

# **Attachment A**

## **Recommended Conditions of Consent**

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

### 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/2018/1526 dated 12 December 2018 and the following drawings prepared by SJB:

Drawing Number	Drawing Name	Date
DA-2501	Demolition Lower Ground (Rev.6)	17/4/2019
DA-2502	Demolition Ground (Rev.6)	17/4/2019
DA-2503	Demolition Level 1 (Rev.6)	17/4/2019
DA-2504	Demolition Level 2 (Rev.6)	17/4/2019
DA-2505	Demolition Roof (Rev.6)	17/4/2019
DA-0200	Floor Plan Basement (Rev.6)	17/4/2019
DA-0201	Floor Plan Lower Ground (Rev.6)	17/4/2019
DA-0202	Floor Plan Ground (Rev.6)	17/4/2019
DA-0203	Floor Plan Level 1 (Rev.6)	17/4/2019
DA-0204	Floor Plan Level 2 (Rev.6)	17/4/2019
DA-0205	Floor Plan Roof (Rev.6)	17/4/2019
DA-0501	Elevation South and East (Rev.6)	17/4/2019
DA-0502	Elevation North and West (Rev.6)	17/4/2019
DA-0601	Section A & B (Rev.6)	17/4/2019
DA-0602	Section C (Rev.6)	17/4/2019
DA-0701	Details Façade Sheet 1 (Rev.6)	17/4/2019
DA-0702	Details Façade Sheet 2 (Rev.6)	17/4/2019
DA-0703	Details Façade Sheet 3 (Rev.6)	17/4/2019
DA-0704	Details Façade Sheet 4 (Rev.6)	17/4/2019
DA-2101	External Works Fencing Detail Sheet 1 (Rev.6)	17/4/2019
-	External Finishes Board (Rev.1)	19/11/2018

In addition to the Conservation Management Plan dated 19 November 2018 and the Maintenance Plan dated 10 April 2019, both prepared by NBRS Architecture and Heritage;

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

### (2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The glazed addition as shown in revised drawing DA-0204/05 by SJB Architects dated 9 April 2019 is to be set back a further 1m from the Liverpool Street frontage.
- (b) The removal and reconstruction of the parapet of the entry portico on Liverpool Street is not supported and must be deleted from the submitted documentation and plans.
- (c) The substation must be located as per Option 2 of the drawing Substation Potential Locations by SJB Architects dated 10 April 2019, which retains the eastern most pavement lightwell. Option 3 location for substation is not supported and the proposal must be revised accordingly to remove it.
- (d) The fence line around the proposed excavation must return at the western edge of the retained eastern lightwell. This location provides the right height levels for the fence to connect with the plinth of the heritage building.
- (e) The development application plans listed under Condition 1 must be updated to align with the submitted structural drawings to ensure that there is no impact on significant fabric of the building.

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

### (3) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – EAST PRECINCT

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$188,589.95
Community Facilities	\$183,652.25
Traffic and Transport	\$31,214.06
Stormwater Drainage	\$0.00

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

Total \$403,456.26

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 – 115.1 for the March 2018 quarter.

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

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

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

#### (4) HOURS OF OPERATION - MINOR DEVELOPMENT

The hours of operation are restricted to between 7:00am and 10:00pm, Mondays to Sundays inclusive.

#### (5) 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

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

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.

### (6) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL WITH NO STRATA SUBDIVISION

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service car spaces, are not to be used other than by an occupant or tenant of the subject building.
- (b) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

- (c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the *Strata Titles (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the *Conveyancing Act 1919* burdening all car parking part - lots in the Strata Scheme.

### (7) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Office and business car parking	7
Accessible office and business car parking	1
B99 service vehicle spaces/courier/mail delivery spaces	1
Subtotal	9
Motorcycle parking	2

### (8) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities is to satisfy the *Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking*. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

### (9) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Staff/Customer	30	Class B bicycle parking facility in accordance with AS2890.3
End of Trip Facility Type	Number	
Showers with change area	3	
Personal lockers	30	

#### Notes:

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

## **NOTICE OF DETERMINATION – APPROVAL D/2018/1526**

to and approved by the Principal Certifier confirming prior to the Construction Certificate being issued.

