

29 April 2013

File No: 2013/127486  
Our Ref : R/2011/5/1  
Your Ref: MP 11\_0001

Karen Jones  
Director – Metropolitan and Regional Projects South  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Attention: Daniel Gorgioski  
Email: [daniel.gorgioski@planning.nsw.gov.au](mailto:daniel.gorgioski@planning.nsw.gov.au)

Dear Daniel

**RE: Sydney Heritage Fleet, 5-7 Bank Street, Pyrmont**

I refer to your letter dated 28 February 2013 about the above mentioned application.

The City provides its comments in relation to the proposed new building associated with the Sydney Heritage Fleet that includes small vessel storage, amenities, community-based maritime skills centre, museum display, community space, exhibition pavilion, kiosk and a fixed wharf.

It is the City's preference that Roads and Maritime Services (RMS) make wharf B3 at the head of Blackwattle Bay on Bridge Road, the site for the proposed uses relating to the Sydney Heritage Fleet. This would consolidate both new and heritage charter vessels at the head of Blackwattle Bay.

Failing this, it is recommended that some design improvements be considered and conditioned if the Sydney Heritage Fleet have no locational alternatives to that proposed.

It is acknowledged that the project has been amended significantly to address community concerns through the removal of heavy restoration work from this location and by reducing the length of the wharf by 23 Metres and the associated craft.

Notwithstanding this, Bank Street is located within a developing context and it is important that the proposal responds appropriately within its context and mitigates potential detrimental impacts both in terms of built form and amenity. It is also noted that the use of Glebe Island Bridge for car parking is not supported (reference section 4.1).

The following specific comments and concerns about the development are provided:



## 1.0 SITE ADDRESS

The application refers to the site as 3 Bank Street, however the address of the site is known as 5-7 Bank Street, Pyrmont, as outlined below:

Lot 19, DP 803159 – 7 Bank Street, Pyrmont

Lot 20, DP 803159 – 5 Bank Street, Pyrmont

Lot 1, DP 1049334 – Rozelle Bay

Lot 107, DP 1076596 – Blackwattle Bay

## 2.0 URBAN DESIGN

From an urban design perspective, there are several aspects of the proposal that are supported, such as the simple roof and built form, schedule of external materials, height, scale, green roof, façade articulation, and the idea of a publicly accessible foreshore walk. However, the following issues are further outlined below:

### 2.1 Façade Fronting Bank Street

The activities fronting Bank Street are primarily associated with services and utilities such as delivery areas, fire stairwell, lift, store rooms and rubbish bin storage area. Although a degree of façade articulation is achieved through the use of different materials and small projections, the Bank Street elevation is inactive and does not provide opportunities for passive surveillance over the public domain. The blank walls appear like the rear of a development with two doors one of which is a fire escape. The building does not address the street well. Additionally, there is also an inactive façade on the eastern elevation adjacent to the future park. It is recommended that the proposal be amended to improve the activation to the street and park.

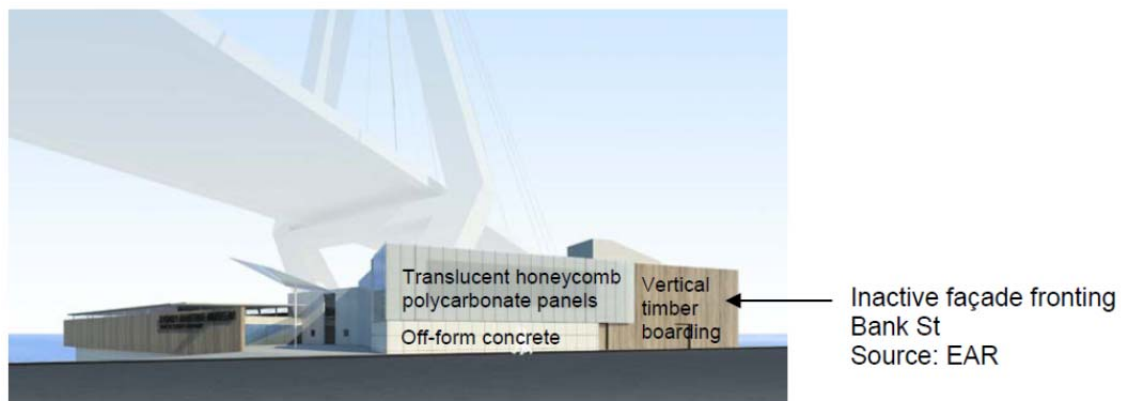


Figure 1: Proposed Bank Street façade.

### 2.2 Views to the Water and to the Anzac Bridge Pylon

Views to and from the water are important to the legibility of a place. Anzac Bridge is also an important landmark. Thus, proposals in Bank Street have the opportunity to enhance the relationship between this structure, the water and future waterfront buildings. Proposals on the foreshore can greatly contribute to the quality of the

waterfront, can improve pedestrian connectivity, and can celebrate the structure of Anzac Bridge.

