

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF PROJECT APPLICATION

REDEVELOPMENT OF SYDNEY FISH MARKET

BANK STREET, BLACKWATTLE BAY, PYRMONT

(MP No. 10_0060)

The Planning Assessment Commission of New South Wales (the Commission), having considered all relevant matters prescribed under Section 75J(2) of the *Environmental Planning and Assessment Act 1979*, including those relevant matters prescribed by Section 75I(2) as contained in the Director General's Environmental Assessment report determine Major Project (MP10_0060) by **granting approval** to the Major Project described in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2, pursuant to Section 75J(1) of the *Environmental Planning and Assessment Act 1979*.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment, Preferred Project Report and the Proponent's revised Statement of Commitments (Appendix 1), subject to the conditions of approval in the attached Schedule 2.

The reason for the imposition of these conditions are:

- (1) To ensure the site is appropriately managed for the proposed use;
- (2) To adequately mitigate the environmental and construction impacts of the development;
- (3) To reasonably protect the amenity of the local area; and
- (4) To protect the public interest.



Member of the Commission



Member of the Commission

Member of the Commission

30th day May, 2011

Sydney

SCHEDULE 1

Application No.:	MP 10_0060
Proponent:	Conybeare Morrison International Pty Ltd/Reilly Design Group
Approval Authority:	Minister for Planning and Infrastructure
Land:	Sydney Fish Market, Bank Street Pyrmont Lots 1 and 2 in DP 125720; Lot 1 in 734622; Lot 1 in DP 836351; Part Lot 1 in DP 74155; Lot 2 in DP 827434; Lots 15,16,17,18,19 in DP 1027254 and Part of the land comprised in CT Vol. 5018 Fol. 1.
Project:	Redevelopment of Sydney Fish Market including: • demolition of existing buildings and structures within the project area; • Construction of a new four-storey building comprising retail and wholesale uses and car parking spaces; • Parking for 510 patron vehicles and 112 service vehicles across the site; • Construction of a new two-storey tavern with a restaurant and roof terrace; • Construction of a new foreshore urban plaza, waterfront promenade and boardwalk; and • Remediation of land; and • Provision of internal vehicle service roads and revised intersection at the Sydney Fish Market entry at Bank Street and Miller Street.

DEFINITIONS

Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval.
BCA	Building Code of Australia
PCA	Has the same meaning as Part 4A of the EP& A Act.
Construction	Any works, including earth and building works
Council	City of Sydney Council
CPI	Consumer Price Index
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure or its successors
Director General	Director General of the Department of Planning and Infrastructure, or nominee
EA	Environmental Assessment Report titled <i>Redevelopment of the Sydney Fish Market</i> prepared by Conybeare Morrison International, dated September 2010
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Gross Floor Area	Is as defined in Sydney LEP 2005 for Ultimo-Pyrmont
Minister	Minister for Planning and Infrastructure, or nominee

Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of Environment and Heritage or its successors (formerly referred to as DECCW)
PPR	Preferred Project Report titled <i>Redevelopment of the Sydney Fish Market</i> , prepared by JBA Planning, dated <i>December 2010</i>
Project	The project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.
Proponent	Conybeare Morrison International/Reilly Design Group , or anyone else entitled to act on this Approval
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
Statement of Commitments	The proponent's Statement of Commitments in Schedule 3.
Subject Site	Lots 1 and 2 in DP 125720; Lot 1 in 734622; Lot 1 in DP 836351; Part Lot 1 in DP74155; Lot 2 in DP 827434; Lots 15,16,17,18,19 in DP 1027254 and Part of the land comprised in CT Vol. 5018 Fol. 1
Total Floor Area	means the total of the areas of each floor of a building. The area of each such floor is taken to be the area within the outer face of the external enclosing walls, but excluding: (a) columns, fin walls, sun control devices, awnings and other elements, projections or works outside the general lines of the outer face of the external walls (other than balconies), and (b) ancillary car parking required by the consent authority and any associated internal vehicular and pedestrian access to that car parking, and (c) space for the loading and unloading of goods.

