

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## **CONDITIONS OF CONSENT**

### **SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

#### **(A) PART A - DEFERRED COMMENCEMENT CONDITIONS**

##### **(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:

##### **(1) ON SITE ACOUSTIC TESTING**

- (a) On site acoustic testing must be carried out in accordance with the recommendations of the Acoustic Report prepared by Pulse Acoustic Consultancy Pty Ltd, Revision 5, dated 20 April 2020 (the Acoustic Report) to determine the acoustic attenuation measures, if any, required to meet the following noise criteria:
  - (i) The repeatable maximum LAeq(1 hour) must not exceed 35dB for hotel rooms with closed windows and doors (10pm to 7am).
- (b) On site testing must include transmission loss testing to verify the analysis contained within the Acoustic Report.
- (c) The applicant must engage with the operator of the Oxford Arts Factory to ensure that on site testing represents the real-life operational conditions of the Oxford Arts Factory and confirm the assumptions contained within the Acoustic Report in relation to this venue.
- (d) If acoustic attenuation works are required to achieve the criteria outlined in Condition (1)(a)(i), these measures must be designed to reduce impacts on the heritage fabric of the building. Details of these attenuation measures are to be included for approval.

**(2)** Evidence that will sufficiently enable Council to be satisfied as to those matters identified Condition 1, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent.

**(3)** The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.

(B) PART B - 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/2019/1295 dated 15 November 2019 and the following drawings prepared by Sydney Architecture Studio:

Drawing Number	Drawing Name	Date
DA 020 Issue H	Basement – Existing & Demolition	16/04/2020
DA 021 Issue J	Ground Level – Existing & Demolition	16/04/2020
DA 022 Issue H	Level 1 – Existing & Demolition	16/04/2020
DA 023 Issue H	Level 2 – Existing & Demolition	16/04/2020
DA 024 Issue H	Level 3 – Existing & Demolition	16/04/2020
DA 025 Issue H	Level 4 – Existing & Demolition	16/04/2020
DA 025 Issue H	Roof – Existing & Demolition	16/04/2020
DA 027 Issue H	Elevations – Existing & Demolition	16/04/2020
DA 028 Issue C	Elevations – Existing & Demolition	16/04/2020
DA 100 Issue J	Basement – Proposed	20/04/2020
DA 101 Issue J	Ground Level – Proposed	16/04/2020
DA 102 Issue H	Level 1 – Proposed	16/04/2020
DA 103 Issue H	Level 2 – Proposed	16/04/2020
DA 104 Issue H	Level 3 – Proposed	16/04/2020

Drawing Number	Drawing Name	Date
DA 105 Issue H	Level 4 – Proposed	16/04/2020
DA 106 Issue H	Roof – Proposed	16/04/2020
DA 200 Issue J	Elevations – Proposed	16/04/2020
DA 201 Issue C	Elevations – Proposed	16/04/2020
DA 300 Issue H	Sections – Proposed	16/04/2020
DA 401 Issue C	Typical Details	16/04/2020
DA 402 Issue A	Room 1.01	16/04/2020
DA 410 Issue H	Photomontage	16/04/2020
DA 500 Issue J	FSR Diagram	16/04/2020

and as amended by the conditions of this consent.

- (b) The drawings set out in the following schedule prepared by PBD Architects and approved under D/2017/1293, shall be retained as approved drawings of this consent.

Drawing Number	Drawing Name	Date
DA 203 Issue B	East Elevation	20.03.2018

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

## **(2) MODIFICATION OF DEVELOPMENT APPLICATION D/2017/1293**

- (a) Prior to the commencement of this development consent, the existing base development application consent D/2017/1293, dated 9 May 2018, shall be modified pursuant to Section 4.17(1)(b) and (c) of the Environmental Planning and Assessment Act 1979 to the satisfaction of the Director City Planning, Development and Transport.
- (b) The drawings set out in the following schedule shall be modified by the approved drawings nominated at Condition 1 (Approved Development) of this consent.