There are two important viewlines to the pylon: (1) views from Bank St looking northwest towards the site; and (2) views from Bowman St looking south-east towards the site.



Figure 2: Viewlines 1 and 2 (Bank Street) and viewline 3 (Bowman Street)

The proposed site planning takes little consideration of the structure of Anzac Bridge and the nearby prominent viewlines. The building wraps around the pylons and blocks views to the base of the structure and to the waterfront.

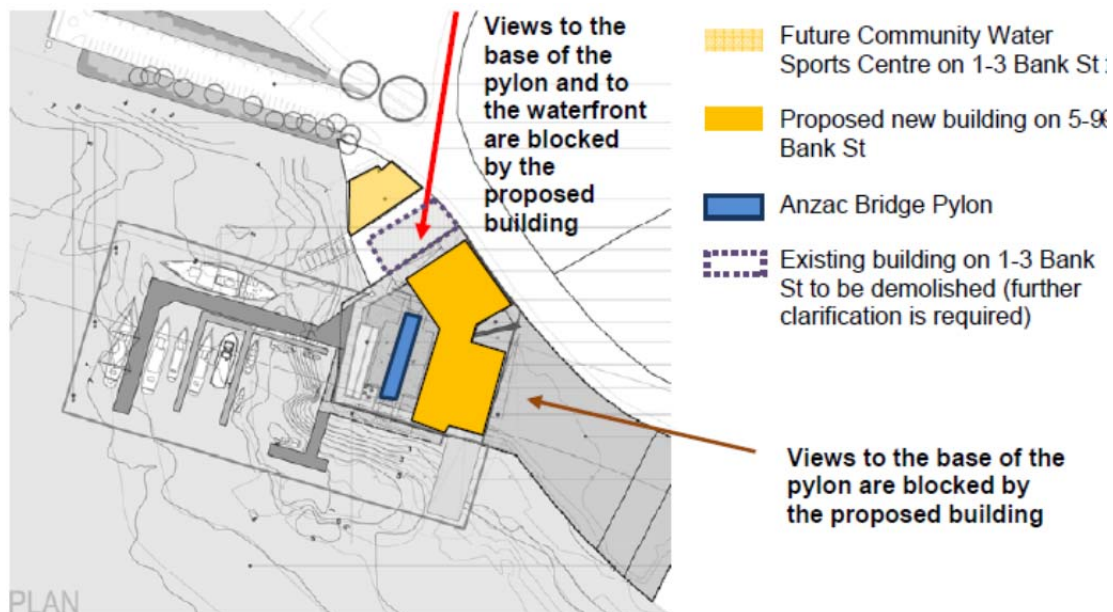


Figure 3: Proposed building layout.

There is an opportunity for the proposal to enhance its relationship with Anzac Bridge and the waterfront, and to improve pedestrian connectivity, by placing the building in a way that enables uninterrupted views from Bowman Street towards the base of the pylon and the water beyond. This design solution could also create a direct pedestrian link from Bowman Street down towards the water. This will be made possible by the future development of the neighbouring site at 1-3 Bank Street for the proposed future community water sports centre.

