

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under section 80(1)(a) of the Environmental Planning and Assessment Act, 1979

SITE 2, KING STREET WHARF (former Wharves 9 & 10), DARLING HARBOUR

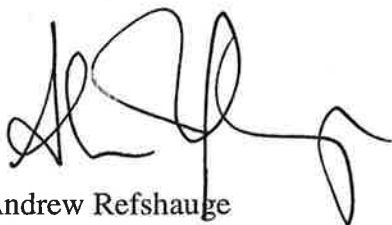
DA 342-10-00

(FILE No. S00/01582/Pt1)

I, the Minister for Urban Affairs and Planning, pursuant to sections 80(1)(a) of the Environmental Planning and Assessment Act ('The Act'), and clause 10 of State Environmental Planning Policy No 56 – Sydney Harbour Foreshores and Tributaries, determine the application referred to in Schedule 1 by granting consent to the application subject to the conditions in the attached Schedule 2 (**tagged 'A'**).

The reasons for the imposition of conditions are:

- to ensure the creation of a high quality urban environment; and
- to protect the environment and amenity of the locality while construction works are in progress.



Andrew Refshauge
Minister for Urban Affairs and Planning

Sydney 7 June 2001

SCHEDULE 1**DEVELOPMENT APPLICATION 342-10-00**

Applicant name	Wharves 9 & 10 Stage 4 Pty Limited
Application date to DUAP	19 October 2000
Applicant address	C/- Multiplex Level 4, 1 Kent Street Sydney NSW 2001
Proposed development	Removal of slab, excavation and construction of a 5 storey mixed retail/commercial development on waterfront Parcel 2 comprising two levels of restaurants and tourist uses and three levels of commercial office space with basement parking including Stage 2 road design (road works to be dedicated to SCC).
Land to be developed	Wharves 9/10 Darling Harbour – Parcel 2
Class of building	Class 5 (Commercial/Office) Class 6 (Retail/Restaurant/Kitchen/Public Bar) Class 7 (Carpark, Storage)

**NOTICES RELATING TO MINISTER'S DETERMINATION OF
DEVELOPMENT APPLICATION 342-10-00**

1. To ascertain the date upon which the consent becomes effective refer to Section 83 of the Act.
2. To ascertain the date upon which the consent is liable to lapse refer to Section 95 of the Act.
3. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right to appeal to the Land and Environment Court exercisable within 12 months of the receipt of this notice.
4. The applicant should ensure that all additional approvals and agreements are obtained from other authorities, as relevant.
5. All references to:
 - the consent authority means the Minister for Urban Affairs and Planning;
 - the Minister means the Minister for Urban Affairs and Planning;
 - the Director-General means the Director-General of the Department of Urban Affairs and Planning;
 - the Council means the City of Sydney Council;
 - the BCA means the Building Code of Australia; and
 - the PCA means the Principal Certifying Authority

Any advice or notice to the consent authority shall be served on the Director-General of Urban Affairs and Planning.

Definitions:

"Approved" in relation to the Director-General means approved in writing by the Director-General or delegate.

"Council" means The Council of the City of Sydney.

"DA" means the development application submitted by Wharves 9 and 10 Stage 4 Pty Limited to the Department of Urban Affairs and Planning on 19/10/00 and registered in the Offices of DUAP as DA 342-10-00.

"Director-General" means the Director-General of the Department of Urban Affairs and Planning or delegate.

"DoT" means the Department of Transport.

"DUAP" means the Department of Urban Affairs and Planning.

"Master Plan" means the master plan prepared by Jackson Teece Chesterman Willis Consultants Pty Limited and Masterplan Consultants Pty Ltd dated July 1997 and adopted by the Central Sydney Planning Committee with modifications on 24 July 1997.

"Minister" means the Minister for Urban Affairs and Planning

"Public Domain" means land within the DA 22-09-98 site which is available for public use and includes streets, lanes, squares, the waterfront promenade in front of buildings 4,5,8 and 9, pedestrian walkways, and the like.

"SEE" means the document titled 'Site 2, King Street Wharf Statement of Environmental Effects October 2000' prepared by City Plan Services and accompanying reports.

"SHFA" means the Sydney Harbour Foreshore Authority

"SPC" means the Sydney Ports Corporation.

"Stage 1 works" means the works comprising the development of sites 3,4,5,7,8 and 9 within approved DA 22-09-98, DA 23-09-98, DA 101-06-99 including further Director-General approvals and further modifications to these approvals.

"Stage 2 works" means those works on parcels 1, 2 and 6 of Wharves 9 and 10 Darling Harbour

"WA" means the Waterways Authority.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT CONSENT 342-10-00

General – Approved Development

1. Development at the site shall be carried out generally in accordance with DA 342-10-00 comprising:

- Statement of Environmental Effects prepared by City Plan Services dated October 2000;
- Attachments to Statement of Environmental Effects:
 - Attachment 4 SEPP 1 Objection regarding Clause 32 of Central Sydney LEP 1996;
 - Attachment 5 Traffic Impact Assessment, prepared by Transport and Traffic Planning Associates dated October 2000;
 - Attachment 8 Assessment of Noise Impact prepared by Acoustic Logic Consultancy Pty Ltd dated 16 October 2000;
 - Attachment 9 The Historical and Archaeological Assessment prepared by Kate Rode dated April 1998.

