

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## SCHEDULE 1

### CONDITIONS OF CONSENT

#### PART A - GENERAL

##### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application Number D/2021/689 dated 24 June 2021 and the following drawings prepared by Cracknell & Lonergan Architects:

Drawing Number	Drawing Name	Date
DA006 Issue G	Demolition Floor Plans	10-06-2022
DA007 Issue G	Conservation Works Plan	10-06-2022
DA008 Issue G	Conservation Works Plan	10-06-2022
DA009 Issue G	Conservation Works Plan	10-06-2022
DA010 Issue G	Conservation Works Plan	10-06-2022
DA011 Issue G	Preliminary Front Facade Conservation Works	10-06-2022
DA100 Issue G	Basement Floor Plan	10-06-2022
DA101 Issue G	Ground Floor Plan	10-06-2022
DA102 Issue G	First Floor Plan	10-06-2022
DA103 Issue G	Second Floor Plan	10-06-2022
DA104 Issue G	Third Floor Plan	10-06-2022
DA105 Issue G	Fourth Floor Plan	10-06-2022
DA106 Issue G	Fifth Floor Plan	10-06-2022
DA107 Issue G	Sixth Floor Plan	10-06-2022
DA108 Issue G	Roof Plan	10-06-2022
DA205 Issue G	Eastern & Western Elevation	10-06-2022
DA206 Issue G	Northern Elevation	10-06-2022
DA208 Issue G	Southern Elevation	10-06-2022
DA302 Issue G	Long Section	10-06-2022

Drawing Number	Drawing Name	Date
DA303 Issue G	Short Sections	10-06-2022
DA305 Issue G	Structural Wall Detail	10-06-2022
DA306 Issue G	Rear Lane Planter Detail Section	10-06-2022
DA307 Issue G	Concept Construction Section (1:50)	10-06-2022
DA308 Issue G	Vergola Details (Automated System)	10-06-2022
DA501 Issue G	Typical Unit Floor Plan	10-06-2022
DA502 Issue G	Accessible Unit Compliance Plan	10-06-2022
DA601 Issue G	Material & Finishes	10-06-2022

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.

**Reason**

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

**(2) 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	\$75,455.81
Community Facilities	\$36,937.37
Traffic and Transport	\$2,365.39
Stormwater Drainage	\$0.00
Total	\$114,758.57

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 – 130.9 for the December 2022.

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.

### **Reason**

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

### **(3) APPROVED DESIGN ROOFTOP PLANT**

All rooftop plant and associated equipment must be located within the approved building envelope.

### **Reason**

To ensure the constructed development complies with the approved height.

### **(4) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 31.70 (AHD) to the top of the lift overrun, RL 31.00 (AHD) to the top of the building parapet (denoted as an 'architectural roof feature' on the drawings referenced in the 'Approved Development' condition of this consent) and RL 30.70 (AHD) to the top of the roof awning.

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

**Reason**

To ensure the constructed development complies with the approved height.

**(5) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD**

The design details of the proposed building facade, including all external finishes, colours and glazing, must be:

- (a) Generally in accordance with the drawing titled 'Material & Finishes', numbered DA601, issue G, prepared by Cracknell & Lonergan Architects and dated 10 June 2022 (except as amended by the requirements of the 'Wall Treatment Adjacent Southern Boundary' condition of this consent).
- (b) Fully compliant with the detailed materials and samples board required to be submitted to and approved by Council's Area Planning Manager under the 'Detailed Materials and Samples Board' condition of this development consent.

**Reason**

To ensure all parties are aware of the approved materials and finishes that apply to the development.

**(6) WALL TREATMENT ADJACENT SOUTHERN BOUNDARY**

- (a) No consent is granted or implied to the materiality / construction of the wall adjacent the southern boundary wall.
- (b) The combination of dintel /cemintel fibre cement sheet cladding treatment to the wall adjacent the southern boundary must be deleted.
- (c) The wall treatment must be amended to be off form concrete, consistent with the design and construction of the northern boundary wall (noting the marble panels on the southern boundary may be replaced by the same pattern design rebated into the concrete wall).

The amended southern boundary wall treatment must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate.

**Reason**

To require amendments to the approved drawings and supporting documentation following assessment of the development.

**(7) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The northern edge of the roof terrace to apartment 2.01 must be provided with a privacy screen to a height of 1.5 metres above the finished floor level of the terrace.
- (b) The northern edge of the curved balconies to apartments 3.01, 3.02, 4.01, 4.02, 5.01 and 5.02 must be provided with a privacy treatment / nib, which must be an architectural design element that is integrated with the curved design of the building facade and balcony balustrade.
- (b) All apartment windows facing the internal lightwell must be amended to be operable, fitted with translucent glazing and appropriately dimensioned to permit natural cross ventilation in accordance with the design guidance under 4B-1 and the definition in the Glossary of the Apartment Design Guide.
- (c) The top of wall planter height in Apartment 2.02 must be amended to achieve a balustrade height of RL 16.60 (AHD).
- (d) The design of the roof top planters must be amended to provide adequate soil volumes for planting of trees as required in the 'Advanced Tree Planting' condition.

The modifications must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate.

#### **Reason**

To require amendments to the approved drawings and supporting documentation following assessment of the development.

### **(8) DESIGN DETAILS**

The following design details must be provided:

- (a) Detail drawings of the floor joists to be removed, trimmed, re-installed and expressed as part of the interior design, affixed to the new blade walls along with reconstruction and reuse of retained timber members at a scale of 1:20.
- (b) Detail elevation, section and detail drawings of the glass panel to the underside of the front door at a scale of 1:20.
- (c) Detail drawings of internal privacy treatments to the Palmer Street facing glazing of apartment 1.01 at a scale of 1:20.

Note: The privacy treatment must achieve daylight access and privacy from the street simultaneously for internal amenity.

- (d) Detail plan, elevation and section drawings of any glazing acoustic treatment to apartment 1.01 at a scale of 1:20.

Note: The glazing acoustic treatment must maintain the integrity of retained heritage fabric, including facade windows at the ground and first floor levels.

- (e) Detail plan, elevation and section drawings of the Faucett Lane wall, and metalwork for fire exit door and waste lift doors at a scale of 1:20.

Note: The treatment must demonstrate and integrate a high quality, low maintenance interface adjacent the public domain.

The details must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate.

**Reason**

To require additional design details to be provided following assessment of the development.

**(9) NATURAL VENTILATION - PLENUM LOCATION MODIFICATIONS**

The natural ventilation plenum locations must be modified as follows:

- (a) No natural ventilation plenums are approved to apartment 1.01.
- (b) The horizontal natural ventilation plenums to apartments 2.01, 3.01, 4.01 and 5.01 must be amended as follows:
  - (i) Be relocated to be wholly located on balcony soffits and not within the apartment.
  - (ii) The plenum face must be setback from the edge of the balcony over at a minimum of the balcony upstand wall depth
  - (iii) Plenum grills must be high quality well integrated into the building facade design
  - (iv) A minimum 2.4 metre floor to ceiling clear height must be provided to the balcony underneath plenums.

The modifications must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate.

**Reason**

To require amendments to the approved drawings and supporting documentation following assessment of the development.