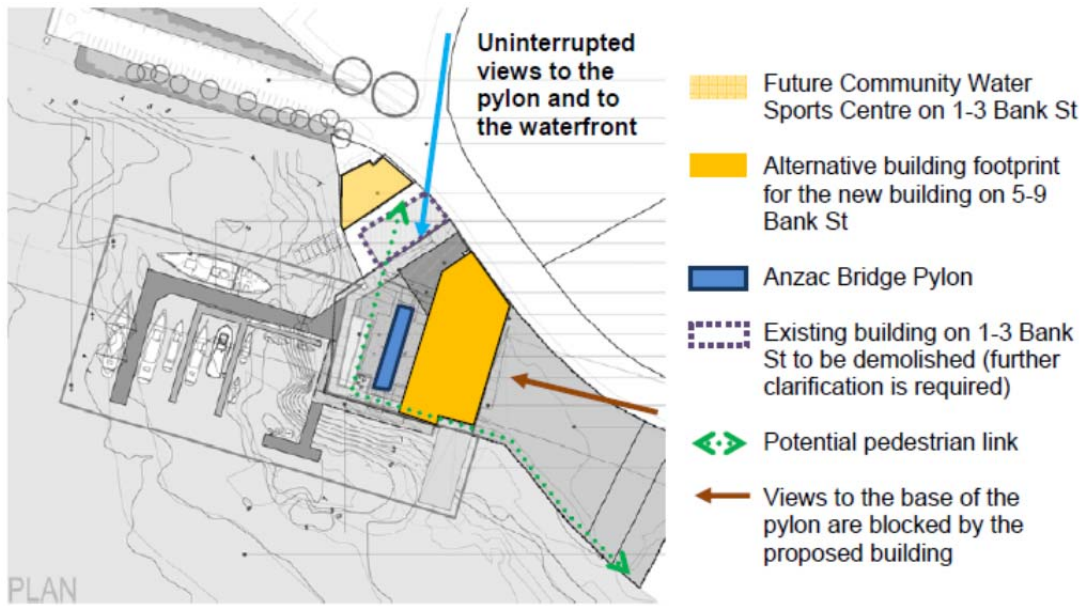


Figure 4: Site Planning recommendation

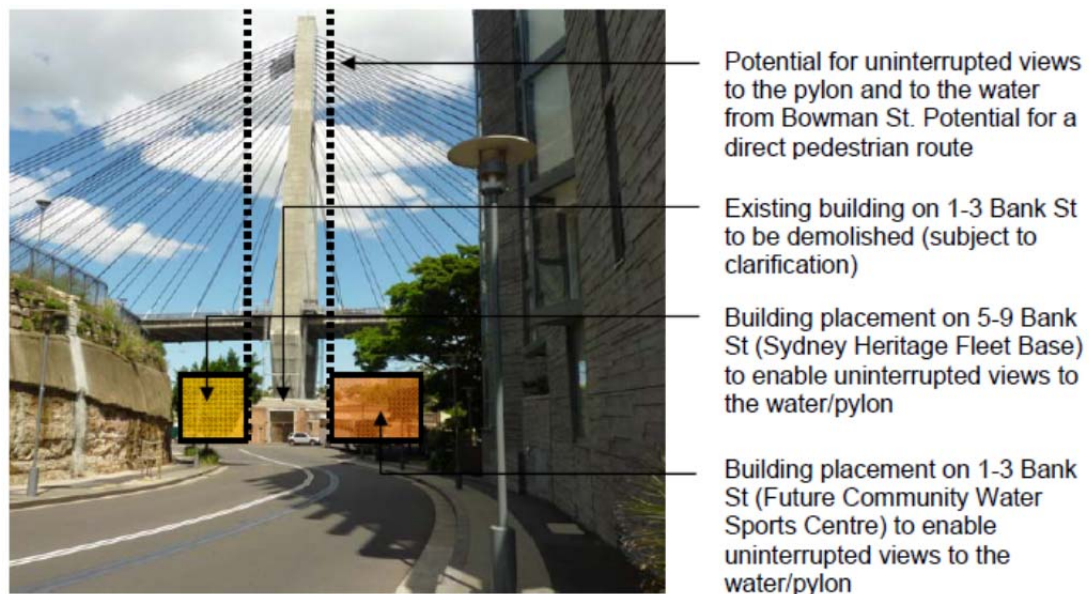


Figure 5: Site Planning recommendation

### 3.0 HERITAGE

#### 3.1 Potential Non- Indigenous Archaeology

The Archaeological Assessment states there is potential for the historic sandstone seawall to survive within the study area and for the proposal to adversely impact upon these.

Although applications for permits and approvals from the Heritage Council of NSW are not required for Projects considered under the 'Project Approval' provisions of Part 3A of the *Environmental Planning and Assessment Act 1979*, to effectively manage the impacts upon non indigenous archaeological potential of the area, the project should be managed in accordance with the NSW Heritage Act, the following is recommended:



- Archaeological investigation of areas of impact within the study area should be carried out to determine the nature and depth of the wall and to assist the development of an archaeological management strategy.
- Based on the archaeological integrity of the remains, a detailed recording should be undertaken.
- An interpretation plan is to be developed for the site, and the results of the archaeological testing, with all its types of evidence, needs to be incorporated into the interpretation plan.
- The archaeologist should have a central role in the development of ideas and themes and interpretative concepts.
- The applicant will need to provide an area on site for artefacts recovered from the site and for interpretation.

Interpretation of the former history of the site should also be included as part of the development.

### 3.2 Potential Aboriginal Cultural Archaeology

A registered Aboriginal site (AHIMS Site 45-6-2960) located north of the subject site, reflects the use and occupation of the peninsula by Aboriginal people to obtain these resources. The Aboriginal site is registered as a 'Potential Archaeological Deposit'. It is located within a sandstone shelter near Distillery Drive, Pyrmont. The deposit consists of a grey sand deposit with evidence of fragments of cockle shell (*Andara trapezia* and whelk shell *Pyrazus ebeninus*), which were food sources available from Blackwattle Bay to Aboriginal people in the past. In addition, the site is located in an area that has remained undisturbed by historical activities.

The majority of the subject site is located on reclaimed land, however it would have originally been situated within the mud flats of Blackwattle Bay. Part of the eastern extent of the subject site, adjacent to Bank Street, may have originally been on, or near, the rocky shoreline of the Pyrmont peninsula.