### **(10) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 5.2 metres.

### **(11) VEHICLE ACCESS**

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

### **(12) CHANGES TO KERB SIDE PARKING RESTRICTIONS**

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

### **(13) 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.

### **(14) ON SITE LOADING AREAS AND OPERATION**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

### **(15) SECURITY GATES**

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

### **(16) INTERCOM FOR VISITORS**

Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 4m clear of the property boundary, wired to all units. The intercom must comply with *Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.*

### **(17) SIGNS AT EGRESS**

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

- (a) Compelling drivers to stop before proceeding onto the public way
- (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

### **(18) 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.



**SCHEDULE 1B**

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

**(19) ARCHIVAL DOCUMENTATION (MEASURED DRAWINGS)**

The archival recording of the subject heritage item should include accurate measured drawings of the following:

- (a) The building and the site as a whole including:
  - (i) Location Plan
  - (ii) Site Plan (1:500 or 1:200)
  - (iii) Floor Plan/s (1:100 or 1:50)
  - (iv) Roof Plan/s (1:100 or 1:50)
  - (v) Elevations and Sections (1:100 or 1:50)
- (b) Components of the building including all elements proposed to be removed (parquet flooring, roof trusses, existing saw tooth roof, internal walls, existing columns, ceilings, pavement light wells etc) ceiling cornices, joinery details, timber flooring, skirtings, other significant details such as rainwater heads and indicate 1:10 or 1:5 scale.

Measured drawings should be cross-referenced to each other, clearly titled, indicate scale, orientation and date of execution. The drawings can also be annotated or hatched to reveal more about the heritage significance of the site or object (e.g. to differentiate between dates of construction, materials and finishes and vegetation types). For further guidelines, refer to the NSW Heritage Division of the Department of Environment and Heritage Information Series publication titled 'How to prepare Archival Records of Heritage Items'.

The measured drawings are to be submitted to and approved by Council prior to the issue of a Construction Certificate.

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

Prior to a Construction Certificate being issued, an archival photographic recording of the subject heritage item is to be prepared to the satisfaction of Council's Director City Planning. The recording is to be in digital form, or a combination of both, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) The Development Application number must be noted on the submitted information.

## **NOTICE OF DETERMINATION – APPROVAL D/2018/1526**

- (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (c) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (d) The report is to be submitted on a USB, CD or DVD, in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each: DOS title, image subject/description and data photograph was taken.
- (e) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.

### **(21) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT**

- (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 conservation architect 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) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of the Construction Certificate or commencement of work on site whichever is the earlier.
- (c) Upon completion of the works, the final report is to be submitted for approval by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of an Occupation Certificate or the commencement of the use, whichever is the earlier.

### **(22) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.

## **NOTICE OF DETERMINATION – APPROVAL D/2018/1526**

- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The new windows and doors on the existing building must match the original material, which is steel-framed, windows and timber doors.
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

### **(23) HERITAGE CONSERVATION WORKS**

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage including but not limited to the following elements such as stonework, brickwork, door and window joinery, glazing, hardware, pavements, tiling, roof plumbing, roofing and painting.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.

### **(24) COMPLETION OF CONSERVATION WORKS**

The outstanding Essential Conservation Works outlined in the Fabric Survey and Conservation Schedule of works prepared by GBA dated June 2011 is to be carried out prior to the issue of any Occupation Certificate, including any interim Occupation Certificate. This is to include works to:

- (a) The Liverpool Street Portico;
- (b) The Eastern Elevation of the building;
- (c) Areas of the Northern Elevation east of the projecting cornice element;
- (d) Corners of the two tower parapet structures where there is Structural cracking; and
- (e) The stormwater system which requires repair and upgrading.

All conservation works are to be in accordance with the Articles of the Australia ICOMOS Burra Charter 2013.

## **NOTICE OF DETERMINATION – APPROVAL D/2018/1526**

### **(25) HERITAGE INTERPRETATION STRATEGY**

- (a) Prior to occupation certificate being issued the recommendations of the approved heritage interpretation strategy prepared by NBRS dated 19 November 2018 must be implemented to the satisfaction of Council's Director City Planning for approval.

### **(26) SIGNAGE**

- (a) 'FIRST CHURCH OF CHRIST, SCIENTIST, SYDNEY' signage above the main entrance doors is to be retained in situ.