**(10) NATURAL VENTILATION - PLENUM DESIGN DETAILS**

The ventilation design letter and appendices prepared by IGS, reference EN-N22\_036 Vent design Letter [Rev 1.0], and dated 4 March 2022 and architectural drawings must be updated to include the following:

- (a) Plan, sections and detail drawings of plenums at a 1:20 scale, which:
  - (i) Are specific to the approved development.

- (ii) Note all dimensions including clear floor to ceiling heights provided under plenums.
- (iii) Include a method of controlling the airflow within the plenum via an electronically controlled damper located inside the duct, hard wired to the electrical switch in the apartment.
- (iv) Include flyscreens which are accessible and removable for cleaning from inside the room served by the plenum.
- (v) Include a hinged grille to the room served by the plenum for access to the required flyscreen.

The details must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate.

**Reason**

To require additional design details to be provided following assessment of the development.

**(11) NATURAL VENTILATION - PLENUM DESIGN TESTING**

The ventilation design letter and appendices prepared by IGS, reference EN-N22\_036 Vent design Letter [Rev 1.0], and dated 4 March 2022, must be updated to:

- (a) Address the above plenum location and plenum detail amendments required in the 'Natural Ventilation - Plenum Location Modifications' and 'Natural Ventilation - Plenum Design Details' conditions in this development consent.
- (b) Confirm by design testing that the plenum design meets the minimum natural ventilation, purge ventilation and pressure loss requirements of the draft City of Sydney 'Alternative natural ventilation of apartments in noisy environments Performance pathway guideline', including all modelling requirements, available at the following website:

<https://www.cityofsydney.nsw.gov.au/development-guidelines-policies/alternative-natural-ventilation-apartments-noisy-environments-performance-pathway-guideline-dr>

- (c) The results of the plenum testing must include calculation of the device's pressure loss coefficient as per the draft City of Sydney 'Alternative natural ventilation of apartments in noisy environments Performance pathway guideline' and must be submitted to and approved by Area Planning Coordinator or Area Planning Manager prior to the issue of any Construction Certificate.

**Reason**

To require confirmation of design testing to be provided following assessment of the development.



**(12) NATURAL VENTILATION - PLENUM DESIGN ACOUSTIC REVIEW**

The document titled '101 Palmer Street, Woolloomooloo – DA Acoustic Assessment', report number 210087, version issue 4, prepared by Pulse White Noise Acoustics dated 20 December 2021, must be updated confirming the amended plenum designs achieve compliance with the required acoustic criteria for residential dwellings.

The amended acoustic report must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate.

**Reason**

To require updated documentation to be provided following assessment of the development.

**(13) UPDATED CONCEPT CONSTRUCTION SECTION**

- (a) No consent is implied or granted for the drawing titled 'Concept Construction Section (1:50)' numbered DA304 Issue G, dated 10-06-2022 and prepared by Cracknell & Lonergan Architects.
- (b) An updated 'Concept Construction Section (1:50)' drawing must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate, with the following modifications:
  - (i) Amendments to horizontal plenums required by the 'Natural Ventilation - Plenum Location Modifications' condition of this development consent.
  - (ii) The ground floor level, including the retained Victorian terrace building its construction.
  - (iii) The interface of the development with the public domain at Palmer Street.

**Reason**

To require amendments to the approved drawings and supporting documentation following assessment of the development.

**(14) ESSENTIAL FIRE SERVICES**

A report and drawings prepared by a qualified fire services engineer must be submitted to Council's Area Planning Manager or Area Coordinator Planning Assessments for approval, prior to the issue of any Construction Certificate, confirming the following:

- (a) The adopted performance solutions for compliance with Part C3.2 of the Building Code of Australia relating to the protection of openings in external walls.
- (b) The adopted performance solutions required for compliance with Part E1.3 of the Building Code of Australia relating to fire hydrants.

**Reason**

To ensure the works comply with relevant regulations and achieve appropriate heritage and residential amenity outcomes.

**(15) 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".

**Reason**

To ensure all roadway works are designed and constructed in accordance with Council requirements.

**(16) 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 City of Sydney Local Government Area is at a premium, it is recommended that the applicant should approach the City's Traffic Operations Unit to discuss the proposal before making a submission.

**Reason**

To require separate consent to be obtained for changes to kerb side parking arrangements.

**(17) 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.

**Reason**

To ensure all associated roadway works costs are borne by the developer.

**(18) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE**

For temporary shoring including ground anchors affecting the road reserve, a separate application under Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council.

**Reason**

To ensure that approval under the *Roads Act, 1993* is obtained.

**(19) EXTERNAL COLOUR SCHEME - RETAINED VICTORIAN TERRACE**

- (a) The external colour scheme of the retained Victoria terrace building at 101 Palmer Street, Woolloomooloo, must comprise predominantly earthy tones in keeping with the overall Victorian character of the building and character of the Heritage Conservation Area.
- (b) A schedule of colours is to be submitted to and approved by Council's Urban Design and Heritage Manager or Area Coordinator Planning Assessments or Area Planning Manager, along with the detailed materials and finishes schedule required under the 'Detailed Materials and Samples Board' condition of this development consent, prior to the issue of any Construction Certificate.
- (c) The documentation must show the distribution of the colours on the elevation drawings, specify paint types and include colour swatches/colour names and codes.

Note: It is recommended that reference be made to the book "Colour Schemes for Old Australian Houses" by Ian Evans, Clive Lucas and Ian Stapleton.

**Reason**

To ensure a colour scheme is used that results in an appropriate heritage/streetscape outcome.

**(20) FINAL STRUCTURAL DESIGN AND SOLUTIONS**

Prior to the issue of any construction certificate, final structural design solutions must be submitted to and approved by Council's Area Planning Manager or Area Coordinator Planning Assessments, in relation to Fire Resistance, Excavation, Seismic Stability and Vertical Load Capacity within the retained Victorian terrace building at 101 Palmer Street, Woolloomooloo, as follows:

- (a) **Fire Resistance:** The proposed approach to providing supplementary fire protection to achieve required Fire Resistance Levels (FRLs) of existing retained fabric including floors, walls, ceilings, doors and windows.
- (b) **Seismic Stability:** The proposed method to achieving seismic strengthening of existing buildings to overcome the shortfalls for Seismic Stability.

- (c) Vertical Load Capacity: The proposed methods to strengthening of existing buildings to resolve the shortfalls for Vertical Loads based on further investigation and assessment of both the capacity of the existing floor structure and the impact of the weight of the addition of fire protection, landscape treatment (including any wet soil loads) and acoustic treatment.
- (d) Excavation: The proposed approach to excavation and underpinning of the existing buildings to be retained.

The above solutions must minimise the impacts upon, and interference with significant retained building fabric, and must conserve the character of the Victorian terrace building.

**Reason**

To ensure that the structural design has acceptable heritage impacts.

**(21) FRONT FENCE IN CONSERVATION AREAS**

The front fences and gates of the retained Victorian terrace building at 101 Palmer Street, Woolloomooloo, must be of a combination of low masonry wall and traditional palisade iron picket form and detailing.

**Reason**

To ensure an appropriate heritage/streetscape outcome.

**(22) GENERAL HERITAGE**

- (a) 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.
- (b) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (c) 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.
- (d) Any face brickwork, stone and tiles must not be rendered, painted or coated.
- (e) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

**Reason**

To ensure that the development does not result in adverse heritage impacts.