The Preliminary Aboriginal and Historic Archaeological Assessment Sydney Heritage Fleet Base, Pyrmont, NSW November 2011 28 states that it is unlikely that archaeological deposits relating to Aboriginal cultural heritage will be located within the area, as the combination of quarrying in the 1850s, subsequent land reclamation and the construction of the earlier marine industrial buildings on the site, the Bank St roadway, the sea wall and successive bridges would have destroyed any such evidence.

To effectively manage the impacts upon indigenous archaeological potential of the area, the following is recommended:

- If any Aboriginal "objects" (as defined under the *National Parks and Wildlife Act 1974*) are located during the course of the excavations, *National Parks and Wildlife Service* should be contacted immediately and the Metropolitan Local Aboriginal Land Council should apply for a Care Agreement with the Department of Environment, Climate Change and Water to enable them to keep the objects.
- Interpretation of the Aboriginal history of the site should be included in the redevelopment proposals

## 4.0 TRAFFIC AND PARKING

### 4.1 Car Parking

The proposal adopts a restrictive approach to car parking provision (i.e. 1 on-site staff parking space is being investigated). The Traffic Management and Accessibility Plan (TMAP) requests that on-site visitor car parking requirements be waived.

The parking study identifies that 5 – 7 car spaces would be required to meet visitor demand and that these are potentially available within the existing on-street environment.

The TMAP outlines some potential locations for additional parking provision off site:

#### *Glebe Island Bridge*

Glebe Island Bridge is a highly significant structure and the City supports its retention and reuse as a piece of working infrastructure in the future. The Bridge has potential as a pedestrian, cycle and/or public transport link between the City and Glebe Island, helping to reduce traffic congestion. Allowing for a 65 space car park would jeopardise this vision and result in increased levels of congestion. As such, its use as a car park is strongly opposed by Council and is not supported.

#### *Bowman Street*

The TMAP identifies the 'No Stopping' area located on Bowman Street adjacent to the north of the Bowman Street / Bank Street bend, as a potential location for up to 10 extra on street car parking bays.

It should be noted that any proposed on-street parking requirements will require a separate application to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC).

**Note:** The process of reporting an item to the LPCTCC takes approximately 8 weeks from the relevant officer being satisfied with the proposal.

### 4.2 Bicycle Parking

The TMAP outlines that the provision of 7 bicycle spaces will be investigated.

The site is well served by the existing and future cycleway network and it is envisaged that the site will be regularly accessed by bicycle by both visitors and staff.

For museums / art galleries, DCP 2012 specifies a bicycle parking rate of 1 space per 1,000m<sup>2</sup> GFA for employees and 1 space per 200m<sup>2</sup> for visitors. It should be noted that the minimum number of bicycle parking spaces is to be rounded up to the nearest whole number if it is not a whole number.

Based on a GFA of 1,123m<sup>2</sup> this would amount to a *minimum* of 2 bicycle parking spaces for employees and 6 bicycle parking spaces for visitors.

Due to the sites location it is recommended that bicycle parking and end of trip facilities are provided that are above and beyond these minimums owing to the

number of volunteers and other members of the public who are forecast to use the site.

### **4.3 Public Transport**

The applicant has identified a number of bus route modifications which could be made to improve the public transport accessibility of the site.

Council is supportive of improving public transport access in Pyrmont, however it should be noted that any changes to existing bus routes would need to be assessed by Transport NSW.

### **4.4 Cycling**

There is an existing, continuous foreshore walking and cycling path through the site. This is to be maintained along the foreshore – it is unclear if the path shown in the plans is designated as a shared path.

### **4.5 Green Travel Plan**

It is understood that a Green Travel Plan will be developed for the site and submitted as part of the Occupation Certificate application.

This plan should incorporate initiatives to encourage sustainable transport practices by both staff and visitors to the facility.

## **5.0 PUBLIC DOMAIN**

### **5.1 Access**

24hr access along the Foreshore Path has been negotiated between the Applicant and DP&I. Part of the negotiations also included discussion with the RMS about security arrangements for the base of the Anzac Bridge. It is noted that the pedestrian path leading from Bank Street to the water edge on the northern side of the facility is unchanged and is steeper than 1:20 (would require a 50m long ramp) and is not an accessible path of travel. As the facility and pathway is new, the ramp should be designed to be accessible as it is to form part of the Harbour Foreshore Walk.

It is noted from the Master Plan that portions of the foreshore walk is outside of the leased area and is within the over water lease. This makes sense from a timber boardwalk perspective but raises questions of responsibility for maintenance, how to ensure access is kept clear, security arrangements and so on. The applicant should clarify these details in future submissions.

### **5.2 Security**

The water front path will largely be obscured by the facility during out of business hours. It is recommended that the applicant consider measures (eg lighting, CCTV) to deter anti-social behaviour given the walkway will be partially protected from weather.



