ENVIRONMENTAL PLANNING AND ASSESSEMENT ACT

DETERMINATION OF DEVELOPMENT APPLICATION No. 375-12-2001

COMMERCIAL OFFICE DEVELOPMENT, PRECINCT 'A', RHODES PENINSULA, RHODES

(FILE No. S02/00045 Pt1)

I, the Minister for Planning, pursuant to sections 80(1)(a) of the Environmental Planning and Assessment Act ('The Act"), and clause 5 of Sydney Regional Environmental Plan No 29–Rhodes Peninsula (SREP 29), determine the application referred to in Schedule 1 by granting consent to the application subject to the conditions in the attached Schedule 2.

The reasons for the imposition of conditions are to:

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

Andrew Refshauge
Minister for Planning

Sydney 2002

SCHEDULE 1

DEVELOPMENT APPLICATION 375-12-2001

Applicant made by:	McRoss Developments Pty Ltd Level 10, 1 O'Connell Street SYDNEY NSW 2001
To:	Minister for Planning
Development Application:	DA 375-12-2001
On land being:	Precinct 'A', Rhodes Peninsula
For the carrying out of:	Development of two commercial office buildings, subdivision, use of stratum in adjoining retail development for car parking, pedestrian/cycleway connections, and related road infrastructure.
Building Code of Australia Classification:	Commercial Offices: Class 5 Carpark: Class 7a

NOTES RELATING TO THE MINISTER'S DETERMINATION OF
DEVELOPMENT APPLICATION 375-11-2001

All references to:

the **Act** means the Environmental Planning and Assessment Act
the **Director-General** means the Director-General of the Department of Planning;
PCA means Principal Certifying Authority;
the **Council** means Canada Bay Council;
the **DCP** means the adopted Rhodes Peninsula Development Control Plan 2001;
the **Contributions Framework** means the adopted Rhodes Peninsula Contributions Framework.

"Notes" included in the consent notice are advisory and do not form part of the approval.

Any advice or notice to the consent authority shall be served on the Director-General.

Note:

(i) This DA should be read in conjunction with DA 310-11-01
(ii) If any change to commercial floor space is proposed, reference should be made to the Ministerial Order made in relation to Precincts A and D.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION No. 375-12-2001

1. PLANS

1.1 The development shall be generally in accordance with Development Application No. 375-12-2001 submitted by McRoss Developments Pty Ltd and generally in accordance with the articles listed below, except where amended by this consent:

- Statement of Environmental Effects dated December 2001 prepared by Planning Workshop Australia.
- Appendices to the Statement of Environmental Effects:

Appendix 1	Concord Council Remediation Approval;
Appendix 3	Subdivision Report, prepared by Denny Linker, dated 12 December 2001;
Appendix 5	Sustainability Design Review, dated December 2001; Waste Management Plan, dated 12 December 2001; Environmental Management Framework, dated August 2001, all prepared by Enproc Pty Ltd;
Appendix 6	Traffic and Transport Impact Assessment, prepared by Transport and Traffic Planning Associates, dated December 2001;
Appendix 8	Wind and Reflectivity Report, prepared by Vipac Engineers and Scientists Ltd, dated December 2001;
Appendix 9	Energy Assessment, dated 13 December 2001; Engineering Services Description Statements, dated 11 December 2001, all prepared by Bassett Consulting Engineers
Appendix 10	Urban and Landscape Design Report, prepared by Oculus, dated 7 December 2001;
Appendix 11	Assessment of Railway Noise and Vibration Intrusion, prepared by Acoustic Logic Consultancy, dated 12 December 2001;
Appendix 12	Building Code of Australia Report, prepared by McKenzie Group Consulting (NSW) Pty Ltd; dated 10 December 2001;
Appendix 13	Infrastructure/Utility Report, prepared by Planning Workshop Australia, dated 14 December 2001.

- Drawings prepared by The Buchan Group, dated 4 April 2002 (unless otherwise indicated) identified as follows:

2-DA-01A	Site Plan
2-DA-02B	Basements 2 and 3 Plans, dated 10 April 2002
2-DA-03B	Basement 1 and Level 1 Plans, dated 10 April 2002
2-DA-04A	Level 2 and Level 3 Plans
2-DA-05A	Level 4 and Level 5 Plans
2-DA-06A	Level 6 and Level 7 Plans
2-DA-07A	Level 8, Level 9 and Plant Room Plans

2-DA-08A Level 10 and Plant Room Plans
2-DA-09A Sections A-A, B-B and C-C
2-DA-10A Context Sections
2-DA-11B East and West Elevations, dated 10 April 2002
2-DA-12B North and South Elevations, dated 10 April 2002
2-DA-13B Roof Plans, dated 10 April 2002
DD-4-03 Typical Wall and Roof Sections, dated13 February 2002
5-DA-01A Composite Plan, dated 3 April 2001
5-DA-06A Traffic Circulation Plan, dated 3 April 2001
5-DA-07A Western Elevation, dated 3 April 2002
5-DA-08A Urban and Mangrove Street Elevations, dated 3 April 2002
5-DA-13A Perspective View from Urban Street
L-01-B Buildings and Landscape, dated February 2002
L-03-B South Street Landscape, dated 5 March 2002.
Sample Board and Drawing No. 5 DA 13 December 2001

- Subdivision drawings prepared by Denny Linker and Co., undated and marked as Annexure "F" of the D.A Subdivision Plan identified as follows:
  1-DA-01 Lots 2 and 3 Re-Sub Dec 2001
  1-DA-02 Lots 2 and 3 Re-Sub Dec 2001
  1-DA-03 Lots 2 and 3 Re-Sub Dec 2001
  1-DA-04 Lots 2 and 3 Re-Sub Dec 2001
  1-DA-05 Lots 2 and 3 Re-Sub Dec 2001
  1-DA-06 Lots 2 and 3 Re-Sub Dec 2001

1.2 Prior to the release of the relevant Construction Certificate the Applicant shall submit three copies of drawings required by conditions 4.4, 6.1 to 6.5, 8.2, 12.6, 16.2 and 17.1, drawn to a suitable scale, that are in accordance with this consent and incorporate amendments necessitated by these conditions.

1.3 The drawings referred to in Condition 1.2 above shall be accompanied by a certificate from a registered surveyor certifying:
i) that the gross floor areas and parking spaces within the development will not exceed the areas specified in Condition 1.4
ii) the areas (calculated and identified on the drawings that accompany the certificate) that have been excluded from gross floor area calculations;

1.4 Gross floor areas (GFA), as defined in Schedule 1 of Sydney Regional Environmental Plan No.29 – Rhodes Peninsula, shall not exceed:
14,838m^2 GFA – commercial floor space in Building 3;
583m^2 GFA – retail floor space in Building 3;
24,219m^2 GFA - commercial floor space in Building 4;

1.5 Any change to elevation drawings from Sample Board and Drawing No.5 DA 13 December 2001, showing where the proposed colours of all finishes (identified on a materials sample board) will be used shall be submitted and approved by the Director-General.