SCHEDULE 2

PART A1 - ADMINISTRATIVE CONDITIONS

A1 DEVELOPMENT DESCRIPTION

Except as amended by this approval, project approval is granted for the following:

- demolition of existing buildings and structures;
- piling and associated earthworks;
- remediation of land;
- construction of a new retail and wholesale building (Building A) comprised of:
 - 4,850m² of retail and wholesale floor space,
 - 3,044m² of restaurant and dining facilities;
 - 17,348m² car parking and related vehicle ramps;
- construction of a new two-storey retail, tavern and restaurant building (Building B) comprised of:
 - 1,038m² of retail floor space;
 - 490m² of restaurant and tavern facilities;
 - 548m² of outdoor dining space;
- provision of 622 on-site car parking spaces (510 car parking spaces and 112 service vehicle spaces) within the site's ground floor level, external areas, three levels of parking at Building A and the western side of Bank Street;
- 121 bicycle spaces (90 public spaces located at the pedestrian arrival forecourt (54) and adjacent to the foreshore urban plaza (36) and 31 staff spaces located at the Jones Street parking area (14) and the ground floor level service lane (17);
- pedestrian and cycle access and circulation arrangements;
- construction of public domain works including:
 - foreshore urban plaza;
 - pedestrian arrival forecourt;
 - pedestrian boardwalk and promenade; and
- restoration and reconstruction of the heritage sea wall.

Note: The application indicated that the project may be built in four stages, however the conditions do not refer to staging, to allow future flexibility in this regard. If the project is to be staged, separate Part 4A certificates may be issued for each stage. Some conditions need to be satisfied prior to the issue of the first Construction Certificate for above ground works.

A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

The development will be undertaken in accordance the following documents and plans:

Environmental Assessment Report titled <i>Redevelopment of the Sydney Fish Market</i> prepared by Conybeare Morrison International, dated September 2010			
Preferred Project Report titled <i>Redevelopment of the Sydney Fish Market</i> , prepared by JBA Planning, dated December 2010			
Architectural Plans prepared by Conybeare Morrison + Reilly Design.			
Landscaping Plans prepared by Context			
Drawing No.	Issue	Name of Plan	Date
ARCHITECTURAL PLANS			
10034 DA-001	I	Site Plan	10.03.2011
10034 DA-101	D	Ground Floor Plan	10.03.2011
10034 DA-102	D	Floor Plan Level 1	10.03.2011
10034 DA-103	D	Floor Plan Level 2	10.03.2011

10034 DA-104	D	Floor Plan Level 3	10.03.2011
10034 DA-201	D	Elevations	10.03.2011
10034 DA-202	D	Elevations	10.03.2011
10034 DA-301	D	Sections	10.03.2011
10034 DA-302	D	Sections	10.03.2011
10034 DA-081	D	Staging Site Plans	14.09.2010
10034 SK12	01	Public Domain Plan – Proposed Pedestrian Access	February 2011
10034 SK31	01	Public Domain Plan – Proposed Cycle Access	February 2011
10073		View of Eastern Façade of Proposed SFM Building	February 2010
LANDSCAPE PLANS			
10583 L_1001	D	Tree Inventory Plan	February 2011
10583 L_1002	D	Landscape Concept Plan	February 2011
10583 L_8001	D	Typical Landscape Details and Plant Images	February 2011

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and 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, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

A4 PRESCRIBED CONDITIONS

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the *Building Code of Australia* (BCA).

A5 LAPSING OF APPROVAL

Approval of the Project Application shall lapse 5 years after the determination date unless construction work authorised by this Project Approval has physically commenced.

A6 OTHER APPROVALS

The approval of Buildings A and B in no way implies approval for the following:

- (1) the internal fit-out of the wholesale spaces and retail units;
- (2) the internal fit-out and operation of the tavern and food premises; and
- (3) building identification signage and business identification signage.

Separate approval(s) must be obtained from the relevant authority for the above works and uses.

A7 DEMOLITION

The Proponent shall ensure that all demolition work is carried out in accordance with Australian Standard AS2601-2001: The Demolition of Structures, or its latest version.

A2- REMEDIATION CONDITIONS

A2(1) CONTAMINATION AND REMEDIAL ACTION PLAN

- (1) The Remedial Action Plan (RAP), prepared by Environmental Investigation Services dated August 2010, is to be submitted to and approved by an accredited site auditor, **prior to commencement of remediation works.**
- (2) The Section B Site Audit Statement, prepared by the NSW EPA accredited site auditor, must be submitted to the Council and the Director- General prior to the commencement of the relevant works. On completion of remediation, the requirements of clause 18 of SEPP 55 are to be complied with.