## **5.2 Site Connections with surrounding area**

The different levels between the street, adjacent proposed future park and the timber boardwalk mean that visual and to a degree the physical links as well are quite poor.

It is difficult to see where the Harbour Foreshore Walk leads behind the Facility and it is recommended that signage or directional hints are considered as part of a Wayfinding Strategy.

## **5.3 Finished Levels of the Pedestrian Walkway**

The Climate Change Induced Sea Level Rise report has some implications for the 24hrs accessible public footway that forms part of the Harbour Foreshore Walk, even though it will be located on private land.

The report only discusses still water levels with increases due to wave heights. Inundation will likely be made worse during weather events that include a storm surge and associated poor weather will increase wave heights. The risk from sea level rise in as little as 40yrs time (and likely sooner during weather events) is likely to be significant and the applicant should address the recommendations of the report with an assessment of the level of risk that pedestrians may face if the walkway becomes inundated.

The applicant should consult with Council and other relevant authorities as to what level of risk is acceptable and how it should be managed.

## **5.4 Public Domain along Bank Street**

The proposal has a frontage along Bank Street yet includes no details of the proposed treatment of the public domain.

There are 2 vehicular footway crossing that are affected by the proposal and show as being removed, and a third to be installed. The demolition and construction adjoins the public footway and is likely to damage it. Relevant conditions have been recommended.

## **6.0 TREES**

The existing footpath is approximately 3 metres wide and is considered an appropriate location for street tree planting.

The City's Tree Management Unit recommends tree planting occurs along Bank Street in accordance with the City's Street Tree Master Plan (STMP).

## **7.0 ENVIRONMENTAL HEALTH**

### **7.1 Noise/Vibration**

The subject site is located within close distance to the residential receivers in Pyrmont (The Bayview Towers, New Bovis Residential and property on Bowman Street) and Glebe (53 Leichhardt Road, Glebe Point Road). The acoustic consultant predicted that the noise levels will exceed the intrusive noise criteria at Pyrmont locations.

The time restrictions for the intrusive appliances and Construction Noise management Plan is recommended for this site.

## **7.2 Contamination**

The site has potential contamination due to the historical land uses and the proximity to the harbour and maritime relates industries. The Part 2 of Environmental site investigation had been taken and soil samples had been taken from 9 test pits. The sampling indicates presents of contaminants including TRH, BTEX, PAH, Metals, OCP, PCB and TBT.

The current condition of the site is unlikely to have any significant exposure to human health; however during construction OH&S measures should be implemented (masks to prevent dust inhalation, restriction of contact with potentially contaminated soil etc).

All materials to be taken offsite will required waste classification and based on the results could be classified as hazardous waste.

## **7.3 Air/Dust/Odour**

There are no existing buildings or structures will require clearance or demolition, however some excavation works will take place. The number of recommended condition to control potential dust issues are outlined below. The dust control measures should be included into the Construction Management plan.

## **7.4 Kiosk/Cafe**

In the project description the applicant mentions a Kiosk/Cafe in Exhibition Pavilion. A condition is recommended that the kiosk or café be subject to a further development application, so that the details of the food service can be provided and to establish its hours of operation and patron capacity.

## **8.0 DEVELOPMENT CONTRIBUTIONS**

Development contributions should include volunteers and not just employees, and the current indexed contribution rate should be used instead of the superseded 1994 rate.

The City of Sydney's Ultimo Pyrmont Section 94 Contributions Plan 1994 ('the Ultimo/Pyrmont Plan') applies to the development. The applicant's Environmental Assessment notes that 7,500 volunteers are estimated on the site, that public transport and existing car parks will be encouraged, and proposes that development contributions be based only on the four people to be employed, but not the volunteers.

Volunteers should be included as they will increase demand for public amenities and services including car parking, footpaths, roads and parks, irrespective of whether public transport and existing car parks are encouraged. Most of the existing facilities have been majority funded by developers through development contributions, and it is unreasonable to expect that the developer in this case be given a 'free pass', effectively requiring other developers and existing local residents to fund the cost of new and upgraded facilities required specifically as a consequence of the development's volunteers.

Contributions should be based on the number of equivalent full time workers, which is calculated by totalling the number of anticipated volunteer hours each week, and dividing this by 38 hours, which is the maximum working week specified by the NSW Government's Industrial Relations.

The applicant's Environmental Assessment also incorrectly proposes that the 1994 contributions rate of \$2,845 be applied. The current indexed contribution rate of \$3,535.77 should be used, as published on the development contributions section of the City's website. This rate came into effect on 1 January 2012.

## **9.0 CONDITIONS**

The granting of consent for the proposal should include the recommended conditions of consent as detailed in Attachment A to this letter. If the proponent is a Crown Authority, reference to Construction Certificates will need to be removed. Council staff are available to assist with the final drafting of any conditions of consent.

## **10.0 CONCLUSION**

The issues outlined above are requested to be addressed and incorporated into the proposal in order for the proposal to be capable of support.

