

# **Attachment A**

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

### SCHEDULE 1A

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

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

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2021/1087 dated 11 October 2021 and the following drawings prepared by Mecone Ltd:

Drawing Number	Drawing Name	Date
A1017	Location Plan – Existing	13/09/21
A1017	Proposed Location Plan	13/09/21
A1018	Location Plan – Existing	13/09/21
A1018	Proposed Location Plan	13/09/21
A1020	Location Plan – Existing	13/09/21
A1020	Proposed Location Plan	13/09/21
A04 1002	APT – Set Out	06/08/21
A04 1003	APT – Family Suite	06/08/21
A04 2001	APT Accessible – SF4-1 – AXO	06/08/21
A04 2002	APT Accessible – SF4-1 – Plan	06/08/21
A04 2003	APT Accessible – SF4-1 – RCP / Roof	06/08/21
A04 2004	APT Accessible – SF4-1 – Elevations	06/08/21
A04 2005	APT Accessible – SF4-1 – Sections	06/08/21
A04 2006	APT Ambulant + Accessible – SF4-2 – AXO	06/08/21
A04 2007	APT Ambulant + Accessible - SF4-2 - PLAN	06/08/21
A04 2008	APT Ambulant + Accessible – SF4-2 – RCP / Roof	06/08/21
A04 2009	APT Ambulant + Accessible – SF4-2 – Elevations	06/08/21
A04 2010	APT Ambulant + Accessible – SF4-2 – Sections	06/08/21
A04 1003	APT – Family Suite	18/08/21
IN01	Internal Details Accessible Booth	10/09/21
IN02	Internal Details Accessible Booth	10/09/21
G1 Rev A	APT GREEN ROOF & WALL DETAILS	07/12/21
G1 Rev A	APT GREEN ROOF & WALL DETAILS	07/12/21
-	Fytogreen Top Hat Fixing Batten Typical Drawing	23/11/21

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) APTs NOT APPROVED**

- (a) The APT located in Erskineville Square (A1016) is not approved as part of this consent and is deleted.

**(3) DECOMMISSIONING STRATEGY FOR APT GREEN WALL AND GREEN ROOF ELEMENTS**

A detailed green wall and green roof decommissioning report (including plans, sections and details drawn to scale, and technical specification) prepared by a qualified landscape architect, landscape designer or green wall specialist, is to be submitted to and approved by Area Planning Manager/Area Planning Coordinator prior to the issue of a Construction Certificate. This shall include the following:

- (a) Details of the green wall and green roof construction, including proposed materials, planter dimensions, fixings and structures.
- (b) Resolution of the appearance of the APT, should the APT green roof or green wall elements fail on mass and this outcome eventuates. Submit a plan and section details to demonstrate the appearance of the APT without the green wall and or green roof, if this outcome eventuates.
- (c) A plan outlining the intended strategy for decommissioning and rectification if APT planting works fail. This is to ensure the green wall and green roof is maintained is throughout its life and for the duration of the 10 year contract.

**(4) GREEN ROOFS AND WALLS**

APTs (A1017) and (A1018) include 3 x green walls panels.

The APT (A1018) includes a green roof.

**(5) LANDSCAPE SCREENING AND PAVING REQUIRED**

Details of landscape screening and paving around APT (1017) in Wentworth Park must be submitted to and approved by Council's Area Planning Manager/Area Coordinator prior to a Construction Certificate being issued.

**(6) COWPER WHARF ROAD APT - SIGNAGE CONTENT MANAGEMENT**

- (a) A minimum of 10% of the screen time of all advertising displays is to be used for material and content managed by the City of Sydney to advertise public information, community messages and promotion of events.
- (b) The panels shall also be used to display health information and be used to assist public safety such as instant messaging should an emergency arise.

**(7) COWPER WHARF ROAD APT - DIGITAL SIGNAGE – ADDITIONAL REQUIREMENTS**

The approved digital signage must ensure the following:

- (a) The digital display must have a minimum dwell time for advertisements of 10 seconds, where the speed limit is below 80km/h;
- (b) The digital display must have a minimum dwell time for advertisements of 25 seconds, where the speed limit is above 80km/h;
- (c) The transition time between advertisements is to be no longer than 0.1 seconds;
- (d) The digital display screen must have a default black display when the signage is off or is malfunctioning;
- (e) The digital display must not contain/use:
  - (i) Flashing or flickering lights or content;
  - (ii) Animated display, moving parts or simulated movement;
  - (iii) Complex display that hold a driver's attention beyond "glance appreciated";
  - (iv) The image must not be capable of being mistaken:
    - a. for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device;
    - b. as text providing instructions to drivers;
  - (v) A method of illumination that distracts or dazzles; and
  - (vi) Dominant use of colours red or green.
- (f) Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.

**(8) COWPER WHARF ROAD APT - SIGN ILLUMINATION**

- (a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting.
- (c) The maximum night time luminance of any sign is not to exceed 300 cd/sqm.
- (e) Upward facing light sources onto the signage is not permitted.