- Architectural drawings prepared by Cox Richardson/Crone Associates:

LOCATION PLAN - Site 2	SK - 2041/4	dated 17/10/00 ✓
SITE 2 - ROOF (SITE) PLAN	SK - 2042/05	dated 22/01/01 ✓
SITE 2 - BASEMENT PLAN	SK - 2043/06	dated 22/01/01 ✓
SITE 2 - GROUND FLOOR PLAN	SK - 2044/06	dated 22/01/01 ✓
SITE 2 - LEVEL 1 FLOOR PLAN	SK - 2045/05	dated 22/01/01 ✓
SITE 2 - LEVEL 2 FLOOR PLAN	SK - 2046/04	dated 17/10/00 ✓
SITE 2 - LEVEL 3 FLOOR PLAN	SK - 2047/04	dated 17/10/00 ✓
SITE 2 - LEVEL 4 FLOOR PLAN	SK - 2048/04	dated 17/10/00 ✓
SITE 2 - LEVEL 5 FLOOR PLAN	SK - 2049/04	dated 17/10/00 ✓
SITE 2 - ELEVATION WEST	SK - 2050/04	dated 17/10/00 ✓
SITE 2 - ELEVATION EAST	SK - 2051/05	dated 22/01/01 ✓
SITE 2 - ELEVATION NORTH & SOUTH	SK - 2052/04	dated 17/10/00 ✓
SITE 2 - SECTION 62 & 65	SK - 2054/05	dated 22/01/01 ✓
SITE 2 - SECTION 68 & 70	SK - 2055/04	dated 17/10/00 ✓

- Colours and Finishes Board, prepared by Cox Richardson/Crone Associates

As amended by the following conditions:

2. In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

3. The development shall comply with the relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation 2000.
4. Before any construction works commence the applicant must appoint a PCA, who will be responsible for ensuring that all works are carried out in accordance with the approved plans and specifications. The applicant is to notify DUAP and the Council of the appointment of the PCA.

DESIGN DETAILS AND MATERIALS

Design of northern end

5. The balconies to office suites on level 1 and above along northern elevation are NOT APPROVED as they encroach beyond the master plan envelope. The design of the northern end of the building shall be revised and submitted for the Director General's approval prior to issue of construction certificate for the above ground level in particular to provide:
 - A changed design expression for the northern end elevation, with balconies drawn back within the permitted Master Plan envelope, and which provides a better transition between the more solid 'urban' (East) and open waterfront facing (West) elevations of the building.
 - A clear public walkway appropriately delineated with planting, furniture and paving connecting the waterfront to the (future) Hickson Road footpath/accessway of at least 10m width with that width not to contain any pub/restaurant or other private seating.

Through Site Link and Building Length

6. The applicant shall seek further design solutions for the through site link and building length prior to the issue of construction certificate. Further design options shall achieve to widen the opening of the through site link to be a minimum clear width of 7m for its entire length. The building design shall also to be altered in the immediate vicinity of the through site link both to break the length of the waterfront façade and to make it clear that there is a public thoroughfare through the building (such as through further articulation of the awning roof - eg changing its materials, coverage etc, and by other minor design alterations such as to materials, fenestration, elevational treatments). Further details shall be submitted for the Director General's approval prior to the issue of construction certificate for the above ground level.

Northern "tower" element

7. The tower element above the northern fire egress stair is NOT APPROVED. Further design details of its architectural design including materials/finishes shall be submitted for the Director General's approval. Such architectural roof element shall be permissible up to a maximum height of 19.5 metres.

PUB

8. The proposed two levels of "Pub" at the northern end of the building (on promenade level and level 1) is NOT APPROVED. A separate development application for the pub use is

required to give proper planning consideration to the matters such as pedestrian circulation, licensing, management, outdoor seating, noise etc.

COMMERCIAL USE OF LEVELS 2, 3 AND 4

9. This consent gives approval to the use of levels 2, 3 and 4 only for the purposes of commercial office suites. At no time shall these suites be converted or used for residential use. The applicant shall ensure that contract documents for the sale of individual units include clear notation of the restriction of residential uses within the buildings under the provisions of Central Sydney Local Environmental Plan 1996.
10. A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act 1919, restricting residential uses on Site 2. The covenant is to be executed prior to registration of the strata plan. All costs of the preparation and registration of all associated documentation is to be borne by the applicant.
11. A certificate signed by the owner or the body corporate must be forwarded to DUAP within 12 months of completion of the development and every 12 months thereafter, certifying that no residential uses exist within the building

URBAN DESIGN/FAÇADE DETAILS

12. In general the design treatment to the facades including the material/finishes board showing the external finishes is satisfactory. Prior to the issue of construction certificate above ground level, detailed drawings shall be submitted for Director-General's approval. The drawings shall demonstrate:
 - Final detailed coloured elevations and plans showing materials, finishes (with references to the Finishes Board) and fenestration of the Lime Street and all side facades of the buildings to ensure an appropriate relationship with the western elevation (waterfront) and provide activation/interest and reduce the extent of blank walls.
 - Detailed plan for the roof top level including the lift over runs. The design shall integrate all rooftop plant/lift over runs and services to achieve high quality views from higher buildings in the City.
 - Detailed designs for all balustrades; screen shading structures attached to facades.
 - Detailed designs of support awnings and louvre/shade system.
 - Detailed design of the balconies, privacy separation between the commercial units and the treatment of floor slabs and balcony edges.
 - Elevations showing bi-fold or sliding doors to activate the public domain.
 - Shopfront details along all facades and main entrances.
 - Further details of the proposed timber cladding at street level along Lime Street, or its substitution with a more durable material (whether timber or not)

LIME STREET

13. Lime Street shall be extended further to north (to the Sydney Port Corporation's land) to provide access to and from Wharf 8 - Overseas Passenger Terminal in accordance with the Master Plan.