### **(27) SIGNAGE STRATEGY**

- (a) A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

### **(28) EXTERNAL COLOUR SCHEME (OTHER BUILDINGS)**

- (a) The external colour scheme is to be sympathetic to the architectural style and period of the building. A schedule of colours, including colour swatches is to be submitted to and approved by Council's Director City Planning for approval.

### **(29) MATERIALS AND SAMPLES BOARD**

- (a) A materials sample board detailing all proposed finishes must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

### **(30) PROPOSED MODERN FENCE DESIGN**

- (a) Approval is not granted for the proposed fence design along the site frontages on Liverpool Street or Forbes Street. A revised design must be approved in consultation with the Council's Director City Planning prior to the issue of a Construction Certificate.

### **(31) PROPOSED PORTICO GATES**

- (a) Approval is not granted for the proposed gates to the portico on Liverpool Street as preference is "to open this space up back to the public Domain" as stated in the Statement of Environmental Effects prepared by Tomasy Planning dated November 2018.

### **(32) INVESTIGATION INTO ORIGINAL PLASTER SKYLIGHT GRILLES**

- (a) An investigation into the original plaster skylight grilles that may be encapsulated behind the later ceilings in the main entry foyer is to be carried out during the works. If they are found to be in good condition

## **NOTICE OF DETERMINATION – APPROVAL D/2018/1526**

opportunities to expose these original details are to be explored and details submitted to Council's Director City Planning for approval.

### **(33) RETENTION OF ORGAN CHAMBER**

- (a) The organ chamber is to be retained in full and must be adequately protected to ensure its retention during construction works.

### **(34) ORGAN AND ORGAN CHAMBER MAINTENANCE**

- (a) The approved Maintenance Plan is to be amend to include details on the maintenance of the existing pipe organ and associated chamber. This amendment is to be approved by Council's Area Planning Coordinator/ Area Planning Manager prior to issue of a Construction Certificate,

### **(35) RETENTION OF SAFE CHAMBER**

- (a) The safe chamber is to be retained in full and must be adequately protected to ensure its retention during construction works.

### **(36) PEWS AND OTHER FURNITURE**

- (a) The pews shown on the drawings within the organ chamber must be retained.
- (b) Location of 4 pews within the entry foyer must be shown on drawings and submitted for approval prior to the issue of the construction certificate.
- (c) Prior to the issue of the Construction Certificate and removal of any other existing original furniture, a protection, transport and storage methodology is to be submitted to Council's Area Planning Manager for approval.

### **(37) RETENTION AND REINSTATEMENT OF ORIGINAL FLOORING – FORMER SUNDAY SCHOOL AND ENTRY FOYER**

- (a) At least 10% of the most intact and undamaged existing parquet flooring is to be carefully lifted and reinstated near the main entry to the lower ground floor prior to the completion of works. Prior to the issue of Construction Certificate a detailed methodology for the removal, design, location and reinstatement of the section of existing flooring is to be submitted to and approved by Council.
- (b) The methodology is to be prepared by a suitably qualified and experienced heritage consultant and should detail how the existing flooring is to be removed and stored in order to minimise damage to the original fabric, and how missing or damaged fabric will be repaired or replace to match the original.
- (c) Prior to the issue of an Occupation Certificate, verification that the removal and reinstatement of the original flooring has been undertaken in accordance with the methodology approved in accordance with (a) above is to be submitted to Council for approval.

**(38) RETENTION OF INTERNAL FEATURES**

Where the internal wall within stairwell 03 is to be removed at least 300mm of nib wall on both ends (including architraves and skirting boards) are to be retained. The removed wall section must be interpreted in the floor tiling.

Where internal joinery features are to be conserved, any components replaced or reinstated, are to match the existing in profile and section size.

**(39) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS**

Stone, bricks, roof tiles, joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses must be salvaged and where possible reused on the project.

Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.

**(40) DISPOSAL OF SURPLUS SALVAGED MATERIALS**

Salvaged traditional building materials surplus to the requirements of this project including items such as stone, bricks, metal, structural timber etc. are to be sold to an established dealer in second hand heritage building materials. Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

**(41) PUBLIC ART**

Public art work must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.