2. FURTHER APPROVALS

2.1 Approval is not granted under this consent for the following:

i) the road infrastructure works referred to in section 12.1 (except for Mangrove/Urban street between Oulton & Mary streets) of the Statement of Environmental Effects, referred to in Condition 1.1; (Note: These works form part of DA 310-11-01) and,

ii) the pedestrian/cyclist connection between the railway station and Building 3;

3 SUBDIVISION

3.1 Consent is granted to land subdivision of super lots 2 and 6 created under Development Application 310-11-01 in respect of the creation of Lot 3 and Lot 4 and the associated public rights of way, easements for light and air and right of access over ramps and driveways, and for the proposed creation of an easement for car parking within super lot 2 to be created under S.88B of the Conveyancing Act 1919, all as shown on the Subdivision drawings referred to in Condition 1.1.

3.2 An application to the consent authority for a Subdivision Certificate must include documentation indicating dimensions, areas, relevant surveying details, exterior boundary dimensions and the terms of, all proposed easements. The dimensions of all public open space areas, road reserves, easements etc must generally comply with the relevant controls of the DCP for Rhodes Peninsula.

3.3 Easements for 24 hour unrestricted public access shall be created in respect of all areas of the public domain and created pursuant to Section 88B of the Conveyancing Act 1919.

3.4 A restriction is to be placed on all the relevant lot title to the effect that no car parking spaces shall be used at any time as overflow, after hours or weekend parking for patrons and employees of the retail/commercial centre the subject of DA 310-11-2001.

3.5 Easements for services, drainage, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots pursuant to Section 88B of the Conveyancing Act 1919.

3.6 Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement is required. Concurrently with the registration of the subdivision the Applicant shall register an easement not less than 3000mm wide over any public drainage line of inter allotment stormwater drainage or services of any public drainage line.

4. DESIGN MODIFICATIONS AND DETAILS

4.1 Prior to the issue of a Construction Certificate for construction work above finished service road level RL11.30, detail drawings of Building 3 and Building 4 that incorporate the following modifications shall be submitted to the Director-General for approval:

i) Urban Street elevation of Building 3:

a) deletion or reduction in the height of the colonnade;

b) if the colonnade is deleted, the alignment of Levels 1 and 2 shall coincide with those of Levels 3 and 4 to provide greater definition of the street edge;

c) if the colonnade is retained and reduced in height, the layout of the southern end of the colonnade shall be realigned to provide a less abrupt transition between the street level frontages of Building 3 and the retail development.

ii) To provide greater visual interest in the silhouette and roofscape of Buildings 3 and 4 the vertical emphasis in the detailing of their plant roof facades shall be amended to provide a strong horizontal emphasis to those facades.

iii) Consolidation of vent pipes, exhausts and the like that extend above the roof levels of Building 3 and Building 4 to minimise their visibility.

iv) The southern facade of Building 3 is to be realigned to align with the predominant setback of the proposed residential buildings along the northern side of the Southern Secondary Street in accordance with the DCP.

4.2 The Walker Lane elevation of Building 4 shall have at least 75% of the Level 1 facade length in the form of full-height glazing to commercial uses.

4.3 The floor space to Level 1 of Building 3 shall have at least 50% of its facade length to Walker Lane as full height glazed walling to commercial or other suitable uses that will create visual interest when viewed from the N-S pedestrian/cycleway.

4.4 CAD drawings that illustrate the detailed design treatment of the approved service road and adjacent areas along the road, the N-S pedestrian/cycleway, bridge links, vehicle entrances/exits and indicative landscaping of the public domain shall be submitted to the Director-General for approval prior to the issue of a Construction Certificate for these works.

5. ACTIVE FRONTAGES

5.1 Active frontage uses as defined in section 5.3.1(1) of the Rhodes Peninsula Development Control Plan 2000 shall be provided along the full length of the Level 1 frontages of Buildings 3 and 4 to Urban Street.

5.2 The active frontage(s) of Building 3 and/or Building 4 to Urban Street are to make provision for uses such as cafes and restaurants. The Director-General may for a specified initial period defer the inclusion of those uses upon consideration of a submission by the applicant that adequately justifies their deferral. Deferral shall be subject to the initial construction making provision for those uses.

6. FACADE TREATMENTS

6.1 Glazed facades on Level 1 for active frontages and commercial uses along Urban Street, South Street, Walker Lane and the northern side of Building 4 shall be predominantly clear glass.

6.2 To provide for greater activation of the Level 1 facade of Building 4, full height clear glazed facade modules of greater widths than “punched” windows shown on drawing No.2-DA-11B shall be substituted for the “punched” window and masonry wall treatment to the Urban St frontage.

6.3 Glazed facades on Level 1 to Walker Lane, South Street and the northern side of Building 4 shall present pedestrian-friendly frontages and shall not form part of storage, amenities and other “back-of-house” uses or be otherwise obscured.

6.4 Along the Walker Lane and South Street frontages of Building 3 the amount of those frontages to Level 1 that are occupied by louvres, plant rooms, air intakes, sprinkler rooms, fire egress, booster cupboards and the like shall be minimised and rationalised to reduce their visually intrusive impact on pedestrian routes and access ways. Detail drawings of those frontages shall be submitted to the Director-General for approval prior to the issue of a Construction Certificate for construction work above finished service road level RL11.30.

6.5 High quality panelled shutters that complement the adjacent building materials and finishes shall be used for the car park and loading dock entrances/exits. Under no circumstances shall roller shutters be used on frontages to Urban Street, and South Street.

7. AWNINGS

7.1 At no point shall the width of awning or colonnade cover be less than 2 metres, and they shall provide continuous, effective weather protection for pedestrians.

7.2 Awnings shall be maintained to a high standard with glazed areas kept free of accumulated dirt and wind blown material. A maintenance plan including methods of cleaning awnings and maintaining them to ensure their structural integrity shall be prepared and implemented.

8. DISABLED PERSONS ACCESS

8.1 The development shall comply with relevant provisions of Council’s Code for Access for Ability Impaired People, AS 1428 and Rhodes Peninsula Development Control Plan 2001. A plan showing the paths and means of disabled persons’ access that also demonstrates compliance shall be submitted with the application for a Construction Certificate for approval by the PCA.

8.2 Provision shall be made near the S-E corner of Building 4 for direct connection between the public footway and the main N-S pedestrian/cycleway and such connection shall be suitable for uses by disabled persons, pedestrians and cyclists. Details of the connection shall be included in the design drawings referred to in Condition 4.4.