**(23) 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.

**Reason**

To ensure appropriate materials and finishes are used.

**(24) EXTERNAL LIGHTING - SEPARATE DEVELOPMENT APPLICATION REQUIRED**

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

**Reason**

To clarify that consent has not been granted for the external floodlighting or illumination of the development.

**(25) AIR CONDITIONERS GENERALLY**

No air conditioning equipment is to be visible from the public domain. Equipment and associated wiring must:

- (a) Not be located on awnings or attached to the face of the building.
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park.
- (c) Be visually screened if located 1.8 metres above ground level in other locations.
- (d) Wiring must be fully concealed.

**Reason**

To ensure the visual impact of air conditioners is minimised.

**(26) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING**

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

**Reason**

To clarify the scope of the consent.

**(27) SWINGING DOORS OVER PUBLIC WAY**

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

**Reason**

To ensure no element of the development obstructs the use of the public way.

**(28) NO OBSTRUCTIONS**

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any Occupation Certificate.

**Reason**

To ensure there are no obstructions on public footways and paths of travel.

**(29) SIGNAGE - SEPARATE DEVELOPMENT APPLICATION REQUIRED**

A separate development application for any signage (other than exempt or complying signage) must be submitted to and approved by Council prior to the erection or display of any such signage.

**Reason**

To require separate consent to be obtained for any signage.

**(30) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED**

A separate application must be made to Council or an accredited certifier to obtain approval of the Strata Plan and issue of a Strata Certificate under the *Strata Schemes Development Act 2015*.

**Reason**

To ensure separate approval is obtained for approval of the Strata Plan.

**(31) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

**Reason**

To ensure ground surface indicators, handrails and other elements required to provide access into the building/property are appropriately located.

**(32) TREES THAT MUST BE RETAINED AND PROTECTED**

The existing trees detailed in Table 1 below be retained and protected in accordance with the conditions throughout construction and development.

Table 1 – Tree Retention and Protection:

Tree No	Botanical (Common Name)	Location
1	<i>Lophostemon confertus</i> (Brushbox)	Street tree - Palmer Street frontage

**Reason**

To identify the trees that cannot be removed, must be retained and protected.

**(33) TELECOMMUNICATIONS PROVISIONS**

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Accredited Certifier prior to a Construction Certificate being issued.
- (b) A separate development application must be submitted prior to the installation of any external telecommunication apparatus, or the like.

**Reason**

To ensure the development adequately provides for telecommunications.

**(34) TRANSPORT FOR NEW SOUTH WALES CONDITIONS**

- (a) All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Palmer Street boundary.
- (b) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- (c) Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening /under boring to be submitted to TfNSW for review and acceptance prior to the commencement of any works.

The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- (d) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system along the Palmer Street frontage are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- (e) Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements, traffic control and pedestrian movements should be submitted to TfNSW for review prior to the issue of a construction certificate.
- (f) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows during construction. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

### **(35) WASTE AND RECYCLING MANAGEMENT - GENERAL**

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.

#### **Reason**

To ensure that waste and recycling is appropriately managed.



## **PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **(36) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

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

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

#### **Reason**

To ensure that appropriate access and facilities are provided.

### **(37) ADAPTABLE HOUSING**

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant is to be submitted to the Accredited Certifier:

- (a) Confirming that two residential apartments are able to be adapted for people with a disability in accordance with the *Building Code of Australia*.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299.

#### **Reason**

To ensure the provision of adaptable housing.

### **(38) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CONSTRUCTION CERTIFICATE**

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application.

Note: Any requirement detailed in the accompanying BASIX Certificate must be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the *Environmental Planning and Assessment Regulation, 2000*.

#### **Reason**

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate, which is a prescribed condition under Clause 97A(2) of the *Environmental Planning and Assessment Regulation, 2000*.

**(39) BUILDING CODE OF AUSTRALIA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED**

- (a) Pursuant to Section 94 of the Environmental Planning and Assessment Regulation 2021, the existing building part retained must comply with the *Building Code of Australia* (BCA).
- (b) If compliance with the conditions listed in (a) above cannot be achieved through a deemed-to-satisfy pathway, a performance solution in accordance with Part A2 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.

**Reason**

To ensure the works comply with relevant regulations.

**(40) EXTERNAL WALLS AND CLADDING FLAMMABILITY**

The external walls of the building including attachments must comply with the relevant requirements of the Building Code of Australia (BCA). Prior to the issue of a Construction Certificate and Occupation Certificate the Accredited Certifier and the Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the BCA.
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built.

**Reason**

To ensure the external walls and cladding comply with relevant requirements.

**(41) STRUCTURAL CERTIFICATION FOR DESIGN – BUILDING CODE OF AUSTRALIA (ALL BUILDING CLASSES)**

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A5.2(1)(e) of the Building Code of Australia must be submitted to the satisfaction of Council (where Council is the Accredited Certifier).

**Reason**

To ensure structural certification is undertaken.

**(42) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS**

A qualified practising registered structural engineer must provide structural certification to Council (where Council is the Accredited Certifier) verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the *Building Code of Australia* prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

**Reason**

To ensure the existing structure can support the new loads.

**(43) STRUCTURAL CERTIFICATION FOR PARTY WALLS**

Prior to a Construction Certificate being issued, a certificate from a qualified practising structural engineer in accordance with Clause A5.2(1)(e) of the *Building Code of Australia* must be submitted to the satisfaction of Council (where Council is the Accredited Certifier). The Certificate must verify the structural integrity of the existing 'Party Wall(s)' as consequence of the additional loads imposed thereon by the proposal.

**Reason**

To ensure the structural integrity of the existing party wall/s is verified.

**(44) BICYCLE PARKING 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
Residential	10	Class A bicycle parking facility in accordance with AS2890.3 (see note below) or Class B bicycle parking facility in accordance with AS2890.3
Residential visitor	1	Class C bicycle parking facility located at street level in accordance with AS2890.3

Note:

- (i) If a basement storage area on title that is large enough to store a bicycle in accordance with the Bicycle spacing envelope requirements in AS2890.3, 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 to and approved by the Accredited Certifier confirming prior to and form part of the Construction Certificate being issued.

**Reason**

To ensure the allocation of bicycle parking is in accordance with Australian Standards and the Council's DCP.

**(45) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) A Construction Traffic Management Plan (CTMP) must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.
- (b) The CTMP must be prepared in accordance with Council's requirements, located at the following website:  
  
<https://www.cityofsydney.nsw.gov.au/construction-permits-approvals/prepare-construction-traffic-management-plan>
- (c) The approved CTMP must be complied with during any demolition and/or construction work.

**Reason**

To ensure that the impacts of construction traffic is appropriately managed.

**(46) DETAILED MATERIALS AND SAMPLES BOARD**

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation and noting the requirements of the 'Wall Treatment Adjacent Southern Boundary' condition of this development consent, must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to a Construction Certificate being issued. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

**Reason**

To require the submission of a materials and samples board following assessment of the development.

**(47) BUILDING WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA**

Any building works required to ensure compliance with the Building Code of Australia (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 Area Coordinator Planning Assessments or Area Planning Manager prior to issue of any Construction Certificate.

**Reason**

To ensure an appropriate heritage outcome.