The public artwork must be in accordance with the Sydney DCP 2012, the Public Art Policy, and the Interim guidelines: public art in private developments.

Final details of the proposed public art work must be submitted to and approved by Council's Director City Planning, Development and Transport prior to issue of any Construction Certificate for above ground works.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at

<http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>

Please contact the Public Art Team at [publicartreferrals@cityofsydney.nsw.gov.au](mailto:publicartreferrals@cityofsydney.nsw.gov.au) for further information.

**(42) MATERIALS FOR MAKING GOOD**

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

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

### **(43) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS**

Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council's Director City Planning. The report must explain how the retained building elements, such as lower ground floor columns and flooring at ground floor, are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

### **(44) MODIFICATION TO STRUCTURAL METHODOLOGY**

- (a) Any modifications required to the proposed structural methodology as a result of further Geotechnical investigation, Timber Inspection, Masonry Inspection or refinement of the proposed design must be submitted for approval by Council's Director City Planning prior to the issue of the Construction Certificate.

### **(45) LOCATION OF SUBSTATION**

- (a) Should the proposed location of the substation not be approved by Ausgrid, any alternative location must be submitted for approval by Council's Director City Planning prior to the issue of the Construction Certificate.

### **(46) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;
- (d) if the discovery is on Council's land, Council must be informed.

### **(47) 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;

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

- (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) Damp and weatherproofing - Part F1;
- (xiii) Sanitary and other facilities - Part F2;

Note: For restaurants, cafes, bars and the like, sanitary facilities must be provided for patrons if the total number of persons (patrons and staff) accommodated including the number of persons (seats) for any future proposed footway dining, is more than 20.

- (xiv) Room heights - Part F3;
- (xv) Light and ventilation - Part F4;
- (xvi) Sound transmission and insulation - Part F5;
- (xvii) Minor structures and components – Part G1;
- (xviii) Boilers, pressure vessels, heating appliances, fireplaces, chimneys and flues - Part G2;
- (xix) Atrium construction - Part G3;
- (xx) Entertainment venues other than temporary structures and drive-in theatres - NSW Part H101;
- (xxi) Energy Efficiency – Part J0;
- (xxii) Building Fabric - Part J1;
- (xxiii) Glazing - Part J2;
- (xxiv) Building sealing - Part J3;
- (xxv) Air-conditioning and ventilation systems - Part J5;
- (xxvi) Artificial lighting and power - Part J6;



## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

(xxvii) Heated water supply and swimming pool and spa pool plant - Part J7;

(xxviii) 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 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.

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

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

### **(49) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and 2 - 2012. The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and 2 – 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the *Building Code of Australia*, to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

### **(50) 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 Coordinator Planning Assessments / 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, planted areas on slab, planted areas in natural ground, lighting and other features;

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

- (ii) Cross sectional details of earthworks, planting, and soil depths including mounding, retaining walls and planter boxes. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, noting that this is in addition to drainage cells and waterproofing;
  - (iii) Location, numbers, type and supply of plant species;
  - (iv) Details of planting procedure, soil media/substrate type and maintenance;
  - (v) 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. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

### (51) TREES THAT MUST BE RETAINED

- (a) The existing trees detailed in Table 1 below must be retained and protected in accordance with the conditions of consent throughout the construction and development.

Table 1 – Tree Retention:

Tree Number	Species / Common Name	Location	
Trees 1-4	<i>Lophostemon confertus</i> / Brush Box	Council-owned street trees on Liverpool Street site frontage	
Trees 5-9	<i>Lophostemon confertus</i> / Brush Box	Council-owned street trees on Forbes Street site frontage	
Tree 10	<i>Murraya paniculata</i> / Orange Jessamine	Southern car park of 198-200 Forbes Street	
Tree 11	<i>Strelitzia nicholai</i> / Giant Bird of Paradise		
Tree 12	<i>Livistona spp.</i> / Cabbage Palm		
Tree 13	<i>Callistemon viminalis</i> cvr. / Bottlebrush		
Tree 14	<i>Celtis sinensis</i> / Chinese Hackberry		
Tree 15	<i>Plumeria acutifolia</i> / Frangipani		
Tree 16	<i>Olea europaea var. africana</i> / African Olive		
Tree 17	<i>Viburnum tinus</i> / Laurustinus		
Tree 18	<i>Strelitzia nicholai</i> / Giant Bird of Paradise		
Tree 19	<i>Phoenix canariensis</i> / Canary Island Date Palm		
Tree 20	<i>Cyathea sp.</i> / Tree Fern		
Tree 21	Group planting of <i>Archontophoenix spp.</i> and <i>Howea forsteriana</i>		Rear courtyard of 278 Liverpool Street
Tree 22	<i>Jacaranda mimosifolia</i> / Jacaranda		Front yard of 278 Liverpool Street
Tree 23a	<i>Archontophoenix cunninghamiana</i> / Bangalow Palm		