9. SIGNAGE AND ADVERTISING

9.1 External signage and advertising shall be the subject of a separate development application(s).

10. GLARE AND ILLUMINATION

10.1 The ameliorative measures recommended in the Reflectivity Report, referred to in Condition 1.1, shall be incorporated in the development, at the applicants expense.

10.2 A suitably qualified consultant shall verify the Report's findings after the ameliorative measures that are referred to in Condition 10.1 have been implemented and shall, if necessary, recommend further measures to prevent adverse impacts. Subject to their approval by the Director-General, the Applicant shall implement those measures.

10.3 The Applicant shall prepare an Illumination Report dealing with the illuminated areas within the development and the ameliorative measures that will be implemented to prevent any adverse lighting impacts on the amenity of the surrounding residential areas and properties. The Report shall detail proposed illumination levels, hours of illumination and their compliance with any relevant environmental standards, and shall identify the surrounding residential areas and properties likely to be affected. The Report shall be submitted to the Director-General for approval prior to the application for an Occupation Certificate.

10.4 A suitably qualified consultant shall verify the findings of the Illumination Report after the measures referred to in Condition 10.3 have been implemented and shall, if necessary, recommend further ameliorative measures. Subject to their approval by the Director-General, the Applicant shall implement those measures.

11. WIND CONDITIONS

11.1 The ameliorative measures recommended in the Wind Assessment Report, referred to in Condition 1.1, shall be incorporated in the development.

11.2 A suitably qualified consultant shall verify the findings of the Report after the measures referred to in the Wind Assessment Report have been installed at the applicant's expense and shall, if necessary, recommend further measures to prevent adverse effects. Subject to their approval by the Director-General those measures shall be implemented.

11.3 Tree or shrub planting associated with the recommended ameliorate measures shall not be located in positions or be of species that will obscure the view corridor along South Street.

12. TRAFFIC, PARKING AND TRANSPORT

12.1 Car parking for the development shall not exceed 673 car spaces, and shall be designed to meet Australian Standard AS2890.1(1993).

12.2 The parking areas shall include at least 7 spaces suitable for use by people with disabilities at centralised, convenient and signposted locations close to lifts, and they shall comply with Council's Code for Access for Ability Impaired People and Australian Standard AS2890.1993.

12.3 The development shall provide 249 bicycle parking spaces. Dimensions of bicycle parking facilities shall comply with the "Guide to Traffic Engineering Practice Part 14: "Bicycles", Austroads 1999. External signs indicating the location of the bicycle parking spaces shall be publicly displayed.

12.4 Provision shall be made within the development for the equivalent of 7 car parking spaces for motorcycle parking spaces and loading facilities for:

- 2 large rigid vehicles;
- 4 medium rigid vehicles;
- 1 small rigid vehicle.

12.5 A Compliance Certificate under Part 4A of the Act demonstrating compliance with conditions 12.1 to 12.4 inclusive shall be provided by an Accredited Certifier prior to the issue of the Construction Certificate.

12.6 The plans referred to in Condition 1.2 shall include adjustments to the car park layouts arising from this consent and shall also clearly indicate the location and means of traffic and parking separation between retail customers and visitors to the Buildings 3 and 4.

12.7 The car parking spaces provided for commercial, medical-recreation centre uses in accordance with this consent shall only be used for that purpose and shall not be used as overflow, after-hours or weekend parking for customers, visitors and employees of any other development or use including for those within the buildings known as Buildings 1, 2 and 3 of the retail/commercial development. A restriction is to be placed on the relevant title to also give effect to this condition.

12.8 The design and layout of all car parking and loading areas, vehicular ingress and egress points, driveway ramps and grades, aisle widths and parking bays shall conform to current Australian Standards AS2890.1-1993 and AS 2890.2-1989. A Compliance Certificate under Part 4A of the Act demonstrating compliance with this condition shall be provided by an Accredited Certifier prior to the issue of the Construction Certificate.

12.9 A clear vision of sight is to be maintained at all times for the driveway ingress and egress points.

12.10 All loading and unloading facilities and service vehicle manoeuvring areas must not impede traffic circulation on the service road and South St.

12.11 Service vehicles must be able to enter and leave the loading facilities in a forward direction within the confines of the loading facilities or car park. In the case of Building 4, where this is not possible the use of the facilities by service vehicles, other than by small vans and courier vehicles, shall be:

i) attended throughout the reversing manoeuvre(s) by building management personnel with responsibility for directing the manoeuvre(s) and traffic to ensure pedestrian and traffic safety; or

12.12 Adequate directional pavement arrows and signage shall be provided in the development to clearly show all vehicle movements on the site.

12.13 All pedestrian crossing facilities provided on-site shall be in accordance with the relevant Australian Standards.

12.14 The development shall maintain a minimum footpath width of 1.8 metres at all times in front of the site. This area shall be kept clear of obstacles such as tables and chairs associated with the development.

12.15 Vehicle Parking Plan of Management (VPPM), prepared by the applicant in consultation with the Council and the RTA, shall be submitted to the Director-General for approval prior to the release of an Occupation Certificate. The Plan shall comply with the relevant conditions of this consent and address, but not necessarily be limited to:

i) measures to be taken to manage vehicle flows through the development;
ii) directional signage within the car parking areas to direct arriving vehicles to/away from car park areas where spaces are/are not available;
iii) vehicle breakdown procedures to avoid congestion in the car park areas;
iv) measures to prevent vehicle queuing on public roads;
v) emergency ingress/egress;
vi) separation of commercial visitor parking and retail customer traffic;
vii) the management of proposed stacked parking;
viii) pedestrian safety and security measures within the car park areas.

12.16 Vehicle queuing lengths on the car park entries/exits shall be provided fully within the confinement of the relevant parking floors without obstructing public road and service roads or traffic on the internal circulating aisles.

12.17 The operation of the entries and exits and associated vehicle queuing and implementation of the VPPM shall be reviewed after the development has been fully occupied for a continuous 12 months period and additional queuing space within the car parks shall be provided if it is found necessary to ensure compliance. Results of review are to be provided to Director-General and any remedial measures required submitted for Director-General's approval prior to being undertaken by the applicant.

12.18 The design of vehicle driveways shall incorporate contrasting pavement treatments that match adjacent pedestrian footways and clearly delineate and distinguish the pedestrian footway within areas that are traversed by vehicles.

12.19 Prior to release of an Occupation certificate the Applicant shall consult with the RTA's Network Operations Staff and provide a detailed traffic analysis to confirm that the proposed traffic signals at the intersection of the service road and Urban Street are required to address potential pedestrian and vehicle traffic conflicts.

12.20 To control the level of on-street parking and to prevent its use by employees and commuters in the surrounding retail/commercial and residential areas, Canada Bay Council must be consulted about the implementation of restricted parking within 500m of both Rhodes Station and the Retail Centre.