REVISION OF MASTER PLAN

14. The Master Plan document for the entire wharves 9/10 site titled "Master Plan for Darling Harbour Wharves 9 & 10 for the Office of Marine Administration" prepared by Jackson Teece Chesterman Willis Consultants Pty Ltd and Masterplan Consultants Pty Ltd shall be reviewed by the Applicant to the satisfaction of the consent authority in the light of this consent. The Applicant is to pay for the full cost of the review.

REGISTERED SURVEYORS REPORT

15. A Registered Surveyor's report which certifies the total and component Floor Space Area by use and height of building shall accompany the Construction Certificate for construction of the building above final ground level.

FSR

16. The floor space ratio must be calculated in accordance with the Central Sydney Local Environmental Plan 1996 and must not exceed 4.0:1, excluding any facilities allocated for use by the Charter Vessel Industry located in the basement car park.

PUBLIC DOMAIN/LANDSCAPE DESIGN

17. The remaining of the public domain shall not be constructed unless the Director-General has first approved a Public Domain and Landscape Plan.
18. The Landscape Plan as shown on DAL-01/A prepared by Oculus shall be reviewed in the light of further changes to the northern end and the through site link and shall be approved by the Director-General prior to construction of northern end of public domain. The Plan shall generally be in accordance with the Stage 1 Public Domain approval. The Plan shall address the following matters:
 - a) Design of northern end public domain and the through site link in accordance with **Condition 5** and **Condition 6** respectively (including details of paving, planting and other elements of public domain).
 - b) Connection of Lime Street extension to the SPC's land in accordance with **Condition 13**.
 - c) Continuation of type, size, colour and configuration of the existing paving material along western elevation to match Stage 1.
 - d) Final number and location of precast concrete seating elements along the promenade including the extend of planting and paving between these elements responding the pedestrian circulation to and from the waterfront and the main entrances of ground floor tenancies.
 - e) The levels within the outdoor restaurant seating area (between the building and planter/ area) shall be designed in accordance with Stage 1 Public Domain approval so that water does not drain towards the Harbour. A report/plan prepared by a qualified engineer shall be submitted to the Department advising on the possible option for preventing stormwater from the promenade area draining into the Harbour.
 - f) Location of disabled access lifts and ramps provided in accordance with **Conditions 45 & 46**.

- g) Planting pits over the car park area of sufficient size to enable the sustainable growth of street tree canopies to at least 8m circumference.

PUBLIC DOMAIN PLACE MANAGEMENT STRATEGY

19. Before public use of the rest of the public domain area, the final Place Management Strategy shall be submitted to the Director-General demonstrating that arrangements have been put into place for security and surveillance measures at the site and details about management of the public promenade including information about ongoing cleaning and maintenance of the waterfront promenade. Cleaning and maintenance of the public domain shall be to the satisfaction of Council and WA.

AWNINGS

20. Other than for the purpose of awnings, building elements shall not encroach beyond the northern and southern boundaries of Site 2.
21. Awnings shall not be erected unless the Director-General has first approved final designs for the following structures:
- A continuous awning along Lime Street providing weather protection for pedestrians
 - Awnings and shade structures along the western elevation (promenade)
 - Awnings along the northern end of the building to ensure an adequate level of weather protection to pedestrians
22. The awnings shall be no closer than 1000mm from the kerb edge to comply with Council's standards and to minimise view loss to the water. The northern and southern ends of the awnings shall follow the form of the facade alignment of the building.
23. The awnings must comply with the City of Sydney Awnings Policy 2000. The awnings must be maintained to a high standard, to the satisfaction of Council.

REFLECTIVITY

24. All external glass used in the proposed building must have a reflectivity index of less than 20% and must be otherwise designed so as not to result in glare hazard to pedestrians or drivers.

CHARTER BOAT FACILITIES

25. Provision shall be made for a minimum of 596 sq. metres of floor space allocated within the basement car park for kitchens, storage areas and the like for the charter boat operations.
26. Kitchen and storage facilities for the charter boat operators within the basement car park shall be provided close to the water front promenade behind the building with clear access to the waterfront promenade to the satisfaction of the WA.
27. Provision of access to an adequate garbage collection area and a loading dock located near the front/back of house facilities and one car space per charter vessel operator shall be to the satisfaction of the WA.

28. Charter Boat operations shall be in accordance with "King Street Wharf, Charter Vessel Facilities (Front and Back of House) - Charter Vessel Operation Guidelines" approved by the Director-General on 18/09/2000.

EXTERNAL LIGHTING/FEATURE LIGHTING

29. External lighting for the remaining of the public domain and feature lighting associated with Site 2 building shall be designed in accordance with the design objectives/aims of "Stage 1 Lighting Strategy" and shall be submitted for Director-General's approval prior to occupation of the building. External lighting to be used within the waterfront promenade and along new roads including feature lighting shall be designed to minimise light spill into residential units in accordance with relevant Australian Standards and to maximise energy efficiency compliance with all applicable Australian Standards for safety, design and environmental management works.