**(48) FIRE HYDRANT DESIGN**

The location, design and details of any required fire hydrant booster arrangement must be submitted to and approved by Council's Area Planning Manager or Area Planning Coordinator prior to the issue of any Construction Certificate. The design of the booster arrangement must be sympathetic to the retained building fabric and character of the subject Victorian terrace building. The fire hydrant design must not interfere with the planning or appearance of the building.

**Reason**

To ensure an appropriate heritage outcome.

**(49) 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 Urban Design and Heritage Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage significance including but not limited to the following elements such as stonework, brickwork, door and window joinery, skirtings, fireplaces, timber flooring, 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.
- (d) 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.

- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (f) INSPECTION AND APPROVAL: The conservation works are to be progressively inspected by and be implemented to the satisfaction of Council's Urban Design and Heritage Manager prior to the issue of any Occupation Certificate or commencement of the use, whichever is the earlier.

**Reason**

To ensure the carrying out of appropriate heritage conservation works.

**(50) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

Prior to a Construction Certificate being issued, an archival photographic recording of the existing contributing Victoria terrace building at 101 Palmer Street, Woolloomooloo, is to be prepared to Council's satisfaction. The recording is to be in digital form and prepared in accordance with the NSW Heritage Division 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.
- (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 or digital file transfer in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each location, image subject/description and date.
- (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.

### **Reason**

To ensure appropriate archival documentation of the building.

### **(51) REINSTATEMENT OF FRONT BALCONY**

The first floor front balcony to the retained Victorian terrace building at 101 Palmer Street, Woolloomooloo, must be reinstated to its original form and style and decorated with appropriate balustrade panels reflecting the traditional patterns, colour and details.

Details of the proposed reinstatement (drawings at a 1:50 and/or 1:20 scale) must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of any Construction Certificate. Details must include the use of traditional materials, size of structural elements, chamfered details where appropriate, size and type of timber floorboards.

### **Reason**

To ensure an appropriate heritage and streetscape outcome.

### **(52) 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.

Documentation of the salvage methodology must be submitted to and approved by Council's Urban Design and Heritage Manager or Area Planning Manager prior to the issue of a Construction Certificate.

### **Reason**

To ensure the salvaging and reuse of traditional building materials.

### **(53) SITES IN THE VICINITY OF BUILDINGS WITHIN HERITAGE CONSERVATION AREAS**

- (a) A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Urban Design and Heritage Manager or Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of any Construction Certificate. The Strategy is to detail how the proposed works will ensure that the retained terrace and the adjoining buildings at 93-99 Palmer Street, Woolloomooloo, and at 103-105 Palmer Street, Woolloomooloo are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.

- (b) Additionally the protection strategy is to include:
- (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
  - (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
  - (iii) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. The report must address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.
  - (iv) Details of the proposed protection of party walls from damp and water ingress during the works.

**Reason**

To ensure the protection of adjacent buildings within heritage conservation areas.

**(54) ACCESSIBLE GREEN ROOFS**

- (a) A detailed green roof design of the raised planters on ground, level 2 and the communal roof terrace, including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
- (i) A statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments.
  - (ii) Location and details of existing and proposed services, walls, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (iii) Engineers report confirming structural capacity of building for proposed roof terrace loads.
  - (iv) Details of the raised planter to U2.02 to demonstrate Building Code of Australia balustrade compliance
  - (v) Details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.



- (vi) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (vii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
  - (viii) Landscape maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifier.
  - (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

**Reason**

To ensure that the accessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

**(55) INACCESSIBLE GREEN ROOFS**

- (a) A detailed green roof design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
  - (i) Location and details of existing and proposed services, walls, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (ii) Engineers report confirming structural capacity of building for proposed green roof loads.
  - (iii) Details of soil types and depth including any mounding.
  - (iv) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
  - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.

- (vi) Green roof maintenance plan. This plan is to be complied with during occupation of the property, and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
- (vii) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.
- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifier.
- (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.
- (d) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

**Reason**

To ensure that the inaccessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

**(56) DEWATERING - APPROVAL NSW OFFICE OF WATER**

If any dewatering of the site is to be undertaken, a bore licence may be required from Water NSW under the relevant provisions of the *Water Management Act, 2000*. Water NSW licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

Note: Water NSW's instructions to Council are that they will not endorse the extraction of groundwater in perpetuity i.e. permanent dewatering around a development site, because it considers such development to be unsuitable. For this reason any proposed basement or other area that requires dewatering on an on-going basis may need to be fully tanked.

**Reason**

To ensure dewatering is undertaken appropriately.

**(57) REFLECTIVITY**

Prior to issue of the Construction Certificate the Accredited Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

**Reason**

To ensure the development does not result in adverse reflectivity impacts and to protect the amenity of the public domain.

**(58) STORAGE PLAN DIAGRAMS**

A storage plan diagram (or diagrams) for apartments G.02 and 1.01, based upon the storage schedule on the drawing labelled 'Sepp 65 Compliance Assessment Table', numbered DA 402, issue G, dated 10 June 2022, prepared by Cracknell & Lonergan, Council reference TRIM 2022/367386, and demonstrating compliance with the requirements of Part 4G of the Apartment Design Guide, must be submitted to and approved by the Principal Certifier prior to the issue of any Construction Certificate.

**Reason**

To ensure the development provides adequate storage for each residential apartment.

**(59) 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 Acoustic Report prepared by "Pulse White Noise Acoustics" Ref: 210087, Revision 4, dated 11 December 2021, Council Ref TRIM 2022/103071, as required to be updated by the 'Natural Ventilation - Plenum Design Acoustic Review' condition of this development consent, 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 join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

- (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.

**Reason**

To ensure all parties are aware of the supporting documentation that applies to the development.

**(60) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 7.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

**Reason**

To ensure an adequate construction noise and vibration management plan is prepared.

**(61) DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic

recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to 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.

**Reason**

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

**(62) LETTERBOXES**

- (a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate.
- (b) Letterboxes are to be discreetly located, must not obstruct and/or dominate the public way and must be of a type and specification that minimises opportunities for mail theft.
- (c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

Note: The applicant is strongly advised to contact Australia Post to discuss how the letterboxes within the lobby will be accessed.

**Reason**

To ensure letterboxes are located in an appropriate location on the site to prevent mail theft.

**(63) PUBLIC DOMAIN LEVELS AND GRADIENTS**

Where ground floor levels of existing buildings are being retained, public domain levels and gradients for the buildings and site frontages of those buildings must be submitted to and approved by City's Public Domain Unit prior to any Construction Certificate being issued for above ground building works. The submission must be prepared by a Registered Surveyor or suitably qualified engineer and must be submitted with a completed Public Domain Levels and Gradients Approval Application form (available on the City's website).

If changes are proposed to any site entrance, driveway or floor levels once an approval has been issued, an amended Public Domain levels and gradients submission must be submitted to and approved by City's Public Domain Unit to reflect these changes prior to the issue of any Construction Certificate for above ground works.

**Reason**

To ensure the public domain levels and gradients are approved by Council.

**(64) STORMWATER AND DRAINAGE**

The drainage system is to be constructed in accordance with the City's standard requirements as detailed in the City of Sydney's Stormwater Drainage Manual. The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

The requirements of Sydney Water regarding the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the on-site detention (OSD) approval must be submitted to City's Public Domain Unit prior to issue of any Construction Certificate other than demolition.