### **Schedule – plans to be replaced**

Drawing Number	Drawing Name	Date
DA 100 Issue C	Basement Floor Plan	20.03.2018
DA 101 Issue C	Ground Floor Plan	20.03.2018
DA 102 Issue C	Level 1 Floor Plan	20.03.2018
DA 103 Issue C	Level 2 Floor Plan	20.03.2018
DA 104 Issue C	Level 3 Floor Plan	20.03.2018
DA 105 Issue C	Level 4 Floor Plan	20.03.2018
DA 106 Issue C	Roof Plan	20.03.2018
DA 200 Issue C	North Elevation	20.03.2018
DA 201 Issue C	South Elevation	20.03.2018
DA 202 Issue C	West Elevation	20.03.2018
DA 204 Issue A	Sectional Elevation South Facade	20.03.2018
DA 300 Issue C	Section A-A	20.03.2018
DA 401 Issue B	Photomontage	20.03.2018
DA 500 Issue C	FSR Calculations	20.03.2018

- (c) Notice of such modifications shall be given to Council in accordance with Section 97 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of any works pursuant to this consent.

### **(3) RELIANCE ON PREVIOUS DEVELOPMENT CONSENT D/2017/1293 (AS AMENDED)**

- (a) This development consent relies on, and must be read in conjunction with, the base development consent D/2017/1293 (as amended).
- (b) This consent is subject to compliance with conditions of consent contained in D/2017/1293 (as amended) as follows:

#### **Schedule 1A of D/2017/1293**

- (i) (6) SIGNAGE STRATEGY
- (ii) (7) CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – EAST PRECINCT
- (iii) (8) APPROVED DESIGN – ROOFTOP PLANT

- (iv) (9) BUILDING HEIGHT
- (v) (10) FLOOR SPACE RATIO
- (vi) (11) REFLECTIVITY
- (vii) (12) MATERIALS AND SAMPLES BOARD
- (viii) (13) GENERAL HERITAGE
- (ix) (14) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION
- (x) (15) USE OF HERITAGE ARCHITECT
- (xi) (16) HERITAGE CONSERVATION WORKS
- (xii) (17) MATERIALS FOR MAKING GOOD
- (xiii) (18) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS
- (xiv) (19) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS
- (xv) (20) SITES IN THE VICINITY OF A HERITAGE ITEM
- (xvi) (21) BUILDING WORKS TO COMPLY WITH BCA – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA
- (xvii) (22) PROTECTION OF PUBLIC FEATURES IN CONSERVATION AREA
- (xviii) (25) NO SPEAKERS OR MUSIC OUTSIDE
- (xix) (26) NO SPRUICKING OUTSIDE
- (xx) (28) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN
- (xxi) (29) COMPLIANCE WITH DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

**Schedule 1B of D/2017/1293**

- (xxii) (31) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES
- (xxiii) (32) ASBESTOS REMOVAL WORKS
- (xxiv) (33) CONSTRUCTION TRAFFIC MANAGEMENT PLAN
- (xxv) (34) LAND SUBDIVISION
- (xxvi) (35) STRATA SUBDIVISION

- (xxvii) (36) ROAD OPENING PERMIT
- (xxviii) (37) APPLICATION FOR HOARDINGS AND SCAFFOLDING  
INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING  
HOISTING DEVICES INCLUDING BUILDING MAINTENANCE  
UNITS OVER A PUBLIC ROAD
- (xxix) (38) STORMWATER AND DRAINAGE – MINOR DEVELOPMENT
- (xxx) (39) PUBLIC DOMAIN DAMAGE DEPOSIT
- (xxxi) (40) WORKS REQUIRING USE OF A PUBLIC PLACE
- (xxxii) (41) STREET TREE PROTECTION
- (xxxiii) (42) ELECTRICITY SUBSTATION
- (xxxiv) (43) SYDNEY WATER CERTIFICATE (TAP-IN)
- (xxxv) (46) PHYSICAL MODELS
- (xxxvi) (47) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO  
OCCUPATION CERTIFICATE

**Schedule 1C of D/2017/1293**

- (xxxvii) (48) OCCUPATION CERTIFICATE TO BE SUBMITTED
  - (xxxviii) (50) SURVEY CERTIFICATE AT COMPLETION
  - (xxxix) (51) ENCROACHMENTS – NEIGHBOURING PROPERTIES
  - (xl) (52) ENCROACHMENTS – PUBLIC WAY
  - (xli) (53) COVERING OF LOADS
  - (xlii) (54) VEHICLE CLEANSING
  - (xliii) (55) LOADING AND UNLOADING DURING CONSTRUCTION
  - (xliv) (56) NO OBSTRUCTION OF PUBLIC WAY
  - (xlv) (57) USE OF MOBILE CRANES
- (c) This consent is not subject to compliance with the following conditions contained in D/2017/1293 (as amended). Amended and updated conditions, as relevant, are included from Condition 4 of this consent.