STREET LIGHTING

30. Smartpoles are required within all proposed roads. The design and location of smartpoles shall be to the satisfaction of Council prior to installation.

OUTDOOR SEATING

31. The layout, extent and the configuration of the outdoor seating area shown on the drawings is NOT APPROVED. Final layout of the outdoor seating area associated with restaurants, cafes and other like uses on promenade level shall be prepared in accordance with the design objectives/aims of "Stage 1 Outdoor Seating" approval and shall be submitted for Director-General's approval.
32. All outdoor furniture, including tables, chairs, planters, umbrellas, etc shall comply with the requirements of Council's Outdoor Café Policy 1996.
33. No additional weather protection structures or other shelters either fixed or temporary, other than those indicated on the approved drawings, are to be provided in the public domain unless the approval of the Director-General is first obtained.

STREET CAFES

34. For any future street cafes:

- a) The use of the subject areas for outdoor seating facilities shall only be in conjunction with the provision of a simultaneous food service from an adjacent building.
- b) The operator of the café shall enter into a licence with the relevant authority for the subject area with all legal costs associated with the preparation of the licence being borne by the licensee. Such licence shall be executed prior to the commencement of operation of the footway café and is to be renewed as required by the relevant authority.

Note: Should the operator of the café change at any time, the licence is required to be renewed under the name of the new operator.

MANAGEMENT OF BARS/PUBS/CLUBS ETC.

35. Any licensed bars/pubs, clubs or similar premises fronting Lime Street shall not commence operation unless a plan of management for the operation of the premises has been prepared by the licensee of the premises in accordance with Council's "Code of Practice for Licensed Premises" and approved by the Director-General.
36. The licensee of the bar/pub shall ensure that operation of the premises is conducted in accordance with the approved plan of management.
37. After 12 midnight patrons of these premises shall exit via the promenade (ground) level and not from Lime Street.
38. The licensee/management of bars/pubs/clubs etc fronting Lime Street shall take all reasonable measures to ensure that behaviour of patrons entering or leaving the premises does not detrimentally affect the amenity of the area. In this regard the licensee management shall erect signs at all points of exit of the premises requesting patrons to leave quietly after midnight and shall station security staff near the exit doors to ensure patrons leave the vicinity of the premises in a prompt and quiet manner.

Note: Future Licensees of premises are advised that Council encourages participation in the "City of Sydney Accord with Licensed Premises". Information can be obtained from Council's One Stop Shop.

NOISE

39. Noise emanating from any of the bars/pubs/clubs etc. located along Lime Street shall not interfere with or affect the amenity of the residential premises located in Lime Street and in this regard operations shall comply with the Environment Protection Authority Noise Control Manual and the Noise Control Act.

OUTDOOR SIGNAGE

40. All outdoor signs relating to the uses at the site including promotional, identification, street and directional signage (wayfinding or directory) shall comply with "Stage 1 - Outdoor Signage Policy" and to be submitted for Director-General's approval. Erection of any other signs which are not covered by the "Outdoor Signage Policy" including advertising signs require separate development applications and shall comply with the requirements of Central Sydney DCP 1996 - Section 8 - Signs, consolidated January 2001.

UPDATED SIGNAGE POLICY DOCUMENT

41. An updated Signage Policy package showing the location, type, size, colours/materials and total number of all signs on Stage 1 parcels including Site 2 shall be submitted to the Department.

STRATUM SUBDIVISION, DEDICATION & CLEANING OF PUBLIC DOMAIN

42. Any stratum subdivision or dedication of public roads and public footways to the Council or WA shall be to the satisfaction of Council or WA, whichever relevant. Cleaning and maintenance of the public domain shall be to the satisfaction of Council and WA.

USE OF FOOTPATHS

43. Any licensee to lease from Council or use of footways, plazas or other portions of the public way for outdoor food retailing purposes must contract either with Council or with a suitable refuse contractor for the daily removal of putrescible wastes prior to the commencement of operations of the licensed area. Daily street sweeping and cleansing operations shall be carried out to ensure that the forecourt and the surrounds of the buildings, including pavements and gutters are kept clean and free of litter at all times.

NO DISPLAY OF GOODS ON THE FOOTPATH

44. At no time are goods to be displayed for sale or stored on the footpath in front of the premises.

DISABLED ACCESS

45. Buildings and all public areas shall be designed and constructed in accordance with Council's Access Policy.
46. Access for disabled persons shall be provided from Lime Street to the waterfront promenade level though the inclusion of lifts or ramps. Such access shall be clearly signposted, be visibly located directly off Lime Street and shall be available for public use at all times. The applicant shall ensure that future tenancies within level 1 of the building adopt appropriate management practices or provide special facilities to ensure an equitable level of access for disabled persons into the building from Lime Street.

SERVICING

47. Activities and uses within the ground floor areas of the buildings and charter boat facilities/activities shall only be serviced directly from the car park.
48. Prior to commencement of construction of the buildings above future ground level the applicant shall provide confirmation and drawings to DUAP demonstrating how the retail tenancies in the ground floor and level 1 will be serviced from the basement car park.