**Reason**

To ensure the drainage system is constructed in accordance with Council's requirements.

**(65) TEMPORARY DEWATERING DURING CONSTRUCTION**

Prior to discharging any water collected during excavation and construction into the City's stormwater drainage system, approval must be sought from the City's Public Domain Unit. A dewatering management plan must be submitted with an *Application for Temporary Dewatering* available to download on the City's website.

Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason**

To ensure dewatering is managed appropriately.

**(66) FLOOR TO CEILING HEIGHT**

Prior to a Construction Certificate being issued, the Accredited Certifier must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

**Reason**

To ensure an adequate minimum floor to ceiling height to provide an acceptable level of amenity.

**(67) REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL APARTMENTS)**

- (a) Prior to a Construction Certificate being issued, an acoustic assessment report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Accredited Certifier demonstrating compliance with the requirements of Section 4.2.3.11 of the Sydney Development Control Plan 2012 in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the Sydney Development Control Plan 2012.
- (b) In the preparation of the report:
  - (i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations.
  - (ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified.
  - (iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.
- (c) Prior to any Occupation Certificate being issued, a Compliance Certificate from a qualified, practising acoustic engineer must be submitted to the satisfaction of the Principal Certifier, certifying compliance with the condition.

**Reason**

To ensure an appropriate level of acoustic amenity inside apartments.

**(68) VENTILATION SECURITY AND WEATHER PROTECTION**

All habitable rooms must have a combination of openable sashes and/or louvres that ensure a minimum Effective Openable Area (EOA) for ventilation purposes as required by the NCC and the Apartment Design Guide (ADG) when opened to the maximum dimension permitted under the NCC provisions for *Protection of Openable Windows*.

The sashes and/or louvres must provide the minimum EOA under most wet weather conditions and must also be securable to prevent unauthorised entry when open. The minimum EOA must be provided in addition to any external doors as these cannot be adequately weather-protected or secured when left partially open. A reduction for fly screens must be taken into consideration to account for any future installation.

The method of measurement must be in accordance with the definition of EOA as defined by the Apartment Design Guide, which is:

*'the minimum area of clear opening of a window that can take part in providing natural ventilation. The effective openable area of a sliding or hung sash window can be measured in elevation. Hinged windows such as casement, awning and hopper windows may measure the diagonal plane from the sash to the jamb and add the triangles at either end up to a total area of the window opening in the wall. Obstruction within 2m of a window reduce the effective openable area as measured in elevation. Fly screens and security screen will reduce the effective openable area by half'*.

- (a) Prior to the issue of a Construction Certificate, the following details of the proposed fenestration must be submitted to, and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager:
  - (i) Detailed elevation drawings and a window schedule which show the size, type and location of all openable sashes / louvres in relation to the floor area served by those sashes;
  - (ii) Details of any proposed insect screens or other barriers to free air flow;
- (b) Evidence that all fenestration details shown in the approved drawings described in part (a) above have been completed is to be provided to the Principal Certifier prior to any Occupation Certificate being issued.

**Reason**

To ensure adequate ventilation to provide an acceptable level of amenity.

**(69) INSTALLATION OF ARTWORK AND IMAGES ON SCAFFOLDING (DEMOLITION / CONSTRUCTION WRAPS)**

- (a) Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality and add visual and public art in the streetscape.



- (b) The artwork installation must be printed, installed and maintained in accordance with Council's *Guidelines for Hoardings and Scaffolding*. Details of the proposed installation must be submitted to and approved by Council prior to the issue of a construction certificate or work commencing.

Note: The scaffolding system on which a required artwork wrap is to be installed must be designed to safely and adequately accommodate and support the wrap mesh material on which the artwork is printed/displayed. This includes designing the scaffold to address potential increased wind loads that may be encountered in the locality.

**Reason**

To minimise adverse visual impacts on the locality.

**(70) PROTECTION OF STONE KERBS**

- (a) Any existing stone kerbs on the Palmer Street and Faucett Lane frontages of the site are to be retained and properly protected during demolition, 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. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- (c) Note the following:
  - (i) all costs associated with the works are to be borne by the developer.
  - (ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
  - (iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
  - (iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
  - (v) Council approval is required before kerbs are removed.
  - (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
  - (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

### **Reason**

To ensure the protection of stone kerbs.

### **(71) PUBLIC DOMAIN DAMAGE SECURITY BOND**

- (a) A Public Domain Damage Security Bond calculated on the basis of 27 square metres of concrete and asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

### **Reason**

To allow for the appropriate management and rectification of damage to the public domain.

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

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:
  - (i) The installation of tree protection measures prior to the commencement of any work.
  - (ii) During demolition of any ground surface materials (pavers, concrete etc.) within the Tree Protection Zone (TPZ) of any tree to be retained.
  - (iii) During any excavation and trenching which has been approved by Council within the TPZ of any tree to be retained.
  - (iv) During any Landscape works within the TPZ which has been approved by Council.
- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by Council's Area Planning Coordinator or Area Planning Manager at each hold point listed below:
  - (i) Certification that tree protection measures have been installed in accordance with these consent conditions.

- (ii) Certification of compliance with each key milestone listed above within 48 hours of completion.
  - (iii) Details of any other works undertaken on any tree to be retained or within TPZ/s;
  - (iv) A final compliance report shall be submitted prior to the issuing of the Occupation Certificate.
- (c) A final compliance report must be submitted to and approved by Council's Area Planning Coordinator or Area Planning Manager prior to the issue of any Occupation Certificate.

**Reason**

To ensure the protection and ongoing health of trees adjacent to the site.

**(73) TREE PROTECTION PLANS**

- (a) 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).

**Reason**

To ensure the protection and ongoing health of trees adjacent to the site.

**(74) AUSGRID UNDERGROUND CABLES IN VICINITY OF DEVELOPMENT**

Care should be taken to ensure that construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

The following points should be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

- (a) SafeWork Australia – Excavation Code of Practice.

- (b) Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables. This document can be found by visiting the Ausgrid website via:

[www.ausgrid.com.au](http://www.ausgrid.com.au)

- (c) The Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can also be found by visiting the Ausgrid website:

[www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)

Should you have any enquiries, please contact Ausgrid at:

[development@ausgrid.com.au](mailto:development@ausgrid.com.au)

### **Reason**

To ensure that the development does not interfere with Ausgrid's infrastructure.

## **(75) ELECTRICITY SUBSTATION**

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

### **Reason**

To ensure that the provision of a substation to service the development is appropriately incorporated into the design of the building in a manner that minimises streetscape impacts.

## **(76) TELECOMMUNICATIONS IN NEW DEVELOPMENTS**

Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Accredited Certifier that arrangements have been made for:

- (a) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: Real estate development project has the meanings given in Section 372Q of the *Telecommunications Act, 1997* (Cth).

**Reason**

To ensure the development adequately provides for telecommunications.

**(77) 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.

**Reason**

To ensure that utility authorities are advised of the development and their approval is obtained in connection with the relocation and/or adjustment of services affected by the development.

**(78) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan including demolition and construction waste and recycling details, is to be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*.

**UPON COMPLETION OF THE DEVELOPMENT**

- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

**Reason**

To ensure that waste and recycling is appropriately managed.

## **PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK**

### **(79) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD**

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, 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 prior to the installation of such devices.