Should you wish to speak with a Council officer about the above, please contact Matthew Girvan, Specialist Planner, by phone on 9246 7756 or by email at [mgirvan@cityofsydney.nsw.gov.au](mailto:mgirvan@cityofsydney.nsw.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'GJahn', written over a large, faint circular stamp or watermark.

**Graham Jahn AM**  
**Director**  
City Planning | Development | Transport

## Attachment A – Recommended conditions

### (1) DESIGN DETAILS (MAJOR DEVELOPMENT)

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by [insert] dated [insert].

### (2) DESIGN QUALITY EXCELLENCE

- (a) In order to ensure the design quality excellence of the development is retained:
  - (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
  - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
  - (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.

### (3) PHYSICAL MODELS

- (a) Prior to a Construction Certificate being issued, an accurate 1:500 scale model of the approved development must be **submitted to Council** for the City Model in Town Hall House; and
- (b) Prior to an Occupation Certificate being issued, an accurate 1:500 scale mode of the development as constructed must also be **submitted to Council** for placement in the City Model at the City Exhibition Space.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at [www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp](http://www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp). Council's model maker must be consulted prior to construction of the model for Town Hall House. The Manager of Customs House must be consulted prior to the construction of the model for City Exhibition Space.
- (ii) The models are to comply with all of the conditions of the Development Consent.

- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

**(4) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to a Construction Certificate being issued, an accurate 1:1 electronic model of the detailed construction stage drawings must be submitted to Council for the electronic 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) property boundaries and the kerb lines adjacent to the site.

The data is to be submitted as a DGN or DWG file on physical media (floppy disc or CD). All plans are to be referenced to the submitted Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) Within the DGN *or* DWG file each identified structure, feature, utility or service must be distinguished by a combination of layering and/or symbology schema. The submitted plans must be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.
- (d) The electronic model must be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available online at [www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp](http://www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp). Council's Design/Technical Support staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.
- (e) Prior to an Occupation Certificate being issued, a second and updated "as built" 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic City Model.

Note: The submitted model/data must be amended to reflect any modifications to the approval (under section 96 of the *Environmental Planning and Assessment Act*) that affect the location of any of the underground services or structures and/or external configuration of building above ground.

## (5) SECTION 94 CONTRIBUTION - ULTIMO PYRMONT

A contribution under section 94 of the *Environmental Planning and Assessment Act 1979* must be paid in accordance with the following:

### Cash Contribution Required

- (a) In accordance with the adopted "*Ultimo Pyrmont Contributions Plan 1994*" a cash contribution must be paid to Council for the amount specified below.

### Amount of Contribution

- (b) The amount of the contribution is \$[insert amount of contribution (without \$)].

Note: The contribution will be indexed annually, see paragraph (f) below.

### Purposes for which Contribution Required

- (c) The contribution is required, and must be held and applied in accordance with the Act and the *Ultimo Pyrmont Contributions Plan 1994*, for the purposes, and in the proportions, set out as follows:
  - (i) Open Space - 64%
  - (ii) Community Facilities - 9.5%
  - (iii) Roads and Associated Infrastructure - 26.2%
  - (iv) Administration - 0.3%

### Certification of Contribution

- (d) Certification of the Section 94 Contribution calculation, including verification of gross floor area and resident/worker population as applicable, and indexation of the contribution in accordance with the "*Ultimo Pyrmont Contributions Plan 1994*" (if applicable) must be submitted to and approved by Council, prior to a Construction Certificate being issued

If the Construction Certificate is to be issued by a private Certifying Authority, they must seek Council's endorsement of the calculation prior to its issue.

### Timing of Payment

- (e) The contribution must be paid [CHOOSE from the following options: prior to issue of a Construction Certificate.]prior to issue of a Subdivision Certificate.[prior to the commencement of the development]. Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney. Personal or company cheques will not be accepted.

### Indexing

- (f) The contribution rate in “*Ultimo Pymont Section 94 Contributions Plan 1994*” will be adjusted in accordance with clause 19 of the Plan being not less than annually.
- (g) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.
- (h) Please contact Council’s Planning Administration staff to confirm the amount payable, prior to payment.

**(6) HOURS OF OPERATION - MINOR DEVELOPMENT**

The hours of operation are restricted to between [insert open time] and [insert close time] Monday to Sunday.

**(7) CARE OF BUILDING SURROUNDS**

In addition to Council’s daily street sweeping and cleansing operations, the owner/manager of the building must ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

**(8) REMOVAL OF GRAFFITI**

The owner/manager of the site must be responsible for the removal of all graffiti from the building within 48 hours of its application.

**(9) SIGNS/GOODS IN THE PUBLIC WAY**

No signs or goods are to be placed on the footway or roadway adjacent to the property.