TRAFFIC, TRANSPORT, ACCESS

49. Car parking and service vehicle provision shall be in accordance with provisions of the Central Sydney LEP 1996. Any temporary servicing arrangements prior to development of Site 1 will need to be in accordance with Condition 53 below. At such time as Site 1 is developed, the development on Site 1 shall incorporate provisions for off-street large truck servicing and garbage collection for the Site 2 building.

50. A plan indicating traffic arrangements on Site 1 (ie. pedestrian, car park access and servicing arrangements for Site 2 building together with coach manoeuvres) shall be approved by Director General prior to issue of construction certificate for Site 2 building.
51. A Plan of Management shall be prepared covering the layout and operation of the temporary coach parking, temporary car park access and any temporary loading arrangements on Site 1 prior to its development. The plan shall include a strategy for servicing of Site 2 and of provision of access to its car parks at such time as Site 1 is being developed. The plan shall be approved by the Director General and implemented prior to occupation of Site 2 building.
52. The layout of the car parks and service vehicle parking area on Sites 1 & 2 both temporary and permanent shall comply with Australian Standards A 2890.1 - 1993 and AS 2890.2 - 1989.
53. The vacant space between car parking space numbers 21 and 22 shall be clearly designated as a pedestrian access point to the pedestrian walkway.
54. All loading, unloading and other construction activities shall be accommodated on-site except that:
 - a) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a Work Zone may be considered by Council. The applicant shall submit a proposal to Sydney City Council Traffic Committee stating the justification for not complying. The Work Zone shall not occupy coach spaces identified in the "Construction Phasing Plans" dated 21 February 2001.
 - b) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - c) If a work is warranted, such an application must be made to Council prior to commencement of work on site. An approval for a Work Zone may be given for a specified period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
55. The design of roads to be dedicated as public roads shall be to the satisfaction of Sydney City Council. Final details of kerb layouts, geometric features, markings, paving materials pedestrian crossings and of traffic and parking controls signs including drainage and any other aspect of public road design shall be approved by the Sydney City Council Traffic Committee.
56. The cost of all traffic management measures/traffic facilities associated with the development including all road signs and marking shall be borne by the developer.
57. The emergency vehicle access needs to be maintained along the northern boundary of the site to the waterfront promenade.

TEMPORARY COACH PARKING

58. The applicant shall provide temporary coach parking during construction of Site 2 and during other construction activities on site as shown in the "Construction Phasing Plans" (drawing A-Z0001/03 - Location Plans) dated 21 February 2001. If additional demand is demonstrated, that additional parking shall be provided up to 55 spaces somewhere near the facilities, preferably at Wharf 8.
59. The applicant shall provide detailed layout plans for each phase to address traffic and access arrangements on site (eg. construction vehicle movements to and from Site 2, RTA vehicles access to and from Site 6, traffic movements to and from Wharf 8 together with coach manoeuvres) to be approved by Director General prior to issue of construction certificate for Site 2 building.
60. The area between the access fence and the developer's site shed is to be the only area used for parking by the developer and contractors.
61. The applicant shall inform its staff, contractors, WA, DUAP, SPC and the DoT at least one week prior to any changes in access arrangements.
62. The Construction Management Plan (refer to Condition 85) shall provide details in relation to the number and type of vehicles likely during each construction phase and the proposed traffic arrangements (particularly when cruise ships are at Wharf 8). This shall be supplied to DUAP, SPC and DoT at least a week prior to the transition to a new phase.
63. The applicant shall provide appropriate signage (or relocation of existing signage) on site regarding altered access arrangements as a result of construction.
64. Access to and from Wharf 8 shall be provided during all phases. Should the access be obstructed as a result of construction activities (such as the stormwater diversion works) the applicant shall notify the Sydney Ports Corporation regarding altered access arrangements.
65. After completion of Lime Street north (ie. Phase 7 and beyond), appropriate signage(s) or traffic device(s) shall be installed on the northern corner of Lime and Erskine Streets to restrict vehicular access from south (except Site 2 vehicles) travelling northbound through the temporary coach parking area.
66. The entry gatehouse shall not be removed until at least September 2001, and preferably for as long as possible until an alternative facility provided, as the gatehouse is currently used for the purpose of coach parking layover (currently accommodating a site supervisor for 12 hours, 7 days a week and maintaining the drivers' facility). The DoT shall be given at least two months warning regarding demolition of the gatehouse.

MODEL

67. The applicant must submit to Council, at the date of commencement of construction of the development, a 1:500 scale model of the development, such model to comply with all of the conditions of the development consent and be designed to be placed in Council's CBD model and to be at no cost to Council.

ENERGY CONSERVATION

68. The applicant shall demonstrate a base building energy performance level achieves efficiencies equivalent to 3.5 star rating under Greenhouse Building Rating System.
69. The Energy Performance Report prepared by Adamus Consulting Practice, dated 5/10/2000 is very general in nature and does not specify targets. Prior to issue of a Construction Certificate the applicant shall obtain the approval of the Director-General for an Energy Conservation Report relating to the proposal. The Report shall be prepared by a suitably qualified person and will indicate the range of measures that have been taken to address the principle of energy conservation and how these measures have assisted in reducing energy needs. The Report shall specify lighting efficiencies, internal heat loads and energy targets for specific things such as ventilation, hot water system, lifts etc. The Report shall also include references to water and waste management (see below conditions). All recommended measures shall be implemented in the design and construction of the development.
70. Measures are to be taken within the development to conserve water and help reduce the development's external water demands, including flow limiting restrictors and dual-flush or low volume toilets.
71. Water conservation devices must be installed, including tap flow regulators, shower heads roses and dual flush toilets with the following performance criteria:
 - a) shower heads - 9 litres or less per minute;
 - b) water tap outlets - 9 litres or less per minute; and
 - c) dual flush toilets - 6/3 litre dual flush cistern or approved dual flush equivalent

STORMWATER AND DRAINAGE

72. Details of the stormwater disposal and drainage of the development shall be submitted to Council prior to issue of Construction Certificate.