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, 2017*).

#### **Reason**

To ensure appropriate approvals are sought for operating hoisting devices.

### **(80) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

(a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:

- (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
- (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
- (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
- (iv) A Waste and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.
- (v) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

Note: Temporary structures, including hoardings and scaffolding, proposed for erection on City-owned and controlled land (footways and roadways), must comply with Council's *Guidelines for Hoardings and Scaffolding* and be approved by Council under the provisions of the *Local Government Act, 1993* and the *Roads Act, 1993* prior to installation.

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act, 2011* and Regulation; Council's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act, 2001*, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act, 2001*.
  - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
  - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
  - (iv) The name and address of the transport contractor.
  - (v) The type and quantity of material to be removed from site.
  - (vi) Location and method of waste disposal and recycling.
  - (vii) Proposed truck routes, in accordance with this development consent.
  - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
  - (ix) Measures to control noise emissions from the site.
  - (x) Measures to suppress odours.
  - (xi) Enclosing and making the site safe.
  - (xii) Induction training for on-site personnel.
  - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
  - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
  - (xv) Disconnection of utilities.

- (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
  - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
  - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
  - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act, 1997*).
  - (xx) Working hours, in accordance with this development consent.
  - (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.
  - (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

**Reason**

To ensure that impacts arising from demolition, excavation and construction are appropriately managed.

**(81) DILAPIDATION REPORT**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of the following properties must be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works:
  - (i) 93-99 Palmer Street, Woolloomooloo.
  - (ii) 103-105 Palmer Street, Woolloomooloo.
- (b) A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Accredited Certifier and the Council prior to the issue of a Construction Certificate.



## UPON COMPLETION OF EXCAVATION/DEMOLITION

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

### **Reason**

To ensure that dilapidation reports are prepared and to identify damage to adjoining/nearby properties resulting from building work on the development site.

## **(82) ROAD OPENING APPLICATION**

A separate road opening application under Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council prior to the commencement of any:

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

### **Reason**

To ensure that approval under the *Roads Act, 1993* is obtained.

## **(83) CLASSIFICATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the *Protection of the Environment Operations Act, 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act, 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW Environmental Protection Authority.

**Reason**

To ensure that waste from site is classified and disposed of appropriately.

**(84) IMPORTED FILL MATERIALS**

All fill imported onto the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

**Reason**

To ensure that imported fill is not contaminated.

**(85) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Council's Area Planning Manager and the Principal Certifier must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.

**Reason**

To ensure that the site is appropriately remediated.

**(86) STOCKPILES**

- (a) No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.
- (b) All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours must be covered.
- (d) All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours.

**Reason**

To ensure that stockpiles of soil or other materials are appropriately managed.

**(87) SURVEY**

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

**Reason**

To ensure the development does not encroach onto neighbouring properties.

**(88) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS**

Prior to any 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 Urban Design and Heritage Manager or Area Coordinator Planning Assessments or Area Planning Manager. The report must explain how the retained building elements, such as building facades or chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

**Reason**

To ensure the preservation of the building elements that are proposed to be retained.

**(89) RODENT TREATMENT PROGRAMME – PRE DEMOLITION AND/OR EXCAVATION**

- (a) Prior to the commencement of any demolition and/or excavation works, a programme of baiting and monitoring of rodent activity is to be put in place at the site.
- (b) A licensed Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved/endorsed by Council's Area Coordinator Planning Assessments or Area Planning Manager.

**Reason**

To ensure that the potential impact of rodents during the demolition, excavation and construction phase is appropriately managed.

**(90) PUBLIC DOMAIN WORK – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993**

Prior to the construction of any public domain works, approval under Section 138 / 139 of the *Roads Act, 1993* must be issued by the City's Public Domain Unit.

**Reason**

To ensure relevant approvals for public domain work are obtained.

**(91) 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) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), 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 for such structures.
- (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).

- (ix) Ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 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/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 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, 2017*).

### **Reason**

To ensure the necessary approval is obtained for temporary structures over a public road.

## **(92) OTHER APPROVALS**

Any activity which is proposed to be undertaken in, on or above a road reserve or the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the *Local Government Act, 1993* and/or Section 138/139 of the *Roads Act, 1993* prior to the commencement of work/activities within the road reserve/public domain. Such activities include but not limited to:

- (a) Installation of construction-related temporary structures including hoardings/scaffolding.
- (b) Crane operation and other hoisting activities.
- (c) Temporary works (e.g. barricading, road openings, mobile hoisting devices).
- (d) Works zones (for loading and unloading from the roadway).
- (g) Temporary ground anchoring and shoring to support a roadway when excavating.
- (h) Any other structure or encroachment including facade elements/architectural features.

### **Reason**

To ensure use of a public place is managed appropriately.

**(93) STREET 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'.

**Reason**

To ensure that approval is obtained for any pruning works to street trees and that such works are carried out in an appropriate manner.

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

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

**Reason**

To ensure the development satisfies Sydney Waters requirements.

**(95) WATER SERVICING**

- (a) Potable water servicing should be available via a DN300 DICL watermain (laid in 2009) on Palmer Street.
- (b) Amplifications, adjustments, and/or minor extensions may be required.

**Reason**

To provide advice on Sydney Water's water servicing availability.

**(96) WASTEWATER SERVICING**

- (a) Wastewater servicing should be available via a DN300 SGW wastewater main (laid in 1881) on Faucett Lane.
- (b) Amplifications, adjustments, and/or minor extensions may be required

**Reason**

To provide advice on Sydney Water's wastewater servicing availability.

## **PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

### **(97) HOURS OF WORK AND NOISE**

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 (e.g. 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*.

#### **Reason**

To protect the amenity of the surrounding area.

### **(98) ASBESTOS REMOVAL WORKS**

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

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

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation, 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.



**Reason**

To ensure that the handling and removal of asbestos from the site is appropriately managed.

**(99) FLASHINGS TO BOUNDARY WALLS**

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

Note: Attachments or connections to party walls may require the consent of the adjoining property owner/s.

**Reason**

To prevent water entering between the walls of adjoining properties.

**(100) COVERING OF LOADS**

All vehicles involved in the excavation, demolition and construction process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

**Reason**

To ensure loads are managed appropriately and do not impact local amenity.

**(101) EROSION AND SEDIMENT CONTROL - NO FORMAL PLAN REQUIRED**

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.

**Reason**

To ensure that appropriate erosion and sediment control measures are put in place during construction to protect the environment.

**(102) EROSION AND SEDIMENT CONTROL - MAINTENANCE AND SIGNAGE**

During the demolition, excavation and 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.

- (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.

**Reason**

To ensure no substance other than rainwater enters the stormwater system and waterways.

**(103) HAZARDOUS AND INDUSTRIAL WASTE**

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) *Protection of the Environment Operations Act, 1997*
- (b) *Protection of the Environment Operations (Waste) Regulation, 2005*
- (c) *Waste Avoidance and Resource Recovery Act, 2001*
- (d) *Work Health and Safety Act, 2011*
- (e) *Work Health and Safety Regulation, 2017.*

**Reason**

To ensure hazardous/ industrial waste is managed appropriately.

**(104) 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.

**Reason**

To ensure sediment is not tracked onto the roadway.

**(105) 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 issue of any Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed immediately in writing.

