
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT 08_0093

(FILE NO. S09/01481 AND 09/0465)

PUBLIC DOMAIN WORKS

DARLING WALK, DARLING HARBOUR

I, the Minister for Planning, having considered the matters in section 75J(2) of the *Environmental Planning & Assessment Act 1979* (the EP&A Act), determine pursuant to section 75J(1) of the EP&A Act to **give approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in Schedule 2.

This approval applies to the plans, drawings and documents cited by the proponent in their Environmental Assessment, Response to Submissions Report and Statement of Commitments, subject to the conditions of approval in Schedule 2.

The reasons for the imposition of conditions are to:

- (a) ensure the site is appropriately managed for the proposed use;
- (b) to encourage ecologically sustainable development principles;
- (c) adequately mitigate the environmental impacts of the development;
- (d) protect the amenity of the local area; and
- (e) protect the public interest.



Tony Kelly MLC
Minister for Planning

8 MAR 2010

Sydney,

2010

SCHEDULE 1

PART A – TABLE

Application made by:	Lend Lease Development Pty Ltd
Application made to:	Minister for Planning
Major Project Application:	MP 08_0093
On land comprising:	27 Lots within Darling Harbour including the site known as Darling Walk and Tumbalong Park Lot 900 DP 1132344; Lot 318 & 319 DP 871455; Lot 11 DP 1125890; Lot 600 & 602 DP 1126760; Lot 502, 504, 505 DP 1126762; Lots 201-206 & 208 DP 1130038; Lot 213, 217, 218 DP 1130038; Lot 305 DP 787105; Lots 7-10 DP 787105; Lot 2 DP 1048307; Lot 316 DP 869004 and Part of Harbour Street.
Local Government Area	City of Sydney
For the carrying out of:	<ul style="list-style-type: none"> • Public domain works consisting of a: <ul style="list-style-type: none"> ○ Pedestrian Boulevard and Retail Terrace; ○ Playground area consisting of a mix of passive and active uses, outdoor dining kiosk and amenities; ○ Terraced community green; ○ Melaleuca Grove; and ○ Civic Connector. • Augmentation works to the Bathurst Street pedestrian footbridge; • Road works to the east of the Darling Walk site; and • Reinstatement of male toilets under the northern end of the Liverpool Street pedestrian footbridge.
Estimated Cost of Works	\$15,120,064
Type of development:	Major Project
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with section 75Y of the Act.

PART B—NOTES RELATING TO THE DETERMINATION OF MP 08_0093

Responsibility for other consents / agreements

The proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Legal notices

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

PART C—DEFINITIONS

In this approval,

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

BCA means the Building Code of Australia

Certifying Authority means a Certifying Authority and has the same meaning as Part 4 of the EP&A Act.

Council means the City of Sydney Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department.

Environmental Assessment means the Environmental Assessment prepared by JBA Urban Planning Consultants on behalf of Lend Lease Development Pty Ltd and dated September 2009 and as amended by the Response to Submissions Statement prepared by JBA Urban Planning Consultants and dated December 2009.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

Minister means the Minister for Planning.

MP 08_0093 means the Major Project application described in the proponent's Environmental Assessment.

Proponent means Lend Lease Development Pty Ltd or any party acting upon this approval.

Regulation means the Environmental Planning and Assessment Regulation 2000.

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

SHFA means the Sydney Harbour Foreshore Authority.

SCHEDULE 2

CONDITIONS OF APPROVAL

MAJOR PROJECT 08_0093

PART A—ADMINISTRATIVE CONDITIONS

A1 Development Description

Except as amended by the conditions of this approval, approval is granted only to carrying out the development as described in Schedule 1, and development must be carried out consistently with the Statement of Commitments (contained in Schedule 3).

These conditions of approval do not relieve the proponent of its obligations under the EP&A Act and/or any other Act.