SECTION 73 COMPLIANCE CERTIFICATE & ON SITE DETENTION

73. The applicant shall obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994 and evidence of a Certificate of Compliance under Section 73 is to be produced prior to issue of construction certificate.
74. The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) 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 shall be submitted prior to the application for a Construction Certificate under the Environmental Planning and Assessment Act 1979 for the development.

REMOVAL OF SLAB & EXCAVATION

75. A Site Contamination report shall be prepared by a suitably qualified specialist and submitted to the Director-General prior to issue of Construction certificate for the removal of slab and excavation.

76. Prior to construction of any part of the development a validation report shall be prepared by a suitably qualified specialist and submitted to the Director-General. The validation report shall verify that the site has been remediated as necessary and document that the site is suitable for its approved uses.
77. Prior to excavation of any part of the development an "archaeological monitoring program" shall be prepared to ensure that the potential archaeological resources as identified on Figure 20 of the Historical Archaeological Assessment dated April 1998 are adequately protected. (Attachment 9 of the Statement of Environmental Effects).
78. Should any historical relics be unexpectedly discovered then all excavations 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.
79. Should any Aboriginal relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Service is to be informed in accordance with section 91 of the National Parks and Wildlife Act, 1974.
80. All works shall comply with the conditions and requirements of any excavation permit. The applicant shall ensure that any requirements of any excavation permit is incorporated into the construction program.
81. The applicant shall ensure that excavation works are monitored by a suitably qualified archaeologist.

HOURS OF WORK AND NOISE

82. The hours of construction and work on the development shall be:-

- a) All work, including building/demolition and excavation work in connection with the proposed development shall be carried out between the hours of 7.30 am and 5.00 pm on Mondays to Fridays inclusive, and 7.30 am and 3.00 pm on Saturdays, with safety inspections being permitted at 7.00 am on work days. No work shall be carried out on Sundays or public holidays.
- b) The applicant shall provide to Council a 24 hour per day telephone contact number and ensure such number is continually attended by a person with authority over the building work during the construction period.
- c) The approved hours of work and the 24 hour telephone contact number shall be prominently displayed at all times on the building site and visible from a public street or public place.

83. All work, including demolition, excavation and building work shall comply with *City of Sydney Building Sites Noise Code* and Australian Standard 2436 1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
84. This development consent does not extend to the use of appliances that emit noise of a highly intrusive nature (such as pile drivers and hydraulic hammers) or are not listed in Groups B, C, D, E, or F of Schedule 1 of the *City of Sydney Building Sites Noise Code*. A separate application for approval to use any of these appliances shall be made to Council.

Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96 of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

DEMOLITION/EXCAVATION AND CONSTRUCTION WORKS

85. Demolition, excavation and construction shall not commence until the Director-General has first approved a Demolition and Construction Management Plan (DMCP) for the management and co-ordination of all demolition and construction activities and works associated with that development.
86. The applicant shall be responsible for implementing the DMCP and ensuring that all work is carried out in accordance with the DMCP.
87. The DMCP shall be prepared in consultation with Council, WA, SPC, RTA, DoT and Sydney Traffic Committee.
88. The DMCP shall incorporate the following requirements and include the following information:

I) Traffic

- 1) Temporary traffic, parking, and pedestrian measures including the number and type of vehicles likely during construction and the proposed traffic arrangements on site to demonstrate how this will effect temporary coach parking.
- 2) Queuing of all trucks and heavy machinery connected with construction within the development area.
- 3) No trucks or heavy machinery are to enter or leave the development area outside the hours of 7.30 am to 5.00 pm weekdays and 7.30 am to 3.00 pm Saturdays except if required to be transported outside those hours by NSW Police or any other authority the Director-General considers to be relevant.
- 4) No trucks or heavy machinery are to move to or from the site or within the site including the waterway zone on Sundays and Public Holidays except if required to be transported during those days by NSW Police or any other authority the Director-General considers relevant.
- 5) All deliveries of construction materials and removal of demolition debris is to be between 7.30 am and 5.00 pm weekdays and 7.00 am and 3.00 pm Saturdays except if required to be transported outside those hours by NSW Police or any other authority the Director-General considers relevant.
- 6) Identification of appropriate measures to prevent, halt, treat and otherwise address any off site seepage or contamination which may occur as a result of any activity associated with the remediation, development, construction or operation of the development.

II) Dust, Soil, Seabed/Silt and Water Management Methods consistent with:

- 1) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.
- 2) Any Acts, principles and practices administered by the EPA, Sydney Water, Council and Department of Land and Water Conservation.

- 3) The EPA Handbooks for: Managing Urban Stormwater: Construction Activities 1998, Managing Urban Stormwater: Treatment Techniques 1997; Managing Urban Stormwater: Source Control.
- 4) The Department of Land and Water Conservation 'Erosion and Sediment Control Manual'.