**Reason**

To ensure that the archaeology of the site is appropriately managed and protected.

**(106) USE OF HERITAGE CONSULTANT**

- (a) A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project. Evidence and details of the above commission on the above terms are to be submitted to Council's Area Coordinator Planning Assessments or Area Planning Manager prior to commencement of work on site.
- (b) The heritage consultant must sign off the completed project and submit a final report to Council's Area Coordinator Planning Assessments or Area Planning Manager specifying how the heritage conditions are satisfied prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

**Reason**

To ensure that the implementation of the approved development is carried out in a manner that does not have adverse heritage impacts.

**(107) VENTILATION**

The development must be ventilated in accordance with the *Building Code of Australia* and AS1668.1-1998 and AS1668.2-1991.

**Reason**

To ensure the ventilation complies with relevant standards.

**(108) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS**

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting*. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

**Reason**

To protect the amenity of the surrounding area.

**(109) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

- (a) All works conducted on site which form part of this development must be carried out in accordance with the Demolition, Excavation and Construction Management Plan, submitted to and approved by Council prior to the issue of any Construction Certificate.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

**Reason**

To ensure that the development works comply with the approved demolition, excavation and construction noise and vibration management plan.

**(110) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

**Reason**

To protect the amenity of the surrounding area.

### **(111) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

#### **Reason**

Prescribed condition under Clauses 98A (2) and (3) of the *Environmental Planning and Assessment Regulation, 2000*.

### **(112) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT**

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which 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* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of:
  - (i) 9.00am-12.00pm and 1.00pm-4.00pm Mondays to Friday
  - (ii) 9.00am-1.00pm on Saturdays
  - (iii) No work is permitted on Sundays or Public Holidays
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies 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*.

### **Reason**

To protect the amenity of the surrounding area.

### **(113) DRAINAGE AND SERVICE PIT LIDS**

All existing or proposed drainage and service pit lids throughout the public domain must be to City of Sydney specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

### **Reason**

To ensure drainage and service pit lids within the public domain are appropriately designed and installed.

### **(114) HOLD POINTS**

Prior to an approval being issued for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works, a set of hold points will be provided by the City's Public Domain Unit in accordance with the City's Public Domain Manual and Sydney Streets Technical Specification. The list of hold point inspections will be included in the Public Domain works approval letter.

These hold point inspections must be adhered to during construction works. Prior to the issue of any Occupation Certificate, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Principal Certifier.

### **Reason**

To ensure hold points are adhered to during construction works.

### **(115) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION**

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This 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, Sydney Street Tree Masterplan, Sydney Lights Design Code and Sydney Streets Technical Specification*. The documentation must be *checked, accurate, and comply with specified requirements*.

Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be

for Construction issue and will be approved under Section 138 of the *Roads Act, 1993*.

The Public Domain Manual and all other relevant documents are available for download from Council's website at the following website:

<https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels an Application for Public Domain Levels and Gradients must be submitted to and approved by the City's Public Domain Unit to reflect these changes prior to an approval being issued for the construction of public domain work.

**Reason**

To ensure the public domain complies with Council's requirements.

**(116) PUBLIC DOMAIN WORKS SECURITY BOND**

A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to an approval being issued for the approval of the Public Domain Plan.

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**Reason**

To ensure public domain works are completed and any damage to the public domain is rectified.

**(117) PROTECTION OF NATIVE WILDLIFE**

- (a) In the event that wildlife is found during the course of any approved tree pruning works, work must stop until a trained wildlife handler attends the site or the animal relocates itself. In regards to approved tree pruning, works may only proceed if the animals will not come into direct harm.

- (b) In the event that the tree has nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

### **Reason**

To ensure that wildlife is adequately protected during tree pruning works.

### **(118) STREET TREE PROTECTION**

All street trees located 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 (including demolition). The protection must be installed and certified by a qualified Arborist (AQR Level 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.
  - (ii) Tree trunk/s and/or major branches must be protected by wrapped thick underlay carpet or similar padding material to limit damage.
  - (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 thick underlay carpet or similar padding material 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) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (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 pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
  - (i) Around or under the tree canopy.



- (ii) Within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within 4 metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during 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 the erection of any construction activities (including demolition) must be immediately reported by telephone to the Council's Tree Management Officer on (02) 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the *Local Government Act, 1993* and the *Environmental Planning and Assessment Act, 1979*.

**Reason**

To ensure the protection and ongoing health of the street trees.

**(119) 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 any Occupation Certificate or subdivision/strata certificate being issued.

**Reason**

To ensure the requirements of Sydney Water are met.

**(120) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

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

**Reason**

To allow adequate vehicular access to the site for construction purposes.

**(121) 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 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.

**Reason**

To protect the amenity of the public domain.

**(122) NO OBSTRUCTION OF PUBLIC WAY**

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

**Reason**

To protect the amenity of the public domain.

**(123) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a 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*.

**Reason**

To ensure mobile cranes are used appropriately.

## **PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

### **(124) BASIX**

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

#### **Reason**

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under Clause 97A(2) of the *Environmental Planning and Assessment Regulation, 2000*).

### **(125) PRODUCTS BANNED UNDER THE BUILDING PRODUCTS (SAFETY) ACT 2017**

- (a) No building products that are banned, or products that are subject to a ban if used in a particular way, under the *Building Products (Safety) Act, 2017* are to be used in the construction of the development approved in this development consent.
- (b) Prior to the issue of any Occupation Certificate, the principal certifier is to confirm that none of the building products used on the building are subject to a building product use ban under the *Building Products (Safety) Act, 2017* or, if a product is only subject to a ban if used in a particular way that it is not used in any way contrary to the *Building Products (Safety) Act, 2017*.

#### **Reason**

To ensure that no banned building products are used in the development

### **(126) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME**

Signs reading 'all owners, tenants and occupiers of this building are not eligible to obtain an on-street resident parking permit from Council' must be permanently displayed and located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be seen and read by people entering the building. The signs must be erected prior to any Occupation Certificate being issued and must be maintained in good order at all times by the Owners of the building.

#### **Reason**

To ensure that appropriate signage is erected to inform residents about Council's resident parking permit scheme.

### **(127) PHYSICAL MODELS**

- (a) Prior to the issue of any Occupation Certificate an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at the following website:  
<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements>
- (ii) Council's modellers must be consulted prior to construction of the model.
- (iii) The models are to comply with all of the conditions of the Development Consent.
- (iv) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act, 1979*) that affect the external appearance of the building.

**Reason**

To ensure the provision of an appropriate physical model of the development.

**(128) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) Building design above and below ground in accordance with the development consent.
  - (ii) All underground services and utilities, underground structures and basements, known archaeological structures and artefacts.
  - (iii) A current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at the following website:

<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements>

- (d) Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of this development consent.

**Reason**

To ensure the provision of an appropriate electronic model of the development.

**(129) NATURAL VENTILATION - PLENUM MAINTENANCE**

- (a) Prior to the issue of any Occupation Certificate, a maintenance report, prepared a suitably qualified engineer, which demonstrates how to maintain the acoustic louvres for the life of the development, must be submitted to and approved by Council's Area Planning Manager.
- (b) The acoustic louvres must be retained for the life of the development and the report required in (c) above must be registered as a positive covenant on the title of the apartments referred to in (a)(i) above and be included in the strata management plan.