A2(2) REMEDIATION AND VALIDATION REPORT

Following the completion of remediation works on the site a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an EPA accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of *State Environmental Planning Policy No.55—Remediation of Land*, is to be submitted to the satisfaction of the Director-General, and a copy is to be provided to the Council.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE/S

B1 SECTION 94 CONTRIBUTIONS

For the total development, a contribution under Section 94 of the *Environmental Planning and Assessment Act 1979* must be paid, as follows:

- (1) Cash Contribution Required – in accordance with the adopted *Ultimo Pyrmont Contributions Plan 1994* a cash contribution must be paid to Council in accordance with this condition.
- (2) Amount of Contribution – the amount of the contribution is **\$506,707.34*** for the total development. The contribution will be indexed annually, see paragraph (6) below (*Note: this amount is based on the GFA calculations provided in Section 3.5 of the Proponent's Environmental Assessment Report. The final contribution amount is to be based on the final GFA of the development [Total GFA - existing GFA], as verified by the Proponent, to the satisfaction of the Director-General before payment).
- (3) Purposes for which Contribution Required – the contribution required, and must be held and applied in accordance with the Act and the *Ultimo Pyrmont Contributions Plan 1994*, for the purposes, and in the proportions, set out as follows:
 - (i) Open Space – 64%
 - (ii) Community Facilities – 9.5%
 - (iii) Roads and Associated Infrastructure – 26.2%
 - (iv) Administration – 0.3%
- (4) Certification of Contribution – certification of the Section 94 Contribution calculation, including verification of gross floor area and resident/worker population as applicable, and indexation of the contribution in accordance with the *Ultimo Pyrmont Contributions Plan 1994* must be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.
 - (i) If the Construction Certificate is to be issued by a private certifier, they must seek Council's endorsement of the calculation prior to its issue.
 - (ii) The certification setting out the staging of construction and contributions payable for all stages (if staged construction certificates are to be issued) must be submitted to the Council for verification **prior to the payment prior to release of the first construction certificate**.
- (5) Timing of Payment - the contribution must be paid to Council via cash, EFTPOS (debit card only) or bank cheque made payable to the City of Sydney (personal or company cheques will not be accepted) prior to the issue of the relevant Construction Certificate.
- (6) Indexing – the contribution rate in the *Ultimo Pyrmont Section 94 Contributions Plan 1994* will be adjusted in accordance with clause 19 of the Plan being not less than annually. If the contribution rate is adjusted between the date on which this approval is granted and payment of the contribution, then the figure in paragraph (2) to this condition will be indexed and calculated according to the then current contribution rate. Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

B2 AFFORDABLE HOUSING CONTRIBUTION – ULTIMO PYRMONT – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION

- (1) Pursuant to Sydney LEP 2005 and the adopted City West Affordable Housing program, the proponent must provide evidence to Council that a monetary contribution towards the provision of affordable housing has been paid prior to the issue of the relevant Construction Certificate.

- (2) The contribution for the total development is **\$167,197.58** (*Note: this amount is based on the application as originally lodged, but as there have been some amendment, the final contribution amount is to be based on the final total floor area of the development).
- (3) Bank cheques to the value of the required contribution are to be made in favour of 'City West Housing Pty Ltd' and paid to the Department. Contact the Housing Policy Team at the Department for further information and to arrange a time to make the payment.
- (4) Certification of the Affordable Housing Contribution calculations including verification of total floor area, prepared by a Quantity Surveyor, and indexation of the contribution in accordance with the Affordable Housing program, must be submitted to and by Council prior to the issue of the relevant Construction Certificate.
- (5) The certification setting out the staging of construction and contributions payable for all stages (if staged construction certificates are to be issued) must be submitted to the Council for verification **prior to the payment prior to release of the first construction.**
- (6) If the Construction Certificate is to be issued by a private certifying authority, they must seek Council's endorsement of the calculation prior to the issue of the relevant Construction Certificate.
- (7) If the contribution is paid after 30 June of the year in which consent is granted, the amount of the contribution must be indexed in accordance with the adopted City West Affordable Housing Program.

B3 BUILDING A - DETAILS OF ARCHITECTURAL TREATMENT, COLOURS, MATERIALS AND FINISHES

Prior to the issue of the **first** Construction Certificate for **Building A**, the final design details of the eastern façade of Building A including architectural treatment and proposed external materials and finishes, schedules and a sample board of materials and colours, shall be submitted to and approved by the Director-General.