A2 Development in Accordance with Plans

The development shall be in accordance with the following plans, documentation and recommendations made therein:

A. Environmental Assessment Report prepared by JBA Urban Planning Consultants on behalf of Lend Lease Development Pty Ltd, dated September 2009, including all appendices and Response to Submissions prepared by JBA Urban Planning Consultants dated December 2009, including all appendices.			
B. Statement of Commitments prepared by JBA Urban Planning Consultants, dated December 2009, contained in Schedule 3 of the Conditions of Approval.			
C. Architectural (or Design) Drawings prepared by Aspect Studios and itemised as follows:			
Drawing No.	Revision	Name of Plan	Date
LD44510	G	Context Plan	Nov 23 2009
LD44511	G	Aerial Photo	Nov 23 2009
LD45512	G	Circulation Diagram	Nov 23 2009
LD45513	G	Landscape Master Plan	Nov 23 2009
LD45514	G	Playground Master Plan	Aug 20 2009
LD45515	G	Overview of Play Precincts	Nov 23 2009
LD45516	G	Play Precincts – Precedents	Nov 23 2009
LD45517	G	Tree Planting Strategy	Nov 23 2009
LD45518	G	Planting Strategy	Nov 23 2009
LD45519	G	Public Domain Furniture Plan	Nov 23 2009
LD45520	G	Public Domain Lighting Plan	Nov 23 2009
LD45521	G	Water Re-use & stormwater Management Plan	Nov 23 2009
LD44522	G	Sectional Elevations	July 30 2009
LD44523	G	Sectional Elevations	July 30 2009
LD44524	G	Public Domain Perspective Views	Nov 23 2009
LD44525	G	Public Domain Perspective Views	Nov 23 2009
LD45526	G	Paving Materials	Nov 23 2009
LD45527	B	Proposed Retail Seating Zones	Nov 23 2009
LD44530	G	Liverpool Street Male Toilets	Nov 23 2009

LD44531	G	Liverpool Street Male Toilets	Nov 23 2009
LD44528	G	Proposed Retail Signage Strategy	Nov 23 2009
D. Architectural (or Design) Drawings prepared by Francis-Jones Morehen Thorp (FJMT) and itemised as follows:			
AD900001	05	Kiosks Plan	Dec 15 2009
AD901001	03	Shade Structures Plan	Dec 15 2009
AD951001	02	Shade Structures and Kiosk Section/Elevation	Dec 15 2009
AD951002	02	Shade Structures and Kiosk Section/Elevation	Dec 15 2009
AD951005	03	Shade Structures and Kiosk Section/Elevation	Dec 15 2009
AD951008	-	Footbridge – Elevation	July 20 2009
AD951009	-	Footbridge – Section	July 20 2009
E. Architectural (or Design) Drawings prepared by Hyder Consulting and itemised as follows:			
CD442082	01	Overall Civil Works Plan	July 20 2009
CD443085	01	Proposed Roadworks Vehicle Turning Paths	July 20 2009
F. Architectural (or Design) Drawings prepared by Rygate & Company Pty Ltd and itemised as follows:			
73647	-	Plan Showing Current Land Ownership	June 5 2009
G. All conditions of this approval.			

except for:

- (1) any modifications which are 'Exempt and Complying Development' or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; or
- (2) otherwise provided by the conditions of this approval.

A3 Inconsistency Between Documents

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

A4 Lapsing of Approval

To ensure the development as approved is carried out within a defined period of time, the approval shall lapse 5 years after the determination date in Part A of Schedule 1 of this approval.

A5 Prescribed Conditions

The proponent shall comply with the prescribed conditions under Part 6, Division 8A of the Regulation.

A6 Additional Plans and Documents Required by this Approval

With the approval of the Director General, the proponent may submit any plan, program, study or other document required by this approval on a progressive basis.

A7 Compliance with Relevant Legislation and Australian Standards

The proponent shall comply with all relevant Australian Standards and Codes (including the BCA) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1 and A2, Part A, Schedule 2 of this approval.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Construction Certificate

The stamped drawings must be lodged with the Certifying Authority (Minister for Planning via the Department of Planning, Council, or a private accredited certifier) for a Construction Certificate for each stage of the project. The proponent must supply the Department of Planning with a copy of any Construction Certificate within two days from the date of its issue.