12.21 In accordance with the Rhodes Peninsula Transport Management Plan, CityRail shall be consulted about the provision of 8 car peak hour rail services to Rhodes Station prior to the occupation of the Retail Centre.

12.22 The Applicant shall, in consultation with all of the major tenants of the development, State Transit, Department of Transport, Planning NSW and State Rail, prepare at their own expense a Public Transport Strategy for the development. The Strategy shall be aimed at reducing car dependency by encouraging the use of public transport for all journeys-to and from the development. The strategy shall be approved by the Director-General prior to the issue of an Occupation Certificate for the building.

12.23 The Public Transport Strategy shall address, but not be limited to, the following possible measures:

- a continuing advertising campaign (including advertisements in local newspapers circulating regularly within the retail development's catchment areas) aimed at promoting access and the use of transport to the development by means other than the private motor car;
- the provision of information kiosks, bulletin boards and/or display units clearly displaying bus routes, bus and train arrival and departure times;
- retail promotions, competitions and the like that are directed to persons using public bus and rail transport to the development;
- opportunities to extend public transport services;

12.24 The strategy must be implemented by the Applicant and a report provided for the Director General's approval on the implementation of the strategy prior to the release of an Occupation Certificate. Implementation measures may include provisions within tenancy leasehold agreements.

12.25 To provide for safe heavy vehicle movements in association with construction in the short term and to safely manage traffic associated with retail, commercial and residential development, traffic signals at the intersection of Concord Road and Averill Street are to be provided to the satisfaction of the RTA.

12.26 A Road Design Plan is to be prepared, in consultation with relevant transport and emergency services authorities and the Council, where relevant, for approval by the Director-General prior to the issue of a Construction Certificate for construction of any roadworks. The Plan is to comply with all relevant design standards of Rhodes Penninsula DCP and provide details about the following:

- location and design of taxi pick up/drop off points;
- location of bus stops (a minimum of 1 bus stop to be provided in Urban Street at the entrance to commercial buildings and/or the retail centre. Note: These are to be provided at the applicant's expense);

- Kerb lines, provision for cyclists
- Pram crossings;
- Street lighting (to be approved under future DA for public domain/landscaping);
- Street furniture (to be approved under future DA for public domain/landscaping);;
- Parking controls; and
- Pedestrian crossings; and
- The applicant is to implement all aspects of the Road Design Plan prior to the release of any Occupation Certificate.

12.27 All driveway ramp grades, aisle widths, parking bay sizes to conform to current AustralianStandards AS 2890.1 – 1993 and AS 2890.2 - 1989.

12.28 Any damage to roads and roadworks caused by construction vehicles and activities shall be rectified at the Applicant's expense, and such rectification shall be carried out by the applicant to the satisfaction of the relevant authority, or by the relevant authority.

12.29 All trucks leaving the site are to be appropriately covered to ensure spillage of debris on to public roads does not occur.

12.30 All trucks departing from the site, having had access to unpaved areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on adjoining roads.

The location of all service utilities to be installed on the site in the future is to comply with the controls under section 4.1.9 of *Renewing Rhodes – Development Control Plan*. Should this not be possible due to requirements of particular public authorities, approval from the Director-General is to be sought prior to the relevant services being installed.

13. UTILITIES

13.1 To ensure that public utility services are advised of the development:

(a) 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.

(b) Appropriate access to each building the subject of this consent (310-11-01) shall be provided for up to three telecommunications carriers. Details shall be provided with the application for Construction Certificate for above ground works.

(c) All new services shall be located underground. Building services such as drainage and sewerage pipe-works shall not be exposed.

14. RTA'S GENERAL TERMS OF APPROVAL

14.1 The applicant shall engage a qualified Road Safety Auditor to carry out a Road Safety Audit (including a review of the safety and efficiency of the on/off ramps) to the satisfaction of the RTA, prior to commencement of the works connecting with Homebush Bay Drive. Detailed design of the ramps is to comply with the Safety Audit.

14.2 Construction of on-load/off-load ramps to/from Homebush Bay Drive –

(i) The applicant shall construct the proposed on-load/off load ramps (as outlined in the Development Applications) in accordance with the revised concept design plans (Drawing Nos: C80, C81, C82, C93, C94, C95, C96, Issue A and C106 Issue B), the explanatory notes on the concept designs dated 7th May 2002 (Ref: PNSW055) and the recommendations of the above mentioned Road safety Audit, to the RTA's satisfaction.

(ii) Detailed design of the ramps shall be prepared in accordance with Austroads Bridge Guide – 1992, relevant RTA standards, EPA Criteria for Noise retaining barriers, and the recommendations of the above mentioned Road safety Audit; and

(iii) The distance between the southbound on-load ramp to Homebush Bay Drive and the deceleration lane that leads to Liberty Grove shall be increased to provide better spacing distance between them, to the satisfaction of the RTA.

14.3 The applicant shall prepare an Incident Management Plan, incorporating "Traffic Management" and "Parking Management" plans relating to the Development Site and the surrounding area. This plan is to be prepared in consultation with the RTA and the City of Canada Bay Council's Local Traffic Committee. The plan shall be submitted for the RTA's approval prior to issue of a construction certificate for the retail or commercial components of the DA, and be implemented to the RTA's satisfaction. The components of the Plan shall be as follows:

(i) The Parking Management Plan shall include, but not limited to, the approach outlined in Rhodes Waterside Shopping Centre Car Park Report Revision B dated 7th May 2002. To improve incident management of vehicles queued on the northbound off-load ramp to Level 4, a queue detector shall be installed at approximately Chainage 100.00. This is to provide an audible alert to car park management that queuing is occurring on the ramp.

(ii) The Traffic Management plan should include, but not limited to, a comprehensive traffic assessment taking into account the relevant intersection improvements (for various stages), revised bus stops locations, pedestrian/bicycle crossing facilities and contingency plans to tackle any emergency situations such as emergency access to the Concord Hospital, Olympic Grounds. The Plan shall include contact telephone numbers of at least 2 officers (24 hours a day). Such officers should also be able to handle media queries and any public liaison that may be required as a result of their road works.

14.4 The intersection of Homebush Bay Drive/Oulton Avenue shall be constructed to ultimately allow for a double left under signal control, to the RTA's satisfaction. In the interim, an uncontrolled single left turn capable of accommodating the double lanes shall be constructed, prior to the occupation of the Retail Centre. The RTA will monitor this movement and should the need exist for a double left turn in the future, the applicant would be requested to carry out the required works, at no cost to the RTA.

14.5 The planned roadworks and traffic signals at the intersection of Concord Road/Averill street, as indicated in the Transport Management Plan for Rhodes Peninsula shall be constructed prior to the release of an occupation certificate for the Retail Centre (and/or construction works on Precincts B, C and D).