B4 STRUCTURAL DETAILS

Prior to the issue of a the relevant 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 project approval,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

B5 TEMPORARY GROUND ANCHORS, SHORING AND PERMANENT BASEMENT RETAINING WALLS AFFECTING THE ROAD RESERVE

- (1) For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the *Roads Act 1993* must be lodged with the relevant road authority.
- (2) For new permanent basement wall/s or other ground retaining elements (not being anchors projecting under the road reserve):-
- (3) Prior to the relevant Construction Certificate being issued, the following documents must be submitted to the certifying authority and a copy to the relevant road authority:
 - (a) Dilapidation Report of adjoining buildings/structures;
 - (b) Evidence that public utility services have been investigated;
- (4) If adjoining a Public Way:

- (c) Evidence of a \$10 million dollar public liability insurance policy specifically indemnifying the relevant road authority, valid for at least the duration of the project. The original document must be submitted to the relevant road authority; and
- (d) a bank guarantee in accordance with the relevant road authorities' fees and charges. The original document must be submitted to relevant road authority.

B6 EXCAVATION NEAR RTA LAND

- (1) The proponent shall submit detailed design drawings and geotechnical reports relating to any excavation of the site and support structures to the RTA for assessment prior to the issue of the relevant Construction Certificate. The proponent will meet the full cost of the assessment by the RTA.
- (2) The report will address:
 - (a) The impact of excavation/rock anchors on the stability of Pyrmont Bridge Road and the Western Distributor and details how the carriageway would be monitored for settlement;
 - (b) The impact of any excavation on the structural stability of Pyrmont Bridge Road and the Western Distributor; and
 - (c) Any other issues that may need to be addressed.

B7 ROAD AND FOOTWAY WIDTH

The road widths and footways for Bank Street and Jones Street are to be designed to integrate with the configuration of the existing sections of road. Details must be submitted to the relevant road authority prior to the issue of the relevant Construction Certificate.

B8 ROAD DESIGN

- (1) Detailed design and construction documentation of the relevant roads and footways must be prepared by a suitably qualified practising professional Civil Engineer; and where Council is the relevant road authority, the documentation is to be in accordance with the Councils 'Development Specification for Civil Works'.
- (2) The documentation is to be submitted to and approved by the relevant road authority prior to the relevant Construction Certificate being issued. Documentation shall include but not be limited to the following:
 - (a) General plan and typical cross sections showing road, and footway widths and levels, pavement configuration, batter slopes, retaining walls, kerb and gutter details.
 - (b) Design of pavement structure, including types of materials and layer thickness, kerb and gutter details.
 - (c) Detailed design documentation of how the road pavement and footways match into the existing public domain.
 - (d) Stormwater drainage works plan, schedule of drainage elements including pipes and pits, drainage profiles and longitudinal sections.
- (3) The works are to be completed in accordance with the approved plan.

B9 INTERSECTION OF MILLER AND BANK STREETS (TCS 3230)

Prior to the issue of the **first** Construction Certificate for above ground works, the proponent must enter into a Works Authorisation Deed (WAD) for the proposed traffic signal and civil works. The WAD will need to be executed prior to the RTA's assessment of the detailed traffic signal design plans. The first Construction Certificate shall not be issued until such time as the WAD is executed. The final design of the traffic signal arrangement at the intersection is to be designed in agreement between the City of Sydney Traffic Unit and the RTA.

B10 ALIGNMENT LEVELS

Prior to the **first** Construction Certificate for above ground works being issued, footpath alignment levels for the development must be submitted to the certifying authority. This submission must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels of 10m cross sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.

These alignment levels are then to be incorporated into the plans submitted with the application for the relevant Construction Certificate.

B11 CHANGES TO KERBSIDE PARKING RESTRICTIONS

Prior to the issue of the relevant Construction Certificate, a separate submission must be made to the relevant road authority for approval for any changes to kerbside parking arrangements.

B12 SIGNPOSTING AND ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system, footway and signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

B13 CAR PARKING SPACES AND DIMENSIONS

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 – 2004 Parking Facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the certifying authority prior the issue of the relevant Construction Certificate.

B14 FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage bank Guarantee calculated in the basis of an area of 2400sqm of asphalt and concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to the issue of each relevant Construction Certificate.

B15 REFLECTIVITY

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as to minimise glare. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the certifying authority prior to the issue of the relevant Construction Certificate.

B16 OUTDOOR LIGHTING

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *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 issue of the relevant Construction Certificate.