B2 Construction Management Plan

Prior to the commencement of works the Construction Management Plan prepared by Bovis Lend Lease, dated 2 June 2009 shall be submitted to the Certifying Authority for approval. The Plan shall include, but not be limited to, the following matters which are to be addressed by suitably qualified person(s):

1. **Hours of work** - which must be in accordance with the conditions of this approval;
2. **Contact details** of the site manager and all principle contractors;
3. **Traffic management** - which is to be developed in consultation with Council and State Transit and endorsed by Council's Traffic Committee, and is to include:
 - identification of a work zone;
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - number and frequency of vehicles accessing the site;
 - the times vehicles are likely to be accessing the site;
 - changes to on-street parking restrictions on local roads;
 - management of construction traffic and car parking demand including preparation and distribution of a Travel Access Guide; and
 - management of existing vehicular and pedestrian movements/routes around the site throughout the various stages of construction.
4. **Erosion and sediment control** – which is to identify appropriate measures to be installed during construction which shall be designed in accordance with in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom;
5. **Construction noise and vibration management** – which is to identify specific activities that will be carried out and associated noise sources, identify all potentially affected sensitive receivers, noise and vibration monitoring reporting and response procedures, description of specific mitigation treatments management measures and procedures to be implemented, and address any other relevant provisions of Australian Standard 2436-1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*;
6. **Construction waste management** – which is to identify options for minimising waste in construction; reuse and recycling of materials; the storage, control and removal of construction waste; and
7. **Dust control** – which is to provide measures to be implemented to prevent the movement of airborne particles from the site throughout the construction process, and the tracking of material from the site by trucks and other vehicles. This is to include the appropriate use of physically barriers and the dampening of exposed excavated surfaces. The storage and stockpiling areas for material is also to be detailed.

B3 Structural Details

Prior to the issue of a Construction Certificate, the proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:

1. The relevant clauses of the BCA,
2. The relevant approval,
3. Drawings and specifications comprising the Construction Certificate, and
4. The relevant Australian Standards listed in the BCA (Specification A1.3).

B4 Playground Equipment and Surfaces

All playground equipment and surfaces shall comply with Australian Standards AS 4685 Pts 1-6 *Playground Equipment* and AS4422 *Playground Surfaces*.

B5 Outdoor Lighting

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 2005 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the commencement of construction.

B6 Protection Of Trees During Construction

All trees to be retained on and adjacent to the site must be protected at all times during excavation and construction. Details of the methods of protection must be submitted to and approved by the Certifying Authority prior to the issue of the first Construction Certificate. All approved protection measures must be maintained for the duration of works and any tree which is damaged or removed during excavation or construction must be replaced.

B7 Long Service Levy

Prior to the issue of a Construction Certificate, evidence of the payment of the long service levy under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* must be provided to the Certifying Authority (or, where such a levy is payable by instalments, the first instalment of the levy).

B8 Stormwater & Drainage

Prior to the issue of a Construction Certificate the proponent shall submit to the Certifying Authority a Stormwater Drainage Plan for the relevant works for each Stage or sub-stage of development designed in accordance with Council's Private Stormwater Code including the following details:

- Connection to Council's underground drainage system;
- Layout of drainage system;
- On site stormwater detention;
- Absorption trenches;
- The floor level of all habitable and storage areas which shall be a minimum of 500 millimetres above the calculated 1 in 100 year flood level or suitably waterproofed up to this same level;
- The proposed internal driveways, carpark areas (and any other openings into the basement carparks or lower levels) must be designed with a high point of at least 300 mm above the determined 1 in 100 year flood level;
- Provision and maintenance of overland flow paths; and
- Design of siltation and sediment controls.

All approved details for the disposal of stormwater and drainage are to be implemented in the development.

B9 Sydney Water – Notice of Requirements

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Water Board (Corporatisation) Act 1994* (a Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate for the development.

The application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

B10 Flood study

The recommendations outlined in the detailed Darling Walk Flood Study prepared by Worley Parsons Resources and Energy and dated 18 June 2008 (as amended by addendums 1, 2, and 3) are to be reflected in the plans and documents and submitted to the Certifying Authority prior to issue of a Construction Certificate for building works.

B11 Compliance with BCA

Evidence demonstrating that the proposal complies with the BCA is to be provided to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B12 Water saving devices

Water saving devices shall be installed in all areas of the development to reduce water consumption and promote energy efficiency, and all new fixtures and fittings are to achieve the following WELS rating and performance:

- a. Hand wash basins rated to WELS 4 Star
- b. Sink taps rated to WELS 4 Star;
- c. Showerheads rated to WELS 4 Star;
- d. Dual flush toilets rated to WELS 4 Star;
- e. Urinals should be waterless or sensor rated to WELS 5 Star; and
- f. Dishwashers rated to WELS 4 Star.