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

Tree 23b	<i>Archontophoenix cunninghamiana</i> / Bangalow Palm	
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**NOTE:** Reference should be made to the Arboricultural Impact Assessment Report prepared by 'Tree Consulting by Jo' dated 22 February 2019 for tree numbering and locations.

### (52) 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).

### (53) TREE PRUNING SPECIFICATIONS

- (a) Pruning of Trees 10, 13, 16, 17, 21, and 22 must be undertaken prior to site establishment.
- (b) Pruning of Trees 10, 13, 16, 17, 21, and 22 must be undertaken in accordance with the pruning specifications provided in the Arboricultural Impact Assessment Report (Appendix 4) prepared by 'Tree Consulting by Jo' dated 22 February 2019.
- (c) All pruning must be carried out by a qualified Arborist (AQF Level 3 Arboriculture) and must be in accordance with the Australian Standard 'AS4373:2007 *Pruning of Amenity Trees*'.
- (d) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any further tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council.

### (54) TREE PROTECTION ZONES

#### TPZ Schedule

Tree Number	Species / Common Name	TPZ radius measure from centre of trunk (m)
Tree 1	<i>Lophostemon confertus</i> / Brush Box	5.2
Tree 2	<i>Lophostemon confertus</i> / Brush Box	2.2
Tree 3	<i>Lophostemon confertus</i> / Brush Box	8.0
Tree 4	<i>Lophostemon confertus</i> / Brush Box	3.4
Tree 5	<i>Lophostemon confertus</i> / Brush Box	6.8
Tree 6	<i>Lophostemon confertus</i> / Brush Box	2.0
Tree 7	<i>Lophostemon confertus</i> / Brush Box	2.4
Tree 8	<i>Lophostemon confertus</i> / Brush Box	2.0
Tree 9	<i>Lophostemon confertus</i> / Brush Box	2.0
Tree 10	<i>Murraya paniculata</i> / Orange Jessamine	3.2
Tree 11	<i>Strelitzia nicholai</i> / Giant Bird of Paradise	2.2
Tree 12	<i>Livistona spp.</i> / Cabbage Palm	3.0

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

Tree 13	<i>Callistemon viminalis</i> cvr. / Bottlebrush	2.0
Tree 14	<i>Celtis sinensis</i> / Chinese Hackberry	2.0
Tree 15	<i>Plumeria acutifolia</i> / Frangipani	3.1
Tree 16	<i>Olea europaea</i> var. <i>africana</i> / African Olive	2.0
Tree 17	<i>Viburnum tinus</i> / Laurustinus	2.5
Tree 18	<i>Strelitzia nicholai</i> / Giant Bird of Paradise	2.0
Tree 19	<i>Phoenix canariensis</i> / Canary Island Date Palm	5.0
Tree 20	<i>Cyathea</i> sp. / Tree Fern	2.8
Tree 21	Group planting of <i>Archontophoenix</i> spp. and <i>Howea forsteriana</i>	2.5
Tree 22	<i>Jacaranda mimosifolia</i> / Jacaranda	4.2
Tree 23a	<i>Archontophoenix cunninghamiana</i> / Bangalow Palm	3.0
Tree 23b	<i>Archontophoenix cunninghamiana</i> / Bangalow Palm	3.0

**NOTE:** Reference should be made to the Arboricultural Impact Assessment Report prepared by 'Tree Consulting by Jo' dated 22 February 2019 for tree numbering and locations.