**(10) KIOSK/CAFÉ - SEPARATE DA REQUIRED**

A separate development application for any proposed food and drink premises must be submitted to and approved by Council prior to the fitout and use of the premises.

**(11) ARCHAEOLOGICAL ASSESSMENT**

An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted to and approved by Council prior to the issue of a Construction Certificate. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.

**(12) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) Should any historical 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 relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

### **(13) HERITAGE INTERPRETATION STRATEGY**

- (a) An interpretation strategy for the site must be submitted to and approved by Council prior to a Construction Certificate being issued.
- (b) The interpretation strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) Prior to occupation certificate being issued the approved interpretation strategy must be implemented to the satisfaction of Council.

### **(14) SECTION 138 APPROVAL**

Prior to the commencement of any work within the public way of Bank Street, a separate application is to be made to Council for approval under Section 138 of the Roads Act 1993.

### **(15) PUBLIC RIGHT OF WAY**

A documentary Right of Public Access to be created over the Public Foreshore Walkway within the site and registered on Title of the subject land. The Right of Public Access is to be defined in terms granting appropriate public pedestrian access, appurtenant to Council and created to Council's satisfaction.

### **(16) VEHICLE FOOTWAY CROSSING**

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing in Bank Street and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

#### **(17) FOOTPATH DAMAGE BANK GUARANTEE**

A Footpath Damage Bank Guarantee calculated on the basis of 50 lineal metres of the asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to issue of a Construction Certificate.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

#### **(18) ALIGNMENT LEVELS**

- (a) Prior to a Construction Certificate being issued, footpath alignment levels detailing any new vehicular crossovers for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.
- (c) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently with the submission of a Public Domain Plan.

#### **(19) PUBLIC DOMAIN PLAN**

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition or shoring work.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

Note: A Public Domain Works Guarantee deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

## **(20) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

- (a) Prior to a Construction Certificate being issued for a new building work, excluding approved preparatory, demolition and shoring work, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.
- (b) Completion and handover of the constructed public domain works is to be undertaken in accordance with the City's Public Domain Manual, including requirements for as-built documentation, certification and defects liability period.

## **(21) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;

- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) 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.

## **(22) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

On-site detention, treatment and re-use is encouraged.

- (a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (e) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

## **(23) PRESERVATION OF SURVEY MARKS**

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the

commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

#### **(24) 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 Energy Australia, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

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

- (a) A Waste Management Plan is to be approved by the Certifying Authority prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

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

- (b) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's Policy for Waste Minimisation in New Developments 2005.

#### **(26) LANDSCAPING OF THE SITE**

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan must include:
  - (i) Location of existing and proposed structures on the site including existing trees (if applicable);

- (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
  - (iii) Location, numbers and type of plant species;
  - (iv) Details of planting procedure and maintenance;
  - (v) Details of drainage and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
  - (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

## **(27) PAVING MATERIALS**

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

## **(28) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the Bank Street frontage of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during construction and / or excavation works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (ie. those that are in good condition as agreed by City officers) must be re-installed in accordance with the City's standard details and specifications after the construction and / or excavation works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath and road access until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to the City's satisfaction or as otherwise advised by City officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.

- (f) Council approval is required before kerbs are removed.

## **(29) STREET TREE PLANTING AND MAINTENANCE**

- (a) All site preparation and new street tree planting must be carried out in accordance with the City's Street Tree Master Plan and the approved Landscape and Public Domain Plans. Site preparation for new tree planting would include but not be limited to the following:
  - (i) Excavation of subgrade for continuous tree trenches,
  - (ii) Installation of subsoil drainage, imported soil mixes and structural soil,
  - (iii) Supplied trees grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment,
  - (iv) The availability of advanced quality stock is a frequent industry problem. In most instances, a supply order is forwarded for stock to be grown on by supplier. This should be planned now to ensure stock is available.
- (b) The street tree(s) must be planted:
  - (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
  - (ii) before the issue of an Occupation Certificate.
- (c) The tree pits must be inspected by Council's Contract Coordinator – Street Trees, before and after planting.
- (d) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of 2 years commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (e) At the end of the 2 year maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (f) If a street tree has been replaced due to maintenance deficiencies during the 2 year maintenance period, the twelve 2 year maintenance period will start again from the date that the street tree is replaced.

## **(30) BICYCLE PARKING**

A minimum of [insert] bicycle parking spaces are to be provided.

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian



Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

- (a) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
- (b) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

**(31) BICYCLE FACILITIES**

A bicycle facilities room must be provided close to staff / employee bicycle parking and include the following at a minimum:

- (a) [insert] shower with change area; and
- (b) [insert] personal lockers.

**(32) PROVISIONS FOR CYCLISTS AND PEDESTRIANS**

The proposed “public foreshore walk” is to be a shared path for pedestrians and cyclists. Adequate access for pedestrians and cyclists is to be maintained along the length of foreshore that adjoins the site.

