19	E
LA-05	Landscape Plan 38 & 40	21/02/19	E
LA-06	Landscape Plan 42 & 2	21/02/19	F
LA-07	Landscape Plan 42 & 2 Images	19/6/18	B
LA-08	Landscape Sections & Details	28/11/18	C

- c) Survey Drawings prepared by Higgens Surveyors as listed below:

Dwg No	Dwg Title	Date	Rev
<b>Project Name:</b> Survey Drawings - Higgens Surveyors			
37930 (sheet 1)	Plan showing selected detail & levels over	28/09/17	A
37930 (Sheet 2)	Plan showing first floor layout	28/09/17	A
37930 (Sheet 3)	Plan showing second floor layout	28/09/17	A
37930 (Sheet 4)	Plan showing north western elevations	28/09/17	A
37930 (Sheet 5)	Plan showing selected detail & levels over	28/09/17	A
37930 (Sheet 6)	Plan showing selected detail & levels over	28/09/17	A
37930 (Sheet 7)	Plan showing <b>south</b> eastern elevation	28/09/17	A

d) Hydraulic Services drawings, prepared by Umow Lai as listed below:

Dwg No	Dwg Title	Date	Rev
<b>Project Name:</b> Hydraulic Concept Plan – Umow Lai			
S.CAR-SKH001	Proposed Hydraulic Inground Drainage Services	-	D
S.CAR-SKH002	Proposed Hydraulic Ground Floor Water and Gas Services	-	D
S.CAR-SKH003	Proposed Hydraulic Roof Drainage Services	-	D

- e) Draft Strata Sub Division Plan No LFS -130 Rev C, prepared by Neeson Murcutt Architects Pty Ltd dated 13 July 2018.
- f) Heritage Impact Statement prepared by Tropman & Tropman Architects, dated July 2018 as amended by Addendums 1 and 2 to the Heritage Impact Statement (Issue 3 July 2018), prepared by Tropman & Tropman Architects, dated February 2019.
- g) Statement of Environmental Effects prepared by Mersonn Pty Ltd, dated November 2018.
- h) Design Verification Statement prepared by Neeson Murcutt Architects, dated July 2018.
- i) Summary of Changes prepared by Neeson Murcutt Architects, dated July 2018.
- j) BCA Statement – Fire Report prepared by BCA Logic, dated 21 June 2018.
- k) Access Report prepared by Funktion, dated 16/07/18.
- l) Stormwater Drainage Concept Plan, prepared by Umow Lai, dated 20 June 2018.
- m) Waste Management Plan, prepared by Elephants Foot Waste Compactors Pty Ltd, dated 30 November 2018.
- n) Arborist Report prepared by Earthscape Horticultural Services, dated June 2018.
- o) Covering Letter prepared by Neeson Murcutt Architects, dated 21 February 2019.

**EXCEPT AS AMENDED** by the following conditions of this approval:

## 2. DESIGN MODIFICATION

- a) The pitch and slope of the new roof to each of the rear extension should follow the pitch and slope of the existing roof to the main building behind it. Amended drawings must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.  
*Reason: To complement the symmetrical presentation of the apartment blocks to the rear and reduce visual impact.*

- b) The height of the new openings to walls between proposed kitchen and dining and living spaces should be limited to minimum required to match existing door dimensions. Amended drawings must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.  
*Reason: To minimise impact on significant fabric and to comply with the Heritage Council Approvals Committee resolution dated 8 May 2018.*
- c) Creation of openings to walls between buildings at the entry should retain sufficient nibs. Amended drawings must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.  
*Reason: To interpret original building plan and layout and to minimise impact to original built fabric.*
- d) Service risers to the rear of the buildings should be relocated to areas of lesser significance or new additions. Amended drawings must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.  
*Reason: To minimise impact on significant built fabric.*

### **3. FURTHER INFORMATION**

- a) BCA upgrade works must minimise impact on significant fabric. The proposal should be referred to the Heritage Council Technical Advisory Committee for further advice and amended in line with the Committee's advice. The final proposal along with a detailed heritage assessment must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.  
*Reason: The submitted information does not provide adequate details to enable assessment of the heritage impacts posed by this component of proposal.*
- b) The new alarm and emergency light system including locations of new installations and reticulation of any wiring must be designed to minimise impact on significant fabric and views. The final proposal along with a heritage assessment must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.  
*Reason: The submitted information does not provide adequate details to enable assessment of the heritage impacts posed by this component of proposal.*
- c) Compliance with the Conservation Management Plan must be incorporated into the terms of the Strata Plan by-laws or equivalent. The Heritage Council of NSW (or its delegate) must be notified accordingly prior to its finalisation.  
*Reason: To comply with the policies included in the Conservation Management Plan.*
- d) Fire upgrade works between the flats must minimise impact on significant built fabric including significant ripple iron ceilings. A detailed methodology for the disassembling, storage and reinstating of the ceilings is to be prepared and submitted with the s60 application for approval by the Heritage Council of NSW (or its delegate).  
*Reason: To ensure that the works are undertaken using appropriate methodology to minimise impact on significant fabric.*
- e) Plans and details for the air conditioning proposal including location, sizes and screening of units and reticulation of wiring must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application. Detailed design should minimise impact on significant fabric and views.

*Reason: To ensure that the works are designed sympathetically to minimise impact on significant fabric.*

- f) The adaptation of the entry stair should retain/reuse original exceptionally significant components as much as possible. Existing railings should be reused and adapted sympathetically. Amended details should be prepared and submitted with the s60 application for approval by the Heritage Council of NSW (or its delegate).

*Reason: To minimise loss of significant fabric.*

- g) Details of the proposed conversion of the bedroom into bathroom and kitchen should be prepared and submitted with the s60 application for approval by the Heritage Council of NSW (or its delegate). Doors and windows in the same configuration should be swapped and reused to minimise impact.

*Reason: To ensure that the works are designed sympathetically to minimise impact on significant fabric.*

#### **4. LANDSCAPE WORKS**

Landscape works should be appropriately detailed to ensure that water drains away from the buildings.

*Reason: To prevent damage to heritage fabric.*

#### **5. SPECIALIST TRADESPERSONS**

All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

*Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.*

#### **6. 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, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

#### **7. SITE PROTECTION**

- a) Significant built elements and heritage fabric are to be protected during site preparation and works from potential damage. Protection systems must ensure significant fabric is not damaged or removed.

*Reason: To ensure significant fabric and vegetation are protected during construction.*

- b) Any significant fabric removed must be labelled and stored safely for possible future reinstatement.

*Reason: To ensure significant fabric is appropriately stored and protected.*

- c) The installation of new services shall be carried out in such a manner as to minimise damage to or removal of historic fabric and shall not obscure historic features. Any penetrations through heritage fabric should be prevented.

*Reason: To minimise impact on heritage fabric.*

#### **8. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

- a) The Applicant will provide with the Section 60 Application, the name of an Excavation Director to be on call for the project. The Excavation Director will be suitably qualified for the activity and the significance of the site in accordance with the Heritage Council of NSW Excavation Director Criteria.
- b) The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval 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.

*Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.*

#### **9. ABORIGINAL OBJECTS**

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with 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 and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

*Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*

#### **10. COMPLIANCE**

If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

#### **11. SECTION 60 APPLICATION**

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

*Reason: To meet legislative requirements.*

#### **ADVICE**

Section 148 of the Heritage Act 1977 (the Act), 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.