14.6 In accordance with the Transport Management Plan for Rhodes Peninsula, the roadworks and traffic signal work upgrades at the intersection of Homebush Bay Drive and Concord Road should be completed by the applicant, prior to the release of an Occupation Certificate for the Retail Centre.

14.7 The following traffic signals shall be completed to the RTA's satisfaction, prior to the occupation of the Retail Centre.

- Oulton Avenue/Southbound On Ramp intersection
- Oulton Avenue/Service Road/Alfred Street intersection*
- Oulton Avenue/Mangrove Street intersection
- Urban Street/Service Road / South Street intersection

(* The potential conflict of double right turn exiting from Alfred Street into a single left turn slip at the Oulton Avenue/Mangrove Street intersection should be addressed).

14.8 Detailed design plans of all roadworks and traffic control works required by this consent shall be submitted to the RTA for approval prior to the commencement of any roadworks.

The applicant shall pay the RTA's administration fees for plan checking and administration, including a performance bond which will also be required from the applicant prior to the release of the approved road design plans by the RTA. The RTA will advise of such fees.

14.9 A detailed directional signage scheme including pavement marking and dynamic signage is to be submitted to the RTA for approval and be implemented to the RTA's satisfaction prior to occupation of the Retail Centre. This scheme must be regularly maintained by the developer, to the satisfaction of the RTA and at no cost to the RTA. Maintenance is to be in accordance with the relevant RTA Specifications.

14.10 In accordance with the Rhodes Peninsula Transport Management Plan and the Contributions Framework, the upgrading of Rhodes Railway Station (including disabled access) along with the construction and signage of bus shelters, taxi ranks and kiss and ride facilities shall be completed prior to the release of an Occupation Certificate for the Retail Centre.

14.11 The applicant shall ensure during construction: -

- No trucks will be permitted to stand or park on public roadways.
- The loads of all trucks to be "covered";
- A suitable truck wheel wash facility to be installed and used by all trucks in departing the site.

14.12 Any advertising signage associated with this development must not have flashing lights, electronically changeable messages, or animated display that will distract the driver.

All works/regulatory signposting associated with the development will be at no cost to the RTA. Any expenses in connection with the roadworks including project management by the RTA must also be borne by the applicant.

15. NATURAL VENTILATION AND DAYLIGHT

15.1 No commercial floor space (excluding the service cores and surrounding corridors) above level 4, that exceeds a distance of 12 metres from external facade glazing shall be used only for activities associated with information technology, computers, computer boosting, security devices, data processing, filing, printing, meeting rooms, storage and like functions.

15.2 The drawings referred to in Condition 1.2 shall clearly indicate on all plans and elevations, as relevant, the openable windows and external doors to each commercial floor level and the commercial floor areas on each floor level that exceed the 12 metre distance referred to in Condition 16.1 above.

16. SOLAR ACCESS

16.1 The drawings referred to in Condition 1.2 shall illustrate and indicate in note form the effectiveness of the facade elements, such as vertical fins, louvres and sunshading in maximising solar access in winter and minimising it in summer.

17. ENERGY EFFICIENCY REVIEW

17.1 The development shall incorporate the energy efficiency enhancements listed in Section 7 of the Energy Assessment, referred to in Condition 1.1.

17.2 Prior to the issue of a Construction Certificate for above ground works, the applicant shall demonstrate to the satisfaction of the Director-General that all reasonable efforts have been made to achieve a 4.5 star rating for the Base Building (see note below) under the Australian Building Greenhouse Rating via the follow process:

i) the building design including the relevant conclusions and recommendations of the Environmental Plan of Management required by condition No. 22 shall be subject to an independent energy assessment following the guidelines of the Sustainable Energy Authority's current version of the document Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review;

ii) if the independent energy review identifies conditions required for the achievement of the required rating or recommendations for performance improvement generally, the applicant is required to demonstrate to the satisfaction of the Director-General that all reasonable efforts have been made to comply with such conditions and recommendations;

iii) the applicant shall ensure that a performance rating assessment under the current version of the Australian Greenhouse Rating Scheme is submitted to Planning NSW and the Sustainable Development Authority no later than 3 months after the building has achieved 12 months of continuous occupation with greater than 50% occupancy, or 2 years after occupation, whichever is the later. The rating assessment shall be conducted by an independent assessor who is deemed by the Sustainable Energy Development Authority to be capable of conducting such an assessment. In the event that the assessed rating does not achieve the rating agreed (refer condition 18.2), the assessment is to recommend building management measures to which will increase the rating. These measures are to be implemented by the applicant. A report demonstrating compliance with this condition shall be submitted to the Director General not later than 2.5 years after the release of an occupation certificate.

Note: Given that the building fitout does not form part of this application the building shall be subject to a 'Base Building' rating as defined under the Australian Greenhouse Rating.

18. HOURS OF OPERATION

18.1 Hours of operation for retail and shops within the development shall be:

Monday to Friday	9.00am to 6.00pm (to 9.00pm Thursday)
Saturday	9.00am to 8.00pm
Sunday	10.00am to 6.00pm

18.2 Hours of operation for the loading docks (for loading/unloading) shall be:

Monday to Friday	7.00am to 7.00pm

19. NOISE

19.1 The noise emanating from operation of plant and equipment associated with the development shall not exceed a level of 5dB(A) above the existing background noise level at any residential property. The resultant background noise level with the plant and equipment in operation shall be considered in terms of the appropriate planning levels recommended in Chapter 21 of the EPA's Environmental Noise Control Manual (ENCM).

19.2 In accordance with the requirements of Chapter 20 of the EPA's ENCM, where background noise level exceeds the recommended planning goals, appropriate controls shall be considered and applied to the noise emanating from the plant and equipment to reduce the effects of creeping background noise.

19.3 The noise emanating from the operation of any plant and equipment shall be free from tonal, intermittent and impulsive characteristics when assessed at the boundary of any affected residential property.

19.4 An acoustic design report shall be submitted with the application for Construction Certificate and shall detail all the major plant and equipment that will be installed on the site, and the noise control measures that are required to satisfy the above assessment criteria.

19.5 The development shall incorporate the recommendations of the Assessment of Railway Noise and Intrusion report, referred to in Condition 1.1, in respect of:

i) glazing types and seals, and their locations;
ii) the design of mullions and perimeter seals to achieve specified minimum STC ratings of the glazing assembly;
iii) tests carried out of the window and door systems and certification of their construction and installation.

19.6 The Applicant shall consult with State Rail and the R.T.A on the proposed noise attenuation measures for the development and, prior to the issue of an Occupation Certificate for the development, shall submit documentary evidence to the Director-General indicating that the measures are satisfactory to those bodies.