**Schedule 1A of D/2017/1293**

- (i) (1) APPROVED DEVELOPMENT
- (ii) (2) MODIFICATION OF DEVELOPMENT APPLICATION  
(D/2013/860)
- (iii) (3) USE OF PREMISES

- (iv) (4) USE OF LEVEL 3 TERRACE AREA
- (v) (5) DESIGN MODIFICATIONS
- (vi) (23) BICYCLE PARKING AND END OF TRIP FACILITIES
- (vii) (27) COMPLIANCE WITH ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATE
- (viii) (24) NOISE – GENERAL

**Schedule 1B of D/2017/1293**

- (ix) (30) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED
- (x) (44) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL
- (xi) (45) WASTE AND RECYCLING MANAGEMENT – MINOR

**Schedule 1C of D/2017/1293**

- (xii) (49) HOURS OF WORK AND NOISE – OUTSIDE CBD

**(4) PREVIOUS CONDITIONS SATISFIED UNDER D/2017/1293 (AS AMENDED)**

All conditions previously satisfied under D/2017/1293 are enforced under this consent.

**(5) MODIFICATION OF DEVELOPMENT APPLICATION D/2013/860**

- (a) Prior to the commencement of this development consent, the existing development application consent D/2013/860 (as amended), shall be modified pursuant to Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979 to the satisfaction of the Area Planning Manager.
- (b) The drawings set out in the following table shall be modified by the approved drawings nominated at Condition 1 (Approved Development) of this consent.

**Schedule – D/2013/860 plans to be replaced**

Drawing Number	Drawing Name	Date
DA 100 Issue C	Basement Floor Plan	20.03.2018
DA 101 Issue C	Ground Floor Plan	20.03.2018
DA 102 Issue C	Level 1 Floor Plan	20.03.2018
DA 103 Issue C	Level 2 Floor Plan	20.03.2018



- (c) The conditions set out in the table below shall be modified to reflect the change of use for Ground Floor, Level 1 and Level 2 and amended Basement floor plans approved by this consent.

**Table - D/2013/860 conditions to be modified**

D/2013/860 Condition to be modified	Modification required
Condition 3 External Ground Floor Courtyard	To be deleted
Condition 4 Maximum capacity	To be modified to reduce the patron capacity of the ground floor to 150 and delete the reference to the external ground floor courtyard.
Condition 8 Plan of Management	To be modified to reduce the patron capacity in accordance with Condition 4 (as amended).  To be modified to state that no patrons are to be permitted access or egress to the basement via the existing rear lane access to Winns Lane, except in the event of an emergency.

## **(6) USE OF PREMISES**

The approved use of the premises is as follows:

- (a) Basement – hotel (bar and music venue) to be operated in accordance with D/2013/860 (as amended).
- (b) Ground floor – hotel (bar and cafe) to be operated in accordance with D/2013/860 (as amended) and tourist and visitor accommodation (hotel lobby and site managers room).
- (c) Level 1 – tourist and visitor accommodation (guest rooms).
- (d) Level 2 – tourist and visitor accommodation (guest rooms).
- (e) Level 3 – tourist and visitor accommodation (guest rooms).
- (f) Level 4 – tourist and visitor accommodation (guest rooms).

## **(7) LEVEL 3 TERRACE AREAS**

Access to the level 3 terrace areas to Oxford Street and Winns Lane must be restricted to maintenance only. Access is not to be provided to hotel guests at any time.

**(8) PLAN OF MANAGEMENT TO BE SUBMITTED AND APPROVED**

- (a) The Plan of Management accompanying this Development Application has not been approved by this consent. The submitted Plan of Management, dated April 2020, is to be amended to address the following:
  - (i) Section 4 Waste and Services
    - a. The waste collection point for the site must be from inside the property. Bins cannot be presented on the kerbside – they must be stored within the site and have a wheel-in-wheel-out collection service.
    - b. 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.
- (b) The plan must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.
- (c) The use must always be operated / managed in accordance with the Plan of Management submitted to satisfy this condition of consent.

**(9) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION**

The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010 and regulations thereunder and *Sydney Development Control Plan 2012 – 4.4.8*.