III) Waste Management methods consistent with the principles and hierarchy of waste management adopted in the Waste Minimisation Act 1995 and including:

- 1) The manner intended to remove spoil and rubbish.
- 2) The type and quantity of materials to be used, recycled or disposed and their on and off site destinations.
- 3) Transport arrangements for waste material leaving the area.
- 4) Other matters regarding waste management required by Council and the EPA.

Lighting used during Construction

89. Floodlighting of demolition and construction works is not permitted where it adversely affects residents or occupiers or users of the adjoining area.

Vibration Impacts on Surrounding Areas/Structures

90. The applicant shall prepare a detailed vibration impact assessment on the nature and extent of vibration impacts, including regenerated noise, on surrounding premises and their occupants. The assessment shall indicate all measures for minimising noise and vibration impact to surrounding premises/occupants.
91. All existing street trees and other planting around the site shall be protected at all times during construction.

PERFORMANCE BONDS AND SECURITIES

92. Before the commencement of any works on the site (except for maintenance works), the proponent shall submit to the Director-General confirmation from the WA that a satisfactory schedule of performance bonds applies for the completion of the project including all areas of public domain and all areas to be returned to Government.

COMMUNITY LIAISON

93. Prior to commencement of any demolition, excavation, construction or operations on any part of the site, a public liaison officer shall be appointed for the duration of all works on the site. The officer shall be available during normal business hours to provide information to the public about activities on the site and bring any complaints to the attention of Wharves 9/10 Stage 4 Pty Limited management. The name and contact number for the officer(s) including an after hours emergency number, shall be clearly displayed at the street frontages to the site.
94. The public liaison officer shall maintain regular liaison with Council, SHFA, WA, SPC and DUAP during the period of excavation and construction to ensure that all reasonable

endeavours are made to minimise any disruption caused by excavation and construction works to adjoining residents or occupiers.

RECEIVING DEVICE

95. For each form of transmitter, there shall be only one common receiving device installed on building.

PUBLIC UTILITY SERVICES

96. To ensure that public utility authorities are advised of the development:

- a) A survey shall be carried out of all utility services within the site including relevant information from public utility authorities and excavation if necessary, to determine the position and level of services.
- b) The applicant shall negotiate with the public authorities (eg Energy Australia, Sydney Water, Telstra Australia, AGL etc) 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 shall be the responsibility of the applicant.

97. Documentary evidence from the public authorities shall be submitted to the PCA to confirm that all of their requirements have been satisfied, prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for construction of the development.

STREET NUMBERS

98. Street and shop numbers shall be clearly displayed with such numbers being of a colour contrasting with the wall/glass to which they are affixed.

STREET FURNITURE

99. Any new street furniture shall be installed to the satisfaction of the City of Sydney.

PUBLIC ENTERTAINMENT

100. The applicant shall obtain approval from Council under Section 68 of the Local Government Act 1993 for any proposal to use the premises or part thereof as a place of public entertainment. Such approval shall be obtained prior to the taking up of such use.

DEDICATION OF LAND FOR ELECTRICITY SUBSTATION

101. The proponent must provide to Energy Australia, free of cost, appropriate areas of land within the development to the satisfaction of Energy Australia to enable electricity substations to be established.

SHORING

102. Where shoring abuts the public way a Road Opening Permit is to be obtained from Council and a separate application made for the approval of detailed shoring plans, and associated documentation to Council's satisfaction, prior to commencement of any excavation of the site. Structural certification by an appropriately qualified practising Structural Engineer and a geotechnical report to ensure a stable excavated site and public way including certification of the foundation material, is to be provided.

USE OF MOBILE CRANES

103. Permits required for use of mobile cranes:

- (a) 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.
- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

104. Any temporary structure, whether shoring, anchors or footings installed in the public way below pavement level shall be removed prior to completion of the project to a depth of two metres, and the void is to be backfilled with stabilised sand (14 parts sand to 1 part cement), in accordance with the requirements and to the satisfaction of Council and the consent authority prior to construction.

BCA CONDITIONS

105. The plans as submitted do not demonstrate compliance with all aspects of the 'deemed-to-satisfy' provisions of the Building Code of Australia for the following matters:

- (a) That the gradient of any ramps shall comply with the requirements of BCA Part D.
- (b) That the exit travel distances from all points on the floor of the upper levels shall meet the performance requirements of BCA Part D.
- (c) That the egress from the plant room levels shall meet the performance requirements of BCA Part D.

- (d) That the combustible attachments to the building facade shall meet the performance requirements of BCA Part C with respect to the fire resistance of the building and the safety of people seeking recourse to fire isolated exits.
- (e) That the balconies situated more than 2 storeys above the lowest storey providing direct egress to a road or open space shall have a fire resistance level appropriate to meet the performance requirements of BCA Part C.
- (f) That the certifying authority shall ensure that the requirements of Clause 144 of the EP& A Regulation 2000 are satisfied prior to issue of an occupation certificate.

Notwithstanding our recommendation for imposition of conditions of development consent, please note that for areas not complying with the Deemed – To – Satisfy provisions of the BCA, an alternative solution may be submitted to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solutions must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-

- i) Details of the performance requirements that the proposed alternative solution is intended to meet; and
- ii) Details of the assessment methods used to establish compliance with those performance requirements.