20. ENVIRONMENTAL MANAGMENT

20.1 An Environmental Plan of Management for the development, shall be submitted for approval by the Director General prior to the issue of a Construction Certificate, and shall be implemented by the Applicant.

20.2 The Environmental Plan of Management shall implement the desired performance outcomes and objectives of the Environmental Management Framework, referred to in Condition 1.1, and shall address, but not necessarily be limited to, the following matters:

- incorporation in the systems of carbon monoxide monitoring;
- specifications for the ventilation of the car parking areas;
- specification of the lighting fittings to be used, including those for the interior, exterior and car parks, including the choice of fittings to minimise the use of electricity;
- consideration of the use of solar hot water systems and/or the use of photo voltaic systems to generate some of the electricity requirements;
- hot water systems incorporating solar, heat pump or gas as their primary means of energy;
- use of AAA-rated appliances and other proposed measures to reduce water consumption;
- retention of stormwater for the irrigation of the landscaped areas as well as for other plumbing requirements, such as toilets;
- modification of all stormwater pits adjacent to the development to capture gross pollutants;
- loading docks' stormwater pollution control, including being covered and capable of capturing all packaging materials;
- treatment of stormwater discharges from car park areas to capture gross pollutants and oils before being discharged to the stormwater system;
- labelling of all stormwater and sewer drain inlets;
- use of landscaping that encourages infiltration;
- details of the location of any fuel storage and underground storage tanks, the design, construction and operation of which shall be in accordance the relevant Australian Standards and the EPA's requirements;
- compliance of all food tenancies with the National Code for the Construction and Fitout of Food Premises or to the Councils' Food Premises Code.

20.3 Design of lighting associated with the development shall ensure there will be no adverse impacts on surrounding areas' amenity by light overspill. Lighting shall comply, where relevant, with AS 4282:1997 *"Control of the Obtrusive Effects of Outdoor Lighting"* and details demonstrating such compliance shall be submitted and approved by the Director-General prior to the installation of the lighting.

21. HEALTH

21.1 The Waste Management Plan, referred to in Condition 1.1, shall be reviewed in 2consultation with Council and the Waste Board, and it shall address the guidelines provided by the Waste Board under the Waste Minimisation and Management Act 1995. Evidence of this consultation should be forwarded to PNSW.

21.2 The Waste Management Plan, amended if necessary to address matters raised by the Council and the Waste Board, shall be submitted and approved by the PCA prior to the issue of a Construction Certificate, and the approved Plan shall be implemented by the Applicant.

21.3 The applicant shall confer with Sydney Water and enter into, where applicable, a “Trade Service Agreement” pursuant to their Trade Waste Policy. Evidence of any Agreement shall be submitted to the Director-General prior to the issue of an Occupation Certificate.

21.4 All floors shall be constructed and finished so as to be impervious to water and graded to a sufficient number of floor drains, and at least one drainage point shall be provided to each shop or tenancy.

21.5 Wash hand basins with hot and cold water shall be provided to each food tenancy. The surrounding walls shall be lined with an impervious material to a height of not less than 450mm above the fitting.

21.6 Toilet accommodation shall be provided in compliance with the schedule of Amenities, Section 13 of the Factories, Shops and Industries Act, 1962.

21.7 Provision shall be in the development for the transfer of waste from each of the Level 1 active frontage uses to the waste storage facilities; such transfer shall not be via public areas such as the commercial entrance lobbies on Level 1, during normal business hours.

22. SECTION 94 CONTRIBUTIONS FOR NON-RESIDENTIAL DEVELOPMENT

22.1 This condition has been imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and the Concord Section 94 Contributions Plan 2000, a copy of which may be inspected at the offices of the City of Canada Bay Council during business hours.

22.2 Contributions are to be made towards the provision of public amenities and services as specified below.

22.3 Contributions are to be satisfied before a construction certificate is issued for any works above ground level or any non-residential building approved by this consent.
Contributions can be satisfied by paying the total of the amounts specified below to the City of Canada Bay Council; or

By paying such, if any amount, once monetary offsets from the provision works-in-kind have been deducted and agreed to by the consent authority subject to any terms of that agreement.

The amount of monetary offset for a work-in-kind cannot be greater than the total monetary amount specified for that work in the Contributions Framework.

All monetary amounts referred to in this condition are based on those specified within the Concord Section 94 Contributions Plan 2000 (as adjusted by the Rhodes Peninsula Contributions Framework) and the actual amount for payment or for calculating offsets must be adjusted in accordance with paragraph 7 of Part 2 of that Plan.

A copy of the receipt of payment shall be given to the Accredited Certifier, if not Council, or alternatively evidence that the Director General on behalf of the consent authority has agreed to the offset referred to above before the certificate is issued.

Amenities and Services	Amount
Community Facilities	$277,817.48 *
Recreation and Public Open Space	Nil
Roads and Traffic Management	$828,126.06
Total	$1,105,943.54

* Partly based on estimates of employment to occupy development.

Note: Works required as works-in-kind as outlined in the Contributions Framework are incorporated in conditions of this consent.

23. COMMUNITY LIAISON

23.1 The approved hours of work and a 24 hour telephone number must be prominently displayed at all times on the site and must be visible from at least 2 separate public streets or public spaces. The sign must also state that unauthorised entry to the site is not permitted at any time. Prior to the commencement of any works on the site and at least 7 days before commencement, the developer must circulate to the local community a letter notifying the date of commencement of the development and giving details of the person appointed to deal with community issues relating to the development. The letter shall also indicate the approved hours of work and the 24 hour telephone number . A copy of the letter together with details of the area circulated shall be provided to Council and the Department prior to works commencing on the site.

23.2 A register of all complaints received shall be compiled and supplied to planningNSW with each 3 monthly compliance report and upon request. The register is to include the applicants' response to the issues raised by complainants.

23.3 The Developer must establish a Community Liaison Committee to provide the basis for Community consultation throughout the implementation stages of the project. Such a committee should consist of the following representatives:

- Community representatives (local neighbourhood);
- Site owners and/or representatives;
- Relevant contractors and/or consultants;
- Council representative/s (councillors/staff involved in the project); and
- Other Stakeholders that may be identified as having a valid interest in the development.

The minutes of meetings of the Committee are to be provided to planning NSW and Council.

24. RAIL CORRIDOR

24.1 Consent for the use of rock anchors adjacent to the rail corridor is conditional upon:

(a) the State Rail Authority of New South Wales and Rail Infrastructure Corporation carrying out the necessary investigations and determining that the use of rock anchors adjacent to the rail corridor will not affect the existing of future operational capacity or efficiency of the railway or existing facilities of utility providers located in the rail corridor;

(b) the applicant entering into a Master Access Deed with the State Rail Authority, Rail Infrastructure Corporation and the Office of the Co-ordinator General of Rail.