- (a) If at any time the existing site boundaries located within the TPZs of Trees 10-23b are demolished, TPZ fencing must be established in their place immediately thereafter.
- (b) TPZ fencing must be:
  - (i) 1.8m high fully supported chainmesh protective fencing. The fencing shall be secure and fastened to prevent movement. Woody roots shall not be damaged during the establishment or maintenance of the fencing;
  - (ii) Identified by signage that includes the name and contact details of the Site Arborist, attached so that it is clearly visible from within the site. All signs must remain in place until works are completed on site.
- (c) The following works shall be excluded from within any TPZ
  - (i) Soil cut or fill including excavation and trenching
  - (ii) Soil cultivation, disturbance or compaction
  - (iii) Stockpiling storage or mixing of materials
  - (iv) The parking, storing, washing and repairing of tools, equipment and machinery
  - (v) The disposal of liquids and refuelling
  - (vi) The disposal of building materials
  - (vii) The sitting of offices or sheds
  - (viii) Any action leading to the impact on tree health or structure
- (d) All work undertaken within or above the TPZ must be:
  - (i) Supervised by a qualified Consultant Arborist (AQF Level 5 minimum);

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

- (ii) Undertaken in accordance with all directions given by the Site Arborist and/or Council's Tree Management Officer.
- (iii) Any excavations within TPZs must be undertaken using non-destructive methods (such as by hand or with an Airspade) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.
- (iv) Footings shall be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance shall be provided between the tree root and footing.
- (v) 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.
- (vi) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any pruning of roots greater than 40mm in diameter.
- (vii) Any root pruning approved by Council's Tree Management Officer must be undertaken by a qualified Arborist (AQF Level 3 minimum).

### **(55) ADVANCED TREE PLANTING**

Tree planting within the property must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing of the Occupation Certificate;

- (a) The design must provide a minimum of 15% canopy coverage across the site, provided by trees that will reach a minimum height of 5 metres.
- (b) The tree species, when mature, must attain a minimum height of no less than 5 metres and minimum canopy spread of 5 metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement.
- (c) The trees must be grown in accordance with the Australian Standard 'AS2303:2015 Tree stock for landscape use'.
- (d) At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 2.5 metres.
- (e) New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting;
- (f) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
- (g) New trees must be planted by a qualified Horticulturalist or Arborist (AQF Level 2 minimum).
- (h) New trees must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

- (i) Written confirmation is to be obtained from Council's Area Planning Manager that all tree plantings have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.
- (j) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.

### **(56) DILAPIDATION REPORT – MINOR**

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Principal Certifier:

- (a) prior to the commencement of demolition/excavation works; and
- (b) on completion of construction demolition/excavation works.

### **(57) 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 Alignment Levels checklist (available in the *Public Domain Manual*) and 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.

### **(58) 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;

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

- (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.

### **(59) 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).

### **(60) PROTECTION OF SURVEY INFRASTRUCTURE**

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

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the NSW Land Registry Services.

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

### (61) STREET TREE PROTECTION

Street trees must be protected in accordance with the Australian Standard 'AS4970:2009 Protection of Trees on Development Sites', and as follows:

- (a) Tree trunk and major limb protection shall be undertaken prior to the issuing of the Construction Certificate. The protection shall be installed by a qualified Arborist (AQF 2 or 3) and must include;
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times,
  - (ii) Tree trunk/s and major branches must be protected by wrapped hessian or similar material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) shall be placed around tree trunk/s. The timber planks shall 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 shall be removed at the completion of the project.
- (b) Young street trees shall be protection by installing three (3) wooden takes 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) 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.
- (d) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (e) 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 the trunks or branches of any street trees.
- (f) Any excavation within in any area known to, or suspected of having street tree roots greater than 40mm diameter must be undertaken by hand.
- (g) Any trenching works for services / hydraulics / drainage etc must not be undertaken within 3 metres of any street tree. Alternative installation



## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

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.

- (h) Existing sections of kerbs adjacent to any street tree shall not be removed without approval from Council's Tree Management Officer. Removal of kerbs adjacent to mature trees can cause trees to become unstable and fail.
- (i) Any damage sustained to street trees 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 Council's Tree Management Officer on 9265 9673, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

### **(62) STREET TREE PRUNING AND REMOVAL**

- (a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

### **(63) 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>

### **(64) PUBLIC DOMAIN PLAN**

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to 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

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

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

### (65) RELOCATION OF TRAFFIC ISLAND

The proposed relocation of the traffic island is not approved as part of this application.