CERTIFICATION OF MECHANICAL VENTILATION

106. The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian standards, to the satisfaction of the Principal Certifying Authority **prior to commencement of any mechanical services work.**

To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:

- a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - i) Supply Air Ducts, Shafts and Fans – Blue
 - ii) Return Air Ducts, Shafts and Fans – Pink
 - iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation – Green;
 - iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill – Orange;
 - v) Mixing Boxes and Conditions – Yellow
 - vi) Fire Dampers and Electric Heaters - Red
- c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;

- d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of **Attachment M1**, together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to the Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
 - e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.
107. Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a **Mechanical Ventilation Certificate of Completion and Performance** in the form of **Attachment M2** must be submitted to the Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council and the Department of Urban Affairs and Planning.
108. A **Fire Safety Certificate** shall be furnished to the PCA for all the Essential or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act, 1979. A copy of the Fire Safety Certificate shall be submitted to the Council and consent authority by the PCA.
109. An **Annual Fire Safety Statement** shall be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority receives the initial Fire Safety Certificate.

GEOTECHNICAL INVESTIGATION

110. Prior to commencement of work for foundation, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the PCA and a copy of same submitted to the consent authority:
- (a) **A geotechnical report** which shall include the following information as appropriate:
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendation for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on existing buildings and recommendations for any underpinning or other measure required to maintain stability;
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
 - (b) **An Inspection and Test Plan (ITP)** that reflects the requirements of the geotechnical report, project drawings and specifications;

- (c) The completed **Geotechnical Certificate for the Report and ITP**, submitted in the form of **Attachment G1** completed by the Project/Principal Geotechnical Engineers OR, a compliance certificate after satisfying (a) and (b);
- (d) **A Dilapidation Report** of adjoining building/s that may be affected by the proposed excavation/construction work;

Notes:

An appropriately qualified practising geotechnical engineer certifying by completing **Attachment G1** must have:

- (i) Appropriately tertiary qualifications in Civil or Geotechnical Engineering, **AND**;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; **AND**;
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (e) An appropriately qualified practising geotechnical engineer certifying by issuing a **Compliance Certificate** must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the EP&A Act 1979.
 - (f) **Certification of Inspection/s** is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
 - (g) Council reserves the right to randomly audit any geotechnical documentation.

111. Prior to issue of an Occupation Certificate or use of the premises, a **Geotechnical Inspection Certificate** in the form of **Attachment G2 OR** a Compliance Certificate must be submitted to the satisfaction of the PCA and a copy submitted to Council.

Notes:

- (a) An appropriately qualified practising geotechnical engineer certifying by completing **Attachment G2** must have:
 - (i) Appropriately tertiary qualifications in Civil or Geotechnical Engineering, **AND**;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; **AND**;
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising geotechnical engineer certifying by issuing a **Compliance Certificate** must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the EP&A Act 1979.
- (c) Council reserves the right to randomly audit any geotechnical documentation.

CERTIFICATION OF STRUCTURAL WORK

112. **Prior to the commencement of work**, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA). A copy of the Certificate must be submitted to the DUAP and Council.

- a) **Structural Drawing/s** prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
- b) **A Structural Certificate for Design**, submitted in the form of **Attachment S1**, OR a Compliance Certificate, after the structural drawings have been checked and comply with:
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).
- c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- d) **Prior to issue of an Occupation Certificate** and/or use of the premises, a **Structural Inspection Certificate in the form of Attachment S1C** OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), must be submitted to the satisfaction of the Principal Certifying Authority and a copy of the certificate with a microfilm set of the final drawings submitted to DUAP and the Council **after**:
 - (i) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and
 - (ii) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Notes:

- (i) An appropriately qualified practising structural engineer certifying by completing **Attachment S1** must have:-
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering;
AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; **AND**
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
- (ii) An appropriately qualified practising structural engineer certifying by issuing a **Compliance Certificate** must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

STORAGE AND WASTE HANDLING

113. The following requirements apply to storage and waste handling:

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
- (b) Certification and compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Applicant consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form **W1** prior to issue of a Construction Certificate under the EP&A Act 1979. Such approval must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the BCA and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

Certification will also be required on completion of the building, prior to issue of an Occupation Certificate.

- 114. All refuse collection loading operations, including the movement of garbage receptacles must take place on a level surface remote from gradients, ramps and steps.
- 115. The building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way, eg: footpaths, roadways, or reserves, at any time during the construction or operation of the premises.
- 116. Prior to occupation of the premises, all required contracts or arrangements for the collection and removal of wastes and recyclable materials must be finalised.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- 117. Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Council's Code for Waste Handling in Buildings 1994, must be submitted in the form of **Attachment W2** to the satisfaction of the PCA prior to the issue of an Occupation Certificate under the EP&A Act 1979 or prior to use of the premises. A copy of the Certificate shall be submitted to Council if it was not the PCA.
- 118. Such certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

GENERAL BUILDING MATTERS

119. An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to DUAP in accordance with Section 151 of the EP&A Regulation 2000 prior to the 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.

COMPLIANCE REPORTS

120. The applicant, or another party acting upon the consent, shall submit to the Director, Sydney Region Central office of DUAP, a report documenting the compliance with this consent and each condition. Reports shall be submitted on lodgement of the first construction certificate and every 3 months thereafter or at such intervals as the Director may approve from time to time, until the completion of the development.