Should the Master Access Deed not be executed by any of the parties, consent for the use of rock anchors is taken to not have been granted. Evidence that the Deed has been executed shall be forwarded to the Department.

24.2 Prior to commencing any work on the site the Applicant shall consult with and satisfy State Rail, Rail Infrastructure Corporation about the proposed excavation and construction along the eastern boundary of the site and drainage measures to be adopted to avoid adverse impacts on the stability of the rail corridor.

24.3 The existing pedestrian / cycle way along the western boundary of the rail corridor must remain operational and safe for public use during all construction and until works to provide a new path in this location are commenced.

25. DEMOLITION

25.1 Details of demolition shall be submitted and approved by the Director-General prior to the commencement of those works (should demolition works be required). The details shall include materials recycling, environmental and, if relevant, occupational health safeguards for removal, handling and disposal of hazardous materials and management of contaminated runoff.

All demolition work shall comply with AS2601-1991 *"The Demolition of Structures"*.

26. CONSTRUCTION, NOISE AND VIBRATION

26.1 A Construction Noise Impact Statement for the development shall be prepared and submitted to the Director-General for approval prior to the issue of a Construction Certificate. The Statement shall comply with the relevant conditions of this consent.

26.2 Construction noise and vibration emissions associated with the project shall comply with the noise and vibration level objectives for residential receivers as set out in Chapters 171 and 174 of the EPA's ENCM. The noise level objectives for less sensitive receivers such as commercial and retail premises shall be 5dBA higher than for residential premises.

Measures employed to minimise the risk of potential noise and vibration impacts may include but not necessarily be limited to use of the quietest practical construction equipment and other measures outlined in AS 2436 1981*"Guide to Noise Control on Construction Maintenance and Demolition Sites"*.

26.3 Where the noise and vibration emission objectives cannot be achieved in practice the Applicant shall demonstrate to the satisfaction of the Director-General that use has been made of:

(i) the best available technology economically achievable (eg. silencing equipment, quieter engines, enclosures, efficient barriers, etc.);

(ii) best management practice (eg. equipment scheduling, equipment positioning, maintenance practices, control of the times of day for operations generating the greatest impacts).

26.4 The applicant shall appoint an independent acoustic and vibration consultant. to undertake noise and vibration monitoring for the duration of works. The terms of the consultants brief shall be approved by the Director General and the monitoring program must be implemented prior to the commencement of excavation or construction works approved by this consent.

26.5 To establish suitable hours of work for the use of rock breakers and hydraulic hammers, a noise and vibration impact assessment shall be submitted to the Director-General for approval prior to commencing any works involving that machinery. The report shall include, but not necessarily be limited to:

i) a schedule of works involving that machinery, including respite periods and the estimated total duration of those works;

ii) methods to be employed, such as acoustic screening, to minimise noise impacts on nearby residents.

Work hours for the use of this machinery will be established by the Director General following consideration of this impact assessment.

27. CONSTRUCTION PLAN OF MANAGEMENT

27.1 A Construction Plan of Management shall be prepared in consultation with the RTA, State Rail and the Council. The Plan shall be submitted and approved by the Director-General prior to the issue of a Construction Certificate, and shall be implemented by the applicant.

The Construction Plan of Management shall address and include:

- details of construction staging and timing, and worker numbers at different stages;
- details and responsibilities of the site environmental management officer;
- site dust control and noise control and monitoring;
- a construction noise and vibration assessment outlining control measures that satisfy the objectives referred to in Condition 27.2;
- protection of environmental amenity of adjoining residential properties;
- measures to prevent dust or other contamination of public or residential areas;
- methods of loading/unloading excavation and construction machinery, building materials;
- details of recycling of building materials and construction waste materials and the removal of waste materials from the site including:
- areas within the site to be used for the storage of excavated materials, construction materials and waste containers;
- method of removing loose material from all vehicles and/or machinery before entering the road reserve, and measure to ensure that any run off from washing down of vehicles shall be directed to the sediment control system within the site;
- details of heavy machinery, in particular crane deliveries requiring road closures and frequency;
- construction zones, if required;
- measures to ensure the construction site is secure at all times;
- a Construction Traffic Plan of Management prepared in consultation with the Council and other relevant bodies providing details of:
  - truck numbers at different stages;
  - proposed method of access to and egress from the site for construction vehicles including access routes through the local area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area;
  - proposed access routes to and from the development;

- measures to ensure drivers of construction vehicles including those employed by sub-contractors and building material suppliers are aware of and use the approved construction vehicle routes, marshalling and parking areas;
- hours of operation for trucks removing any demolished and excavated materials;
- procedures to ensure that parking and standing of all construction vehicles (trucks, heavy vehicles, delivery vans) are contained within the site;
- worker parking and transport arrangements;
- measures to ensure safe pedestrian movement in the surrounding area.

27.2 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 Notice by Council to stop all work on site

27.3 All loading and unloading shall be strictly confined within the site.

27.4 Activities associated with the operation of the development shall not obstruct pedestrian or vehicular access to, or egress from, any other property.

28. LIGHTING DURING CONSTRUCTION

28.1 The applicant shall ensure that lighting of the site during construction shall not adversely affect the amenity of the surrounding area particularly as viewed from Homebush Bay and Liberty Grove. If in the opinion of the Director General, amenity is likely to be affected, the intensity, hours of illumination and location of the lighting must be varied so that it does not adversely affect the amenity as viewed from Homebush Bay.

29. SOIL AND WATER MANAGEMENT

29.1 A Construction Soil and Water Management Plan prepared in consultation with, and addressing the requirements of, the Council, Waterways Authority and other relevant bodies, which provides details of;

- control, collection, disposal and management of stormwater, surface and sub-surface waters;
- erosion and sediment control measures to be installed and maintained on the site;
- stormwater pollution control measures downstream of all loading dock facilities maintained by building management and capable of removing all gross litter, oils and grease;
- reuse of stormwater for landscaping and non-potable purposes;
- provision in car parks for oil and litter capture systems to prevent waste water or contaminants entering the stormwater system

The Plan shall be in accordance with the relevant specifications and standards contained in the manual Managing Urban Stormwater – Soils and Construction issued by the NSW Department of Housing in 1998 and any other relevant Council requirements.

The Applicant shall ensure that all erosion and sediment controls are implemented and maintained to a satisfactory level at all times.