**(33) GREEN TRAVEL PLAN**

A Green Travel Plan must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being granted. This plan should incorporate initiatives to encourage sustainable transport practices by both staff and visitors.

[Note: It is recommended the applicant contact a member of the Transport and Access Unit, to discuss the Green Travel Plan with Council, prior to its submission]

**(34) 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

**(35) TRAFFIC WORKS**

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RTA RMS Technical Directives and must be referred to and agreed to by the Sydney Traffic Committee Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

**(36) VEHICLES ACCESS**

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

**(37) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent. [Only use (a) if a Construction Traffic Management Plan was submitted with the DA, otherwise delete]
- (b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

**(38) 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 "Development Specification for Civil Works Design and Construction".

**(39) 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.

**(40) LOADING WITHIN SITE**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

**(41) LOADING/PARKING KEPT CLEAR**

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

**(42) SERVICE VEHICLES**

Courier spaces and loading docks must be located close to the service entrance and away from other parking areas, as detailed below:

- (a) A minimum of [insert number] courier space(s) with minimum dimensions 2.6m x 5.4m and a minimum head clearance of 2.5 metres.
- (b) A minimum of [insert number] Small Rigid Vehicle loading dock(s)
- (c) A minimum of [insert number] Medium Rigid Vehicle loading dock(s)
- (d) A minimum of [insert number] Heavy Rigid Vehicle loading dock(s)
- (e) A minimum of [insert number] Articulated Vehicle loading dock(s)

Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with

the minimum requirements of Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities. Details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

**(43) TRAFFIC WORKS**

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RTA RMS Technical Directives and must be referred to and agreed to by the Sydney Traffic Committee Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

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

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

**(45) 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 Building Sites Noise Code and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

**(46) USE OF INTRUSIVE APPLIANCES – TIME RESTRICTION**

- (a) The operation of high noise intrusive plant and 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:

08.00- 12.00am and 2.00pm - 4.30pm Monday to Friday

08.30 - 12.00am and 1.00pm - 3.00pm Saturdays

Or any other such times as agreed in writing by the Council

- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and construction complies with the noise criteria stated within City of Sydney Code of Practice for Construction Hours/ Noise 1992.

**(47) COMMUNITY CONSULTATION**

- (a) The applicant must ensure that before any works are commenced, an appropriate level of community consultation has been carried out with surrounding noise sensitive receivers. This should include the submission of a suitable and readily contactable site contact should any complaints or other issues arise during construction hours. Complaint logs shall be kept outlining the details of any complaint received together with the investigative and corrective actions taken in response to that complaint. The logs must be made available to the City on request.
- (b) The applicant must provide a contact telephone number to the Managers of the City Rangers and the Manager of Health & Building for the Site Manager or other suitable person who will be readily contactable onsite at all times whilst any works are carried out, and whom may be contacted should any complaints concerning offensive noise and vibration be received.

**(48) COMPLIANCE WITH ACOUSTIC REPORT**

All recommendations contained in the par 6.2 Recommendations of the acoustic report prepared by SLR Global Environmental Solution dated 16 January 2012 (ref: 610.10676) must be implemented during the construction of the premises.

**(49) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN**

A site specific noise management plan shall be submitted to the Council for comment and approval prior to CC.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

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 07.00am 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 (LA90, 15min) 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.

#### **(50) 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 (April 2008). 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 EPA.

#### **(51) 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 Environmental Protection Authority, 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 Recovery Act 2001.
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2011

**(52) DUST MANAGEMENT**

All reasonable and feasible steps must be taken to ensure that dust from activities conducted on site is kept to a minimum. This includes the covering and wetting down of disturbed soils.

**(53) EMISSIONS**

- (a) The use of the operation 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 operation must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

**(54) COMPLAINTS - NOISE**

Should noise complaint be received by Council and the complaint being substantiated by a Council Officer, the use of area concerned must cease operation until "attenuation works" are carried out so as that the premises complies with the relevant Noise conditions.

**(55) NOISE USE GENERAL**

The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:

- (a) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
- (b) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise.
- (c) The LAeq,15minute noise level shall be adjusted to account for any applicable modifying factors in accordance with Part 4 of the EPA NSW Industrial Noise Policy.
- (d) In this clause, the term "noise level emitted from the use" means the contributing noise level from the use in isolation to any other

ambient noise and account must therefore be taken of the LAeq, 15minute when the use is not in operation.

- (e) In circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15minute noise level measured in the absence of all noise from the site.

**(56) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(57) ENCROACHMENTS – PUBLIC WAY**

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

**(58) COVERING OF LOADS**

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

**(59) EROSION AND SEDIMENT CONTROL**

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period.

During the 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; and
- (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.

**(60) 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.



**(61) 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 Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

**(62) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, 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) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

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

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

**(64) 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) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.