Details of the above are to be included in the specifications which are to form part of the Construction Certificate.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 Site Notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- Be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted;
- Display project details including, but not limited to the details of the builder, PCA and structural engineer;
- Be durable and weatherproof;
- Display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- Be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

C2 Utility Services

To ensure that utility authorities are advised of the development:

1. A survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
2. Prior to the commencement of work the proponent is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the proponent.

C3 Notice of Commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a Notice of Commencement of Building or Subdivision Work form and Appointment of the Principal Certifying Authority form shall be submitted to Council.

C4 Contact Telephone Number

Prior to the commencement of the works, the proponent shall forward to the Department and Council a 24 hour telephone number to be operated and continually attended by a person with authority over the works for the duration of the construction works.

C5 Vehicle Cleansing

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site/associated with the construction of the development. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

C6 Barricade Permit

Where construction/building works require the use of a public place including a road or footpath, approval for a Permit is to be obtained from the relevant public authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant public authority prior to the commencement of works.

To ensure an appropriate presentation of the site to the public domain during the construction period, temporary artwork shall be provided along any hoarding or fence proposed to be erected around the subject site for the duration of construction works. The temporary artworks shall inform the general public about the proposed works being undertaken by the proponent, the site's history and heritage significance. No third party advertising is permitted to be displayed on the subject hoarding/fencing. The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

C7 Road/Asset Opening Permit

A Road / Asset Opening Permit must be obtained from the relevant public authority prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the subsequent Road/Asset Opening Permit must be complied with.

C8 Archaeological Investigation

A programme of archaeological investigation is to be undertaken prior to other site excavation works to discover, salvage and document any archaeological remains. Any discoveries should be adequately recorded in conformity with current Heritage Council guidelines. The investigation and salvage must be carried out at the earliest stage to avoid delay and disruption, should relics be found in later stages of work.

PART D—DURING CONSTRUCTION

D1 Hours of Construction Work and Noise

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

1. All excavation and construction work and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the approved development must only be carried out between the hours of:
 - a. 7.00 am and 7.00 pm on Mondays to Fridays,
 - b. 7.00 am and 5.00 pm on Saturdays, and
 - c. No work must be carried out on Sundays or public holidays.

Activities undertaken on site within the above construction hours shall be consistent with any requirements of the Construction and Traffic Management Plan prepared by Halcrow MWT, dated 25 June 2009.

2. All work, including excavation and construction work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
3. Noise and vibration emissions from equipment and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents or businesses and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.
4. Works may be undertaken outside these hours where:
 - a. The delivery of materials is required outside these hours by the Police or other authorities;
 - b. It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - c. The work is approved by the Director-General or his nominee.

D2 Lighting Of Site Outside Of Approved Construction Hours

Lighting of the site while any work is undertaken outside of the approved construction hours must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood. If injury is resulting from the illumination, the intensity, hours of illumination and location, the lighting must be varied so that it does not cause injury to nearby residents.

D3 Approved Plans to be On-Site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department or Council or the relevant Public Authority

D4 Covering of Loads

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

D5 Loading and Unloading

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

D6 Noise Control

Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times. The construction activities shall be undertaken in accordance with noise mitigation measures recommended in the Excavation/construction and Vibration Impact Statement prepared by Acoustic Logic Consultancy, dated 9 April 2009.

D7 Erosion and Sedimentation Control

Sediment controls are to be in place for the duration of the works to ensure that no sediment, fines, and like material can enter the waterway or drainage system. The proponent is to carry out works generally in accordance with the Construction Management Plan prepared by Bovis Lend Lease dated 2 June 2009, and controls are to be maintained throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

D8 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

1. Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions
2. Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
3. All materials shall be stored or stockpiled at the best locations
4. The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
5. All 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
6. All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
7. Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
8. Cleaning of footpaths and roadways shall be carried out regularly.

D9 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D10 Protection of Trees – Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

D11 Protection of Trees – On-site Trees

All trees on site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures to protect their root system, trunk and branches during construction.