**(10) ACCOMMODATION - REGISTRATION AND CARETAKER**

Prior to the issuing of any Occupation Certificate, Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

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

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Pulse Acoustic Consultancy Pty Ltd, dated 20 April 2020, ref 2020-04-20 Acoustic DA Assessment – The Exchange Hotel, 34-36 Oxford Street, Darlinghurst – Revision 5, titled DA Acoustic Assessment – The Exchange Hotel, 34 – 36 Oxford Street, Darlinghurst, Council Ref 2020/175322 must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic

Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant\* (see definition below). This work will be to the satisfaction of the accredited certifier.

- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant\* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier 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 Acoustical Society, Institution of Engineers Australia or the Association of Australian Acoustical Consultants at the grade of member.

- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

## **(12) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT**

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI) unless agreed to by the City's Area Planning Manager. Further:
  - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.
  - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
  - (i) The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
  - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- (c) Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

## **(13) BICYCLE PARKING AND END OF TRIP FACILITIES**

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 Types	Number	Requirements
Hotel staff/guest use	5	Class 2 bicycle parking facility in accordance with AS2890.3
End of Trip Facility	Number	
Showers with change area	1	
Personal Lockers	2	

The layout, design and security of bicycle facilities must comply with Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Certifying Authority confirming prior to the Construction Certificate being issued.

#### **(14) TRANSPORT ACCESS GUIDE (TAG)**

A Transport Access Guide must be prepared, implemented and maintained (updated/revised from time to time) by the operators of the premises and be made available to staff, clients, customers and visitors at all times. Transport Access Guide should specially refer to the users of the site in the case of full capacity gathering / function/ special prayers through the booking system and/or all sorts of communication (electronic and printed) media.

The details must be submitted to and approved by the Certifying Authority confirming prior to the Occupation Certificate being issued.

## **SCHEDULE 1B**

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

REFER TO D/2017/1293, (AS AMENDED) AND CONDITIONS BELOW

#### **(15) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED (CC REQUIRED)**

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, where currently non-compliant, the whole building must comply with the performance requirements relating to the following parts of the Building Code of Australia (BCA):

- (i) Fire resistance and stability - Part C1;
- (ii) Compartmentation and separation - Part C2;
- (iii) Protection of openings - Part C3;
- (iv) Provision for escape - Part D1;
- (v) Construction of exits - Part D2;
- (vi) Fire fighting equipment - Part E1;
- (vii) Smoke hazard management – Part E2;
- (viii) Visibility in an emergency, exit signs and warning systems - Part E4;
- (ix) Sound transmission and insulation- Part F5

Prior to a construction certificate being issued, the Certifying Authority must ensure that the proposed works and other upgrading works required by this condition satisfy the Building Code of Australia by complying with Clause A2.1 of the BCA.

#### **(16) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan is to be approved by the Principal Certifier prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Building Waste and Recycling Management Plan must be implemented during construction of the development.

#### **UPON COMPLETION OF THE DEVELOPMENT**

- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

#### **(17) WASTE/RECYCLING COLLECTION**

- (a) The collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.

#### **(18) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**

- (a) Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings.

#### **(19) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and AS1668.2 - 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 AS1668.2 - 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 and certified in accordance with Clause A5.2(1)(e) of the Building Code of Australia, to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.
- (c) Prior to issue of any 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 A5.2(1)(e) of the Building Code of Australia, must be submitted to the Principal Certifier.

#### **(20) MICROBIAL CONTROL IN WATER SYSTEMS**

The installation, operation and maintenance of water-cooling or warm water systems installed on the premises must comply with the following:

- (a) AS/NZS 3666:1:2011 - Air-handling and water systems of buildings-Microbial Control Part 1: Design, installation and commissioning.
- (b) AS/NZS 3666:2:2011 - Air-handling and water systems of building-Microbial Control Part 2: Operation and maintenance.
- (c) AS/NZS 3666:3:2011 - Air-handling and water systems of buildings-Microbial Control Part 3: Performance based maintenance of cooling water systems.

- (d) AS/NZS 3666:4:2011 – Air-handling and water stems of buildings-Microbial Control Part 4: Performance – based maintenance of air – handling systems (ducts and components).

Note: The occupier of premises at which a water-cooling system is installed, must notify the council in writing on the prescribed form, of the installation of all water-cooling tower systems within the premises - Public Health Act 2010. Warm water systems other than hospitals (which also includes nursing homes, declared mental health facilities, private health facilities) are exempt from notifying Council.

Notification forms are available on Council's website:  
[www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)

## **SCHEDULE 1C**

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

REFER TO D/2017/1293, (AS AMENDED).

#### **(21) 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.

#### **(22) 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 Team, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.