B17 DISABLED ACCESS

Access and facilities for people with disabilities shall be designed in accordance with Part D3 of the BCA's Access Policy. The public domain elements must be designed and constructed to provide access to facilities for people with a disability in accordance with the BCA and relevant Australian Standards (including amendments). Full details of paths, proposed handrails, tactile ground indicators, ramps and a certificate certifying compliance with this condition from an appropriately qualified person are to be submitted to the certifying authority demonstrating compliance with the BCA and relevant Australian Standards prior to the relevant Construction Certificate being issued.

B18 PRE-CONSTRUCTION DILAPIDATION REPORTS

The Proponent is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all adjacent infrastructure and roads. The report shall be submitted to the satisfaction of the certifying authority prior to the issue of the relevant Construction Certificate. A copy of the report is to be forwarded to the Director-General and the Council.

B19 STORMWATER AND DRAINAGE

- (1) Prior to the **first** Construction Certificate being issued, details of any proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention (if required) and details of the provision and maintenance of overland flow paths must be submitted to the certifying authority. All details for the disposal of stormwater and drainage are to be implemented in the development.
- (2) Any proposed connection to the Council's or Sydney Water's underground drainage system will require the owner to enter into a Deed of Agreement, if required, with the Council or Sydney Water prior to the commencement of any relevant work within the public way.
- (3) The requirements of Sydney Water with regard to the on site detention of stormwater, if required, must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention, if required, must be submitted prior to the relevant Construction Certificate being issued.
- (4) Where relevant, an "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

B20 OPERATIONAL NOISE MANAGEMENT

The development shall be designed and constructed to include the recommendations detailed in section 5.3.1 (Mitigation) of the noise assessment dated August 2010 prepared by Wilkinson Murray. The certifying authority is to ensure that a statement from an accredited acoustic consultant certifying that the acoustic mitigation measures outlined in section 5.3.1 and the predicted noise levels for the use of the premises detailed in the Wilkinson Murray noise assessment dated August 2010 have been incorporated into the relevant construction certificate.

B21 CONSTRUCTION TRAFFIC MANAGEMENT PLAN

Prior to the issue of the **first** Construction Certificate, an updated Construction Traffic Management Plan is required to adequately address the internal management of vehicles within the site to avoid conflicts between pedestrians and public vehicle movements. The Construction Traffic Management

Plan must be prepared in consultation with the RTA and Council, and approved by the Director General.

B22 **NUMBER OF SPACES**

The number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the certifying authority prior to the issue of the relevant Construction Certificate.

Car parking allocation	Number
Car Parking Spaces	510, of which 10 are to be for persons with a disability (2%)
Service Vehicle Parking Spaces	112
Bicycle spaces	121, comprising 90 for public use and 31 for staff use

B23 **SYDNEY WATER**

Prior to the issue of the relevant Construction Certificate, a Notice of Requirements under Part 6, Division 9 of the *Sydney Water Act 1994* shall be obtained and a copy must be submitted to the certifying authority.

B24 **STORAGE AND HANDLING OF WASTE**

The design and management of facilities for the storage and handling of operational waste must comply with the requirements of City of Sydney Development Control Plan. Details are to be submitted to the satisfaction of the certifying authority prior to the issue of the relevant Construction Certificate.

B25 **FINAL PUBLIC DOMAIN PLAN**

- (1) A Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be prepared in consultation with Council's Public Domain Section and approved by the Director-General prior to the **first** Construction Certificate.
- (2) The Public Domain Plan is to detail the proposed integration and links with the surrounding area, including links to Wentworth Park, the light rail stop on Bank Street, the Jacksons Landing development and the greater Pyrmont suburb.

B26 **TREE MANAGEMENT PLAN**

A Tree Management Plan (TMP) is to be prepared in consultation with Council by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework. The TMP is to be submitted to the Director-General for approval, prior to the issue of the **first** Construction Certificate.

B27 **LANDSCAPE PLAN**

An amended Landscape Plan for Jones Street and Bank Street is to be submitted showing the details of the design amendments, and include statements on the soil treatment and soil volumes, species selection and any infrastructure (e.g. tree vaults / grates) required to ensure the establishment of trees in this high-profile location. A maintenance plan is also to be prepared. The details must be reviewed by a Consultant Arborist (AQF5) and approved by Council prior to the issue of the relevant Construction Certificate.

B28 DRIVEWAY CROSSOVERS

All driveway crossovers, including those for service vehicles, must be designed in accordance with the Sydney Streets Design Code. All crossovers should be designed to give pedestrians priority and with no grade change for pedestrians.