D12 Work on Site to Cease

If any unidentified historical archaeological remains or deposits are exposed during the works, excavation is to cease immediately in the affected areas and the archaeologist is to undertake an evaluation of the potential extent and significance of such relics. The Heritage Council is to be notified at the earliest convenience of any remains/deposits are found, in accordance with section 146 of the *NSW Heritage Act 1977*.

D13 Stormwater Pits

Any existing stormwater pits that do not comply with AS 3500 will be upgraded as part of the development.

D14 External Works

Any external work carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application shall be lodged with Council or the proponent may use their own contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

D15 Construction Traffic

All excavation and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. No construction zone is permitted on Harbour Street.

D16 Pedestrian Access During Construction

Pedestrian access routes between the CBD and Darling Harbour are to be maintained throughout construction. Alternative routes, including those for people with a disability, shall be clearly identified and signposted for the duration of the works, and until such time as permanent accessible paths are provided.

D17 Directional Signage

Directional signage shall be modified as required to accommodate the altered pedestrian and vehicular movements within the area. Particular attention is to be paid to:

1. Wheelchair accessible paths of travel;
2. Safe road crossing areas including signalised and other designated crossings;
3. Key landmarks; and
4. Access to transport nodes including public transport.

D18 Standards and Codes

All building works shall be constructed in accordance with safe work practices and comply with the relevant Australian Standards, Codes of Practice and the BCA.

D19 WorkCover Requirements

To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant WorkCover requirements.

PART E—PRIOR TO OCCUPATION AND/OR COMMENCEMENT OF USE**E1 Occupation Certificate to be Submitted**

An Occupation Certificate must be obtained from the Certifying Authority prior to commencement of occupation or use of the whole or part of the Liverpool Street amenities building and the kiosk. A copy of the certificate shall be submitted to the Department.

E2 Completion of Public Domain, Bathurst Street Footbridge and Road Works

All landscaping and public domain works, augmentation to the Bathurst Street footbridge and road works to Harbour Street/Day Street are to be completed prior to occupation of the kiosk.

E3 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of the final Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council.

E4 Accessibility

Prior to issue of an Occupation Certificate, a certificate of compliance is to be prepared by an appropriately qualified person and submitted to the Certifying Authority confirming that the development complies with the recommendations in the Accessibility Report prepared by Morris Gooding Accessibility Consulting, dated 6 July 2009, and complies with the requirements for access by people with disabilities under the Building Code of Australia and the *Disability Discrimination Act 1992*.

E5 Sydney Water

A Compliance Certificate issued under Part 6, Division 9, section 73 of the *Water Board (Corporatisation) Act 1994* shall be submitted to the Certifying Authority prior to the issue of the Occupation Certificate for any Stage or sub-stage of the development.

E6 Waste Management

Prior to an Occupation Certificate being issued, the Certifying Authority must ensure that waste handling works have been completed in accordance with the Waste Management Plan prepared by Bovis Lend Lease and other relevant approval conditions.

E7 Food Premises

The construction, fit out and finishes or any proposed commercial food premises shall comply with Standard 3.2.3 of the *Australian and New Zealand Standards Food Code* under the *Food Act 2003*. All food preparation areas are to be inspected and certified by Council's Environmental Health Officers prior to use.

E8 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the proponent prior to the issue of the final Occupation Certificate for each Stage or sub-stage of development.

E9 Drainage Plan

Prior to the issuing of an Occupation Certificate for any development, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Certifying Authority.

PART F—POST OCCUPATION & ON GOING OPERATIONAL CONDITIONS

F1 Outdoor Lighting

Any outdoor lighting shall comply with, where relevant, *AS/NZ1158.3: 2005 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

F2 Noise Control – Operational

The use of the Darling Walk site shall not cause a nuisance, or an offensive noise as defined in the *Protection of the Environment Operations Act 1997*, to adjoining properties or the public.

F3 Noise Control – Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

1. Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
2. A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; and
3. Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00 am.

