

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/2022/306 dated 13 April 2022 and the following drawings:

Drawing Number	Drawing Name	Date	Prepared by
202105-SO01 Rev A	North Rosebery Park Amenities Block Set Out Plan	30 March 2022	Gallagher Studio
A04 2002 Rev G	APT Accessible – SF4-1 – Plan	6 August 2021	Grimshaw
A04 2004 Rev G	APT Accessible – SF4-1 – Elevations	6 August 2021	Grimshaw
A01 Rev B	Details	2 February 2023	Pureable
A02 Rev B	Details	2 February 2023	Pureable
A03 Rev B	Details	2 February 2023	Pureable
A04 Rev B	Details	2 February 2023	Pureable
-	APT Signage	Received 27 July 2023	Grimshaw
-	APT Advertising Signage Panel Dimensions and Specifications	Received 27 July 2023	-
-	APT Finishes External	Received 27 July 2023	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) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management, titled '*Plan for Management and Maintenance of Assets – Automated Public Toilets (APTs) – External Areas*' (TRIM Reference: 2022/234220) that has been approved.

Reason

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

(3) TIME LIMITED CONSENT

The digital advertising signage panels must be removed, 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.

Reason

To ensure signage is delivered in accordance with Council's DCP.

(4) 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.

Reason

To ensure all parties are aware of the terms of the approved development.

(5) DYNAMIC CONTENT SIGNS

The design of the approved dynamic content signage must comply with the following:-

- (a) Any imagery shall have a dwell time of at least 10 seconds, transition time of 0.1 seconds and not be animated.
- (b) The Dynamic Content Sign, including any animation, video or moving or changing images, is not to flash, strobe, pulsate, flicker or contain fast moving images. Any animation and motion of images is to be slow and smooth at all times.
- (c) The Dynamic Content Sign is to have a default setting that will display an entirely black display area when no content is being displayed or if a malfunction occurs.
- (d) The Dynamic Content Sign is to have light sensors that automatically adjust the display brightness of the display area to ambient light conditions.

Reason

To ensure signage is designed in accordance with Council's DCP.

(6) 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 the latest edition of AS/NZS 4828.
- (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.

Reason

To ensure signage illumination is designed in accordance with the Australian Standards and Council's DCP.

(7) 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.

Reason

To ensure signage is designed in accordance with Council's DCP.

(8) WASTE AND RECYCLING MANAGEMENT

- (a) The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018*.
- (b) Any wastewater from the Premises must only be disposed of in the public sewerage system.

Reason

To ensure that waste and recycling is appropriately managed.

(9) WASTE/RECYCLING COLLECTION

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

Reason

To ensure that waste and recycling is appropriately managed.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(10) 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.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

(11) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

Reason

To ensure wastewater is managed appropriately.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

(12) 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.

(13) 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.

Reason

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

(14) 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.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

(15) 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.

Reason

To protect public assets and ensure any damage is appropriately rectified.

(16) COMPLIANCE WITH COUNCIL STANDARDS AND DISABILITY DISCRIMINATION ACT

The placement of the Automatic Public Toilet and any associated TGSI's or textured paving works is to ensure compliance with Council's access requirements and the Disability Discrimination Act 1992 and that there are no conflicts with existing street furniture and fixtures. All works are required to ensure that the public domain complies with the City of Sydney'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.

Reason

To ensure the development complies with Council Standards and the Disability Discrimination Act 1992.

PART F – OCCUPATION AND ONGOING USE

(17) 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.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with *National Construction Code* (previously known as *Building Code of Australia*) and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 2 conditions of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>