30. ACID SULPHATE SOILS

30.1 Prior to any works commencing an Acid Sulfate Soil Assessment shall be undertaken by an appropriately qualified professional in accordance with the *Acid Sulfate Soil Assessment Guidelines (1998)* prepared by the NSW Acid Sulfate Soil Management Advisory Committee. A copy of the Assessment Report shall be provided to planningNSW. Should this Report identify any potential acid sulfate soils on any part of the site, an Acid Sulfate Soil Management Plan shall be prepared in accordance with the Acid Sulfate Soil Manual (1998) and in consultation with the Department of Land and Water Conservation, prior to the commencement of any works

31. HOURS OF WORK

31.1 The hours of all construction works (excluding the use of rock breakers) shall be:-

(a) Carried out between the hours of 7.00 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 1.00 p.m. on Saturdays. No work is to be carried out on Sundays or public holidays;

(b) No trucks or heavy machinery are to enter or leave the development area outside the hours of 7.00 am to 5.00 pm weekdays and 7.00 am to 1.00 pm Saturdays;

Any proposal to carry out works outside these hours is subject to Director-General approval;

(c) The applicant must provide to the Department and Council a 24 hour per day telephone contact number and must ensure such number is continually attended all times when work is occurring by a person with authority over the building work.

32. SITE ENVIRONMENTAL MANAGEMENT OFFICER

32.1 The applicant shall fund the appointment by the Director General of an independent environmental management officer, for the duration of all construction works. The appointment shall be in accordance with a job description prepared by the Director General in consultation with the applicant and shall include, but not be limited to regular site inspections and meetings with the PCA, contractors and applicants, attendance at community liaison meetings, and preparation of reports to the Director General.

33. STATUTORY RESPONSISBILITY

33.1 The applicant shall ensure that all necessary approvals and licences required for the proposed works are obtained. These may include but not restricted to those required by the Protection of the Environment Act Operations 1997.

34. OCCUPATIONAL HEALTH AND SAFETY

34.1 The applicant shall meet and comply with WorkCover Authority requirements, Worksafe criteria and Occupational Health and Safety and Construction Safety Regulations, 2000.

35. DISABLED ACCESS AND FACILITIES

35.1 Access and facilities for people with disabilities must (as a minimum) be provided in accordance with the relevant provisions of Part D3 and F2 of the Building Code of Australia and AS 1428.1 (Design for Access and Mobility – General Requirements), AS 1428.4 (Tactile Indicators) and 2890.1 (Car-parking). Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for all relevant Construction Certificate(s)

36. COMMONWEALTH DISABILITY DISCRIMINATION ACT

36.1 The Commonwealth Disability Discrimination Act 1992, may apply to this development. Submission and/or approval of this application does not imply or confer compliance with this Act. Applicant should satisfy themselves and make their inquires to the Human Rights and Equal Opportunity Commission.

37. APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY/NOTICE OF COMMENCEMENT OF WORKS

37.1 Site works are not to commence until the person having the benefit of the development consent:

i) Has been issued with the relevant construction certificate by a certifying Authority;
ii) Has appointed a Principal Certifying -Authority (an accredited certifier);
iii) Has notified planningNSW and the Council of the appointment; and
iv) Has given at least 2 days notice to Council and the Consent Authority of the person's intention to commence the erection of the building.

38. PRINCIPAL CERTIFYING AUTHORITY

38.1 (a) An accredited certifier who has been appointed as the Principal Certifying Authority must not be replaced by another accredited certifier except with the approval of the relevant accreditation body.

(b) A replacement Principal Certifying Authority must ensure that notice of his or her appointment, together with the relevant accreditation body's approval of the appointment, is given to Planning NSW within 2 days of appointment.

(c) An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of any building.

(d) A Compliance Certificate or similar documentary evidence is to be issued by the Principal Certifying Authority stating that all building and site works have been carried out in accordance with the Development Consent and Construction Certificate. The use or occupation of any component of the development prior to compliance with all conditions of Development Consent may make the applicant/developer liable to legal proceedings.

39. FIRE SAFETY CERTIFICATE

39.1 Prior to the release of any Occupation Certificate for each component of the development the applicant shall submit to the Principal Certifying Authority, a final fire safety certificate in relation to each essential fire safety measure specified in the fire safety schedule, attached to the relevant construction certificate.

39.2 Such certificate shall state that each essential fire safety measure specified:-

(a) has been assessed by a properly qualified person, and
(b) was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

NOTES: As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:

(i) must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
(ii) must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.

A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

40. PRESCRIBED CONDITIONS:

40.1 The development shall comply with all relevant prescribed conditions of development consent under Clause 98 of the Environmental Planning and Assessment Regulation.

41. CERTIFICATION

41.1 Geo – Technical

Prior to the issue of any Construction Certificate for excavation work, foundation work, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to the Department and Council.

(a) A geotechnical report prepared by a suitably qualified person 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 the site;
(iv) Recommended safe bearing values and likely settlements of foundation material;
(v) Recommendations 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 measures required to maintain stability or integrity of those structures.
(vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.

Certification that foundation, underpinning and/or stabilisation works proposed, satisfy the requirements of the report and relevant Australian standards.

41.2 Mechanical Ventilation

41.2.1 The details of any mechanical ventilation or air conditioning must be Certified by a suitably qualified person to comply with 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 following mechanical ventilation documentation 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;
Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

41.2.2 A copy of the Certificate and a set of the certified drawings must be submitted to the PCA, with a copy of same submitted to the Department and Council.

41.2.3 Prior to issue of an Occupation Certificate 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 must be submitted to the Principal Certifying Authority (PCA). A copy of the Certificate and drawings must be submitted to the Department Council.

42.3 Structural Work

42.3.1 The following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) prior to the commencement of works.

a) Structural drawings and specifications prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Design Certificate;
b) A Structural Design Certificate certifying that the structural drawings have been checked and comply with:

The relevant clauses of the Building Code of Australia and;
The relevant conditions of the Development Consent;

42.3.2 A copy of the Certificate and structural drawings and specifications must be submitted to the Department and Council.

Prior to the issue of an Occupation Certificate a Structural Inspection Certificate must be submitted to the satisfaction of the PCA and a copy submitted to the Department and Council after the site has been periodically inspected and the certifier is satisfied that the work complies with the final design drawings.

42.3.3 Note: The Department and/or Council should be contacted prior to the lodgement of any documentation in relation to the above certification requirements. The form in which material is to be lodged (i.e. CD, microfilm) is at the discretion of those agencies.

43. SURRENDER OF EXISTING CONSENTS

43.1 The Applicant shall surrender to the consent authority any current development or building consent (other than the Minister's consents for DA 353-12-01 for bulk earthworks and DA No.310-11-2001 for the Staged DA) not commenced for any part of the land to which this development application relates.

44. COMPLIANCE

44.1 The applicant, or another party acting upon the consent, shall every 3 months while work is occurring submit to the Director-General reports documenting the compliance with this consent and each condition. For the duration of the excavation process, a Compliance Report shall be issued on a monthly basis to the effect that the all or part of the excavation work is in accordance with the approved development application and conditions of development consent and applicable construction certificates.