**(9) COWPER WHARF ROAD APT - ENERGY SOURCE OF DIGITAL ADVERTISING PANELS**

In accordance with Section 3.16.4(6) of Sydney DCP 2012, the digital advertising signage panels are to be powered by:

- (a) Onsite renewable energy of a capacity to provide the energy required to illuminate the signs; or
- (b) The purchase of a renewable energy product offered by an electricity supplier equivalent to the estimated annual amount of electricity used

**(10) TREE PROTECTION**

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

- (a) Tree trunk and major limb protection must be undertaken prior to the commencement of any works. The protection must be installed and certified by a qualified Arborist (AQF level 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunks at all times;
  - (ii) Tree trunk/s and/or major branches, must be protected by wrapped hessian or similar material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Young street trees shall be protection by installing three (3) wooden stakes around the edge of the tree pit or a tree guard. Hessian shall be wrapped around the stakes. If existing stakes or tree guard are already in place, these shall suffice as tree protection.
- (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 tree 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 three metres of any street tree. 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.
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) Any damage sustained to street tree/s as a result of construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of construction activities may result in a prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

#### **(11) TREE PRUNING**

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that 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'.

## **SCHEDULE 1B**

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

#### **(12) PRESERVATION AND REINSTATEMENT OF PUBLIC ASSETS**

- (a) Ensure that all existing public assets are retained and preserved for the duration of development works.
- (b) Any damage caused to public assets as a result of development works, including but not limited to damage to footpath, kerb and gutter, signage, survey marks, street furniture, utility pit lids, lighting, street trees and adjacent carriageways are to be rectified to Council's satisfaction.
- (c) Any rectification works must be completed in accordance with Council's specifications and requirements prior to the use of the automated public toilets commencing.

#### **(13) COMPLIANCE WITH COUNCIL STANDARDS AND DISABILITY DISCRIMINATION ACT**

The placement of the APT and any associated Tactile Ground Surface Indicator's or textured paving works is to ensure compliance with Council's access requirements and the Disability Discrimination Act 1992 and that there are no conflicts with existing street furniture and fixtures. All works are required to ensure that the public domain complies with the City of Sydney – Street Furniture Placement and Design Guidelines, March 2021. Compliance is to be achieved prior to the use commencing.

#### **(14) WASTE AND RECYCLING MANAGEMENT - MINOR**

- (a) 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.
- (b) Any waste water from the Premises must only be disposed of in the public sewerage system.

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

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.

#### **(16) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM**

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building

material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

**(17) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

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



## **SCHEDULE 1C**

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

#### **(18) 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.

#### **(19) 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 separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 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*.

#### **(20) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) Should a Works Zone on the street be required, an application must be made to be considered by Council.

- (b) An application must be made to Council at least 8 weeks prior to commencement of work. 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.
- (c) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

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

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

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

**SCHEDULE 3 HERITAGE COUNCIL OF NSW – GENERAL TERMS OF APPROVAL  
INTEGRATED DEVELOPMENT APPLICATION FOR PROPOSED APT (1018) IN  
VICTORIA PARK**

**(21) APPROVED DEVELOPMENT**

Development must be in accordance with:

Site plans, prepared by (untitled) as listed below:

Drawing Number	Drawing Title	Date	Revision
A1018	Location Plan – Proposed	13/09/21	2

Internal detail drawings, prepared by Pureablue as listed below:

Drawing Number	Drawing Title	Date	Revision
IN01	Internal details – Accessible Booth	10/09/21	B
IN02	Internal details – Ambulant booth	10/09/21	B

Architectural drawings, prepared by Grimshaw Architects as listed below:

Drawing Number	Drawing title	Date	Revision
A04 1002	APT – Set Out	06/08/21	B
A04 1003	APT – Family Suite	06/08/21	H
A04 2001	APT Accessible – SF4-1 – AXO	06/08/21	G
A04 2002	APT Accessible – SF4-1 – Plan	06/08/21	G
A04 2003	APT Accessible – SF4-1 – RCP / Roof	06/08/21	E
A04 2004	APT Accessible – SF4-1 – Elevations	06/08/21	G
A04 2005	APT Accessible – SF4-1 – Sections	06/08/21	D
A04 2006	APT Ambulant + Accessible – SF4-2 – AXO	06/08/21	G
A04 2007	APT Ambulant + Accessible - SF4-2 - PLAN	06/08/21	G
A04 2008	APT Ambulant + Accessible – SF4-2 – RCP / Roof	06/08/21	E

A04 2009	APT Ambulant + Accessible – SF4-2 – Elevations	06/08/21	G
A04 2010	APT Ambulant + Accessible – SF4-2 – Sections	06/08/21	D

Heritage Impact Statement Local Government Authority Automated Public Toilets Installation prepared by City Plan, dated 9/9/21

Statement of Environmental Effects New Automatic Public Toilet by Mecone dated September 2021

**EXCEPT AS AMENDED** by the following general terms of approval

**(22) LANDSCAPE SCREENING REQUIRED**

Details of any landscape screening/paving proposed around the proposed toilet block shall be submitted with the s60 for approval by the Heritage Council or its delegate.

Reason: Such details have not been submitted. It is considered that some soft landscaping is required to minimize impact of the proposal on the visual character of the park as a landscaped area.

**(23) UNEXPECTED FINDS**

The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics or any other buried fabric are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: All significant fabric within a State Heritage Register curtilage should be managed according to its significance. This is a standard condition to identify to the applicant how to proceed if historical archaeological relics, or other unexpected buried discoveries such as works are identified during the approved project.

**(24) ABORIGINAL OBJECTS**

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the National Parks and Wildlife Act 1974. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

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

**(25) COMPLIANCE**

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

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

**(26) SECTION 60 APPLICATION**

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

Reason: To meet legislative requirements.