B29 INTERSECTION OF PYRMONT BRIDGE ROAD, WESTERN DISTRIBUTOR AND BANK STREET (TCS 230)

The proponent must provide the RTA with amended traffic modelling information outlining changes to the traffic phasing at the intersection of Pyrmont Bridge Road, the Western Distributor and Bank Street. The details must be submitted to and approved by the RTA prior to the issue of the **first** Construction Certificate.

B30 GREYWATER TREATMENT PLANT

Prior to the issue of the **first** Construction Certificate, a detailed design of the greywater treatment system shall be submitted to and approved by the certifying authority.

B31 DESIGN OF CYCLEWAY

All cycle routes shall be constructed in accordance with the *City of Sydney Cycle Strategy and Action Plan 2007-2017*. All cycleway installations shall be approved by the Council's cycleway design team and the Sydney Traffic Committee prior to the issue of the first Construction Certificate.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of works, the Proponent must prepare a Construction Environmental Management Plan (CEMP). The CEMP is to be submitted to the Director-General for approval prior to commencement.

C2 EROSION AND SEDIMENTATION CONTROL

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom*. Details are to be submitted to the certifying authority prior to construction and are to remain in place for the duration of works on site.

C3 WASTE MANAGEMENT DURING CONSTRUCTION

A Waste Management Plan prepared by a suitably qualified person shall be submitted to and approved by the certifying authority.

C4 GEOTECHNICAL REPORTS

Prior to the commencement of any drilling/piling works on site, the proponent shall submit to the certifying authority, the results of a detailed geotechnical investigation on the site. The report is to address such matters as:

- (a) appropriate drilling methods and techniques
- (b) vibration management and monitoring
- (c) dilapidation survey
- (d) support and retention of excavated faces
- (e) hydrogeological considerations

The recommendations of the report are to be implemented during the course of the works.

C5 UTILITY SERVICES

Prior to commencement of work, the location of utility services must be fully surveyed and the requirements of the relevant public utility authority complied with; and the following documents must be submitted to and approved by the certifying authority and a copy to the relevant road authority:

- (1) Structural drawings and certification as prescribed elsewhere in this approval; and
- (2) Geotechnical report and certification as prescribed elsewhere in this approval.

C6 NOISE MANAGEMENT AND VIBRATION MANAGEMENT PLAN

A noise and vibration management plan shall be submitted to the certifying authority for approval prior to any work commencing on site and shall be complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

C7 *ARCHAEOLOGICAL INVESTIGATIONS*

- (1) Prior to the commencement of works the Proponent shall undertake a professional archaeological investigation program to allow any significant archaeological heritage resource (terrestrial or maritime) and remnant built fabric elements to be accurately identified and protected during the works from unnecessary damage. The methodology for the archaeological investigation program shall be submitted to the Office of Environment and Heritage for approval prior to the commencement of investigations.
- (2) The results of the archaeological investigation program shall include, but not necessarily be limited to:
 - (a) consideration of measures to avoid or minimise disturbance to archaeology, where archaeology of historical archaeological significance is found to be present;
 - (b) where it cannot be avoided, recommendations for any further investigations for archaeology of historical archaeological significance;
 - (c) management and mitigation measures to ensure there are no additional impacts due to pre-construction and construction activities.
- (3) The results of the archaeological investigation program shall be submitted for the approval of the Office of Environment and Heritage one month prior to the commencement of pre-construction and construction activities affecting significant archaeology.
- (4) Where areas of historical archaeological significance will be affected by the construction works, these areas are to be subject to a professional archaeological excavation programme and/or recording. A Research Design including an Archaeological Excavation Methodology must be prepared in accordance with Heritage Council guidelines. These are to be prepared to the satisfaction of the Office of Environment and Heritage.

C8 *ARCHAEOLOGICAL REPORTING*

- (1) After archaeological works are undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Department of Planning and Infrastructure, the Office of Environment and Heritage and the City of Sydney Library. The proponent shall also be required to nominate a repository for the relics salvaged from the historical archaeological excavations.
- (2) The information within the final excavation report shall be required to include the following:
 - (a) An executive summary of the archaeological programme;
 - (b) Due credit to the client paying for the excavation, on the title page;
 - (c) An accurate site location and site plan (with scale and north arrow);
 - (d) Historical research, references, and bibliography;
 - (e) Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
 - (f) Detailed response to research questions (at minimum those stated in the approved Research Design);
 - (g) Conclusions from the archaeological programme.
- (2) Details of how this information about the excavations has been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the sites).

