

Attachment A

Recommended Conditions of Consent
--

SCHEDULE 1
CONDITIONS OF CONSENT
PART A - GENERAL

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2022/1248 dated 1 December 2022 and the following drawings:

Drawing Number	Drawing Name	Date	Prepared by
APT1 A1020 Issue 3	Location Plan – Proposed	22 November 2022	-
-	APT Double (Ambulant + Accessible) Plan	Received 1 December 2022	Grimshaw
-	APT Double (Ambulant + Accessible) Elevations	Received 1 December 2022	Grimshaw
APT2 A01 Rev C	APT Elevations (technical)	14 October 2022	Pureablue
-	APT Double (Ambulant + Accessible) Section	Received 1 December 2022	Grimshaw
APT2 A04 Rev C	APT vertical sections (technical)	14 October 2022	Pureablue
APT2 A02 Rev C	APT Fitout Sections (long)	14 October 2022	Pureablue
APT2 A03 Rev C	APT Fitout Sections (short)	14 October 2022	Pureablue
APT2 G2 Rev A	APT Green Walls Details	7 December 2021	Pureablue
FCF-001	Typical Details Sheet	2 June 2020	Fytogreen

Drawing Number	Drawing Name	Date	Prepared by
-	APT Advertising Signage Panel dimensions and Specifications	Received 21 July 2023	-
-	APT Finishes External	Received 1 December 2022	Grimshaw
-	APT Finished Internal	Received 1 December 2022	Grimshaw

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) GREEN WALLS

In the event of a failure of the green wall, the strategy and details which are submitted to Council and enclosed in the letter titled *APT Green Panel Decommissioning Strategy – City of Sydney Street Furniture Agreement D/2022/1248*, dated 4 August 2023, prepared by Mecone and the document titled Sketchbook 65, dated 01 July 2022 and prepared by Grimshaw, are to be implemented.

(3) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management, titled *Plan of Management and Maintenance of Assets – Automated Public Toilets (APTs) – External Areas*, (TRIM Ref: 2022/ 619064).

(4) TIME LIMITED CONSENT

The digital advertising signage panels and any associated structure(s) must be removed and the site reinstated, within a period of 15 years from the date of consent or on the termination of the subject lease of the property, whichever occurs first. If the panels are to be retained after this period a new development application must be lodged with Council before the expiration of the consent.

(5) SIGNAGE CONTENT MANAGEMENT

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

(6) DIGITAL SIGNAGE – ADDITIONAL REQUIREMENTS

The approved digital signage must ensure the following:

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

(7) PRESERVATION AND REINSTATEMENT OF PUBLIC ASSETS

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

(8) SIGN ILLUMINATION

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

(9) ENERGY SOURCE OF DIGITAL ADVERTISING PANELS

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

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

(10) WASTE AND RECYCLING MANAGEMENT - GENERAL

- (a) 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.
- (b) Any wastewater from the structure must only be disposed of in the public sewerage system.

Reason

To ensure that waste and recycling is appropriately managed.

(11) WASTE/RECYCLING COLLECTION

- (a) Waste storage and the collection of waste and recycling must be 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) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary.

Reason

To ensure that waste and recycling is appropriately managed.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(12) 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.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

(13) TREES THAT MUST BE RETAINED

The existing trees detailed in Table 2 below be retained and protected in accordance with the conditions throughout construction and development.

Table 2 – Tree Retention:

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

Tree No	Species:	Location
1	Ficus Rubiginosa (Port Jackson Fig)	Street tree

Reason

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

(14) 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, or removal of, street trees and that such works are carried out in an appropriate manner.

(15) 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 (AQF 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 to a height of 1.5 metres, must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The 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; or
 - (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 two 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 any construction activities (including demolition), must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of 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.

(16) COMPLIANCE WITH COUNCIL STANDARDS AND DISABILITY DISCRIMINATION ACT

The placement of the advertising signage and any associated Tactile Ground Surface Indicators or textured paving works is to ensure compliance with Council's access requirements and the Disability Discrimination Act 1992 and that there are no conflicts with existing street furniture and fixtures. All works are required to ensure that the public domain complies with the City of Sydney's Sydney Streets Technical Specification and the Sydney Streets Codes 2021. The compliance is to be achieved prior to the use of the Automated Public Toilet commencing.

(17) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

(18) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. Loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 – 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

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

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

Reason

To protect the amenity of the surrounding area.

(19) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) Should a Works Zone on the street be required, an application must be made to be considered by Council.
- (b) An application must be made to Council at least 8 weeks prior to commencement of work. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

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

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

There are no conditions relevant to Part E.

PART F – OCCUPATION AND ONGOING USE

(20) 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.