**Reason**

To ensure that the approved natural ventilation plenums are maintained for the life of the development.

**(130) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The entire building must be used as permanent residential accommodation only and not for the purpose of a boarding house or hostel, hotel or motel accommodation, serviced apartments, tourist and visitor accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.
- (b) A restriction on the use of the land is to be registered on the title of the development site in the above terms and restricting any change of use of the building from a residential flat building as defined in the Sydney Local Environmental Plan 2012. The restriction is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. The restriction must contain terms required by Council and will be drafted by Council's solicitor, at the cost of the applicant, in accordance with the City's Fees and Charges.
- (c) Any future strata subdivision of all or part of the site is to include a Restriction on the Use of Land pursuant to Section 88B of the *Conveyancing Act 1919*, burdening all residential lots in the strata plan in the same terms as outlined in (a) and (b) above.

- (d) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (e) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

**Reason**

To ensure the residential accommodation portion of the site is used for permanent residential purposes.

**(131) RESTRICTION ON USE OF STORAGE SPACES**

The following conditions apply to storage spaces:

- (a) The on-site storage spaces are not to be used other than by an occupant, tenant or resident of the subject building for storage of items related to the residential apartment with which the space is associated.
- (b) Prior to any Occupation Certificate being issued, 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.
- (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, burdening all storage 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.

**Reason**

To ensure the storage spaces on the site are used for permanent residential purposes.

**(132) POSITIVE COVENANT – COMPLIANCE WITH OBLIGATIONS, REQUIREMENTS AND MAINTENANCE**

- (a) In addition to the other covenants required by the conditions of this consent, documentary Positive Covenants must be created prior to the issue of any Occupation Certificate, pursuant to Section 88B of the *Conveyancing Act, 1919* and appurtenant to Council of the City of Sydney, in terms to the satisfaction of Council requiring the compliance with the obligations and maintenance and retention requirements contained in :
  - (i) Natural ventilation plenum maintenance report as per the 'Natural Ventilation - Plenum Maintenance' condition; and
  - (ii) Landscape maintenance plan as per the 'Accessible Green Roofs' condition.

This to ensure that these systems are retained and maintained for the life of the development by the owner's corporation and relevant individual owners.

- (b) Any strata subdivision/s of the site is/are to include a Positive Covenant pursuant to Section 88B of the Conveyancing Act 1919, burdening the relevant lots in the strata plan in the same terms as outlined in (a) above.

**Reason**

To ensure the natural ventilation plenums and landscape elements on the site are maintained for the life of the development.

**(133) STRATA MANAGEMENT STATEMENT**

- (a) The following plans and reports are to be incorporated into the Strata Management Statement:
  - (i) Natural ventilation plenum maintenance report as per the 'Natural Ventilation - Plenum Maintenance' condition;
  - (ii) Landscape maintenance plan as per the 'Accessible Green Roofs' condition;
- (b) The Strata Management Statement must make clear that obligations and required contained in the documents above are obligations of the owner's corporation in perpetuity

**Reason**

To ensure the natural ventilation plenums and landscape elements on the site are maintained for the life of the development.

**(134) SURVEY CERTIFICATE AT COMPLETION**

A Survey Certificate prepared by a Registered Surveyor must be submitted to the Principal Certifier at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

**Reason**

To ensure the development does not encroach onto neighbouring properties.

**(135) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION**

Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.



### **Reason**

To ensure Council receives works-as-executed documentation for public domain works.

### **(136) PUBLIC DOMAIN WORKS COMPLETION**

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval letter, stamped plans for Public Domain Levels and Gradients, Stormwater, Public Domain Lighting, the City's *Public Domain Manual*, *Stormwater Drainage Manual*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*.

The public domain work must be inspected and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

### **Reason**

To ensure the public domain works are completed in accordance with the approved documents and Council's requirements.

### **(137) ADVANCE 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 any Occupation Certificate.

- (a) Two small trees are to be planted in roof top planters at the completion of all construction works.
- (b) The trees must be grown to Australian Standard 2303:2015 'Tree stock for landscape use'.
- (c) New trees must be appropriately located away from buildings and structures to allow maturity to be achieved without restriction.
- (d) The trees must be planted by a qualified Horticulturalist or Arborist of Level 3 under the Australian Qualifications Framework (AQF).
- (e) The new planting/s 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.

- (f) Written confirmation is to be obtained from Council's Area Planning Manager that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.
- (g) 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.

**Reason**

To ensure the provision and maintenance of adequate tree planting on site.

## **PART F – OCCUPATION AND ONGOING USE**

### **(138) 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.

#### **Reason**

To ensure the site is authorised for occupation.

### **(139) EMISSIONS**

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act, 1997* and *Protection of the Environment Operations (Clean Air) Regulation, 2010*.
- (c) Uses that produce airborne particulate matter must incorporate an effective dust collection system.

#### **Reason**

To protect the amenity of the surrounding area.

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

An annual Fire Safety Statement must be given to Council and Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

#### **Reason**

To ensure annual checks on fire safety measures.

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

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

#### **Reason**

To protect neighbouring properties.

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

No portion of the proposed structure (except for the existing front facade elements of the retained terrace), including gates and doors during opening and closing operations, shall encroach upon Council's footpath or road reserve areas.

##### **Reason**

To protect the public way.

#### **(143) USE OF COMMON AREAS AND FACILITIES**

The use of common areas and facilities, including the roof top communal terrace, must be available for the use all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

##### **Reason**

To ensure designated areas within the residential development are maintained as common property.

#### **(144) ALCOVE LIGHTING**

The approved bin collection alcove on the Faucett Lane frontage of the site must be fitted with a sensor-activated security light. The light must be maintained in good working order.

The intensity, colour, and illumination must be varied if adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting, is being caused to the amenity of the area. LED lighting technology (or other technology with an improved lighting power density – watts per square metre) must be implemented.

##### **Reason**

To ensure the provision of an appropriate level of illumination and to protect the amenity of the public domain.

#### **(145) 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  $L_{Aeq,15 \text{ minute}}$  (noise level) emitted from the development must not exceed the  $L_{A90, 15 \text{ minute}}$  (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 must 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 NPfl are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

**Reason**

To protect the acoustic amenity of surrounding properties.

**(146) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

**Reason**

To ensure all works to the City's public domain are protected under a liability period.

**(147) MAINTENANCE OF TREES ON SITE**

- (a) Tree maintenance must be implemented and complied with immediately following the tree plantings, and until the trees reach the required minimum height and canopy width.
- (b) The newly planted trees on site must be appropriately maintained on an on-going basis.
- (c) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.
- (d) If the newly planted trees fail to establish or does not reach the required height and canopy spread width, they must be replaced with trees of comparable qualities and container size.
- (e) The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

**Reason**

To ensure the ongoing maintenance of trees planted on the site.

**(148) NUMBER OF ADULTS PER ROOM**

- (a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (b) The total number of adults residing in one unit must not exceed twice the number of approved bedrooms.

**Reason**

To prevent overcrowding.

**(149) 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.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

**Reason**

To ensure that waste and recycling collection is appropriately managed.

## **SCHEDULE 2**

### **PRESCRIBED CONDITIONS**

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation, 2000* apply to the development.

Refer to the New South Wales 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>.