F4 Annual Fire Safety Certification

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

F5 Rainwater Re-Use System Cleaning

The rainwater re-use system tank is to be maintained and cleaned as follows:

- 3 monthly inspection after the initial 12 month defects period; and
- 12 months cleaning there after.

in accordance with the Risk Management measures outlined in the Rainwater Quality Report prepared by Warren Smith & Partners, dated 29 October 2009, this will be undertaken in a joint venture by the owner/operator Lend Lease and Sydney Harbour Foreshore Authority.

ADVISORY NOTES

AN1 Use of Mobile Cranes

The proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the proponent shall ensure the following matters are complied with:

1. 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:
 - a. at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions; and
 - b. at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
2. The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30 am without the prior approval of Council.

AN2 Movement of Trucks Transporting Waste Material

The proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN3 Disability Discrimination Act

This application is to comply with the *Disability Discrimination Act 1992*. The proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

AN4 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act 1997*, or exceed approved noise limits for the site.

AN5 Application for Hoardings and Scaffolding

A separate application may be required to Council for approval under section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place.

AN6 Temporary Structures

A Barricade/Hoarding Permit must be obtained prior to the commencement of construction works from the relevant Authority. The permit application must be supported by a report detailing compliance with the provisions of the Building Code of Australia. Structural certification from an appropriately qualified practicing structural engineer must also be submitted to the relevant Authority to certify the structural adequacy of the design of the temporary Barricades/Hoarding.

AN7 Cost of Signposting

All cost of signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the Proponent.

AN8 Sydney Water Infrastructure

The proponent is to fund any required adjustments to Sydney Water Infrastructure and engages a water servicing coordinator to get a section 73 certificate to manage the servicing aspects of the development.

SCHEDULE 3

MP 08_0093

PUBLIC DOMAIN WORKS

DARLING WALK, DARLING HARBOUR

PROPONENT'S STATEMENT OF COMMITMENTS

In response to the issues raised in the submissions and amendments to the Bathurst Street Pedestrian Bridge and the Children's Playground, the Statement of Commitments has been revised to clarify and strengthen the future planning and management actions. The final Statement of Commitments is set out below.

Construction Management

LLD commits to implementing the following plans during the construction phase:

- * Pedestrian and Traffic Management Plans
- * Noise and Vibration Management Plan
- * Sediment and Erosion Control Plan
- * Waste Management Plan

Archaeology

LLD commits to implementing the following during the construction of the public domain works:

- * Implementing the recommendations of the Casey & Lowe supplementary statements;
- * Implementing the recommendations included within the HIS by Tanner & Associates within their report (as included within the Project Application for the Buildings).

Archaeology Interpretation

- * Prior to the issue of a Construction Certificate for commencement of the Public Domain Works, an appropriately experienced and qualified heritage practitioner, or interpretation specialist in consultation with a heritage practitioner, will be engaged to prepare an Interpretation Plan for the site in accordance with the NSW Heritage Office Heritage Interpretation Policy. The plan will explore various cultural, social and environmental themes related to the site, including:
 - Barkers Mill
 - 1830s-1840s commercial growth
 - Warehousing sector
 - Darling Harbour as an international port
 - Darling Harbour Reborn
 - Darling Harbour and 2000 Olympic Games

BCA and Accessibility

- * The proposed works will comply with all relevant BCA requirements and Australian Standards.
- * LLD commit to implementing the recommendations within the Accessibility Report.

Stormwater Management and Water Re-Use

- » The stormwater management strategies outlined within Aspects report will be adopted and implemented.
- » Re-used rainwater is to be used for the water feature treatment system in the Civic Connector, the irrigation system and flushing of public toilets.
- » Domestic water is to be used for the water supply for the water play treatment system.
- » Risk management measures for the rainwater system are to be implemented in accordance with the WSP Rainwater Quality Report (**Attachment D**).

Flooding

- » Landscaping and Public Domain works are to be undertaken in accordance with the recommendations contained within Worley Parsons flood studies (included in Appendix K of the EAR).

Landscape and Public Domain

- » The proposed works are to be undertaken in accordance with the Aspect Landscape Masterplan and FJMT design statement and drawings.

Bathurst Street Pedestrian Bridge Augmentation Works

- » The Bathurst Street Pedestrian Bridge Works are to be augmented in accordance with the FJMT design statement and drawings.

Traffic

- » LLD commit to obtaining the appropriate Road Occupant Licence prior to the commencement of any works affecting Harbour Street.