A concept plan showing the proposed changes to on-street car parking and relocation of the existing traffic island is to be lodged to the City Infrastructure and Traffic Operations team and will be referred to Council's Local Pedestrian, Cycling and Traffic Calming Committee for consideration. Approval of the concept plan is to be granted prior to the issue of a Construction Certificate.

Following concept plan approval, a detailed design will need to be submitted back to the City Infrastructure and Traffic Operations team for approval. All works are to be undertaken prior to the issue of an Occupation Certificate.

### (66) 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

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

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.

### (67) STORMWATERT 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.

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

- (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.

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

- (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.

### (68) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

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

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

### (69) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Forbes Street frontage 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.

### (70) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 48 lineal metres of concrete site frontage in Liverpool Street and 15 lineal metres of concrete site frontage in Forbes Street 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.

### (71) 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

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

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 Sydney Lights Design Code, Sydney Streets 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. In particular, lighting must comply with P2 category within AS/NZS 1158.3.1 with a minimum vertical luminance of 1 lux;
  - (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) Existing Ausgrid Mercury Vapour lights shall be replaced with HPS 150W Aeroscreen luminaires. Lighting designs must be submitted to the City for review and approval. Ausgrid lighting alterations must be arranged by application to Tiago Cura, Street Lighting Engineer, on [tcura@ausgrid.com.au](mailto:tcura@ausgrid.com.au).
- (c) 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.

### (72) ASSOCIATED ROADWAY COSTS

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

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

### (73) 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*).



## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

### **(74) 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.

### **(75) LAND SUBDIVISION – SEPARATE DA REQUIRED**

Any proposal for land subdivision will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

### **(76) STRATA SUBDIVISION – DEVELOPMENT CONSENT**

Any proposal for strata subdivision will require development consent and therefore the lodgement of a separate development application or complying development application and subsequent approval from Council, or an accredited certifier, of the Strata Plan – and issue of a Strata Certificate, under the *Strata Schemes Development Act 2015*.

### **(77) WASTE - GENERAL**

- (a) Commercial waste and recycling receptacles and bulky waste must be stored on the property at all times and must not be placed on the public way at any time.
- (b) Commercial tenancies must have a commercial waste contract in place prior to the issue of an Occupation Certificate being issued and/or commencement of the use, whichever is earlier.
- (c) Unimpeded access must be provided for collection from the waste and recycling storage location(s) at all times.
- (d) Commercial and residential waste service collections and waste storage arrangements must be conducted in accordance with the City's Waste Policy –Local Approvals Policy for Managing Waste in Public Places (2017).

### **(78) 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.

## **NOTICE OF DETERMINATION – APPROVAL D/2018/1526**

### **SCHEDULE 1C**

#### **DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION**

##### **(79) 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.

##### **(80) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

No portion of the proposed structure shall encroach onto the adjoining properties.

##### **(81) ENCROACHMENTS – PUBLIC WAY**

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

##### **(82) 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.

##### **(83) EROSION AND SEDIMENT CONTROL**

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.

During the construction period;

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

##### **(84) VEHICLE CLEANSING**

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

## **NOTICE OF DETERMINATION – APPROVAL D/2018/1526**

### **(85) SYDNEY WATER CERTIFICATE**

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

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

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

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

### **(86) 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.

### **(87) 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.

### **(88) 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.

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

- (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.

### **(89) 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.

### **(90) HOURS OF WORK AND NOISE – OUTSIDE CBD**

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

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

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance

**NOTICE OF DETERMINATION – APPROVAL D/2018/1526**

with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

## NOTICE OF DETERMINATION – APPROVAL D/2018/1526

### 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 notes:

1. It is advised that the City of Sydney Neighbourhood Parking Policy may apply to this development. Eligibility for parking permits for residents or users of the development will be determined by the terms of this policy or subsequent future policies.
2. 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 Nicholas Beck on ph. 02 9265 9507, or by email at [nbeck@cityofsydney.nsw.gov.au](mailto:nbeck@cityofsydney.nsw.gov.au).**