C9 INTERPRETATION STRATEGY

An Interpretation Strategy shall be prepared and implemented to incorporate the findings from the archaeological works. A final plan which includes specific detail regarding the design, locations; media; devices and messages which are proposed to be used at the site should be submitted for the approval of the Director-General. The Plan must be prepared in consultation with a materials conservator and an archaeologist in order to ensure that physical conservation needs of the archaeology are adequately reflected in final proposals.

C10 NOTICE TO BE GIVEN PRIOR TO WORKS

The certifying authority and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

C11 CONTACT TELEPHONE NUMBER

Prior to the commencement of the works, the Proponent shall forward to Council a 24 hour telephone number to be operated for the duration of the construction works.

C12 REMOVAL OF HAZARDOUS MATERIALS

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the certifying authority prior to the removal of any hazardous materials.

C13 SITE AUDIT

Prior to the commencement of building works, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site and shall be submitted to the certifying authority.

C14 COMPLIANCE REPORT

Prior to the commencement of works, the Proponent, or any party acting upon this approval, shall submit to the certifying authority a report addressing compliance with all relevant conditions of this Part.

C15 HOARDINGS

- (1) A separate application under Section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public place and such application is to include:
 - (a) Architectural, construction and structural details of the design as well as proposed artwork.
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural engineer.
- (2) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

C16 BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from the relevant road 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 road authority.

C17 SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

- (1) Compelling drivers to stop before proceeding onto the public way;
- (2) Compelling drivers to “Give Way to Pedestrians” before crossing the footway; or compelling drivers to “Give Way to Pedestrians and Bicycles” before crossing a footway on an existing or identified shared path route.

C18 VEHICLE ACCESS

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

C19 LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (1) All loading and unloading associated with construction activity must be accommodated on site.
- (2) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to the commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site and such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (3) In addition to any works zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (4) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

C20 BOARDWALK DESIGN

The design of the boardwalk shall be carried out in accordance with NSW Maritime’s *Engineering Standards and Guidelines for Maritime Structures* and the relevant Australian Standards. The design shall be undertaken by a practicing Civil Engineer qualified for corporate membership to the Institution of Engineers Australia. Details verifying compliance with NSW Maritime’s *Engineering Standards and Guidelines for Maritime Structures* and the relevant Australian Standards prior to the issue of the relevant Construction Certificate.

PART D - DURING CONSTRUCTION

D1 HOURS OF WORK

- (1) The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:
 - (a) between 7:30 am and 5:30 pm, Mondays to Fridays inclusive;
 - (b) between 7:30 am and 3:30 pm, Saturdays;
 - (c) no work is to take place on Sundays and public holidays.
- (2) Work outside these hours are not permitted except as explicitly specified below or in other conditions and include:
 - (a) the delivery of materials which is required outside these hours as requested by Police or other authorities for safety reasons;
 - (b) emergency work to avoid the loss of lives, damage to property and/or to prevent environmental harm.

D2 EROSION AND SEDIMENT CONTROL

All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D3 DISPOSAL OF SEEPAGE AND RAINWATER

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 the relevant authority.

D4 APPROVED PLANS TO BE ON SITE

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

D5 SITE NOTICE

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, certifying authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) 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
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D6 CONTACT TELEPHONE NUMBER

The Proponent shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D7 EXTERNAL LIGHTING

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Proponent shall submit to the approval authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D8 PROTECTION OF STREET TREES

All street trees shall be protected at all times during construction. In the event that any tree on the footpath is damaged or removed during construction it shall be replaced to the satisfaction of the relevant authority.

D9 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.

D10 VIBRATION CRITERIA

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6841-1:2005 Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

D11 WASTE

The Proponent must ensure that all waste generated on site during construction and operation is classified in accordance with OEH's *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* and disposed of to a facility that may lawfully accept waste.

D12 WASTE MANAGEMENT PLAN

For the duration of the works waste must be managed in accordance with the approved Waste Management Plan.

D13 RECYCLING OF CONCRETE

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the certifying authority.

D14 NO OBSTRUCTION OF PUBLIC WAY

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

D15 COMPLIANCE REPORT

The Proponent, or any party acting upon this approval, shall, for the duration of construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of this Part.

D16 ACID SULPHATE SOIL MANAGEMENT PLAN (ASSMP)

The certifying authority shall ensure that the recommendations detailed in the ASSMP dated August 2010 and prepared by Environmental Investigation Services are implemented during construction works.

D17 ACCESS TO SEA WALL

The Proponent, or any party acting upon this approval, shall, for the duration of construction period, ensure that the westerly sea wall adjoining the future Blackwattle Bay Marina site is not obstructed by any materials, vehicles, refuse or the like under any circumstances.

D18 CONSTRUCTION VESSEL MANAGEMENT

Construction vessels (including barges) shall not access the site unless there is a minimum clearance of 600mm between the underside of the vessel and the bed of Blackwattle Bay.

PART E - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 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 any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the certifying authority.

E2 MECHANICAL VENTILATION

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the certifying authority, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development approval and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

E3 STRUCTURAL INSPECTION CERTIFICATE

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the certifying authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the Department and the Council after:

- (a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E4 NOISE ASSESSMENT

The development shall be designed and constructed to include the recommendations detailed in section 5.3.1 (Mitigation) of the noise assessment dated August 2010 prepared by Wilkinson Murray. The certifying authority shall ensure that a statement from an accredited acoustic consultant certifying that the acoustic mitigation measures outlined in section 5.3.1 and the predicted noise levels for the use of the premises detailed in the Wilkinson Murray noise assessment dated August 2010 have been satisfied before the Occupation Certificate is issued.

E5 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/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

E6 SYDNEY WATER

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site www.sydneywater.com.au then follow the “e-Developer” icon or telephone 13 20 92 for assistance.
- (2) 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.
- (3) The Section 73 Certificate must be submitted to the certifying authority prior to occupation of the development.

E7 POST CONSTRUCTION DILAPIDATION REPORT

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure or roads.
- (2) The report is to be submitted to the certifying authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the certifying authority must:
 - (a) *compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B17, and*
 - (b) *have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.*
- (3) A copy of this report is to be forwarded to the Director-General and Council.

E8 OPERATIONAL TRAFFIC MANAGEMENT PLAN

Prior to the issue of the **first** Occupation Certificate an Operational Traffic Management Plan (OTMP) must be prepared in consultation with Council and the RTA and approved by the Director-General. The OTMP must include details of traffic access and management arrangements during peak periods, including methods of minimising loading dock use during periods of high car parking demand.

E9 OPERATIONAL WASTE MANAGEMENT PLAN

Prior to the issue of an Occupation Certificate an Operational Waste Management Plan (OWMP) must be prepared in consultation with Council and approved by the Director-General. The OWMP must include, but not be limited to, details of the management of organic fish waste, trade waste and recycling facilities demonstrating a commitment to the sustainable management of waste.

E10 WORKPLACE TRAVEL PLAN

Prior to the issue of an Occupation Certificate a Work Place Travel Plan shall be prepared in consultation with Transport NSW and approved by the Director-General.

E11 CAR PARK MANAGEMENT PLAN

Prior to the operation of the car park, the Proponent shall prepare a Car Park Management Plan to be submitted to Council for review and to the Director-General for approval prior to the issue of the first Occupation Certificate for Building A. The Car Park Management Plan must:

Provide details on the hours of operation of the car park;
Detail all proposed fee structures; and
Provide details on the ongoing use and management of the car park”.

Note: The proposed fee structure should be designed to discourage commuter car parking

PART F - POST OCCUPATION

F1 ANNUAL FIRE SAFETY CERTIFICATION

The owner of the building shall certify to Council every year 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. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

F2 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 and must not obstruct other properties/units or the public way.

F3 UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

F4 DISABLED CAR PARKING SPACES

At all times disabled car parking spaces shall be provided for persons with a disability. At no time shall the Proponent or anyone acting on this approval, lease or sublease for use a disabled car parking space unless it is for a person with a disability.

Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably undercover.

F5 HOURS OF OPERATION

The hours of operation for the tavern and restaurants shall be determined by the relevant consent authority as part of the separate fit-out development applications.

F6 NOISE – GENERAL

- (1) The $L_{Aeq\ 15\ minutes}$ noise level emitted from the use may not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 7.00 am and 12.00am when assessed against at the boundary of any affected receiver. The background noise level must be measured in the absence of noise emitted from the use in accordance with the Australian Standard AS 1055.
- (2) The $L_{Aeq\ 15\ minutes}$ noise level emitted from the use may not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00am and 7.00 am when assessed against at the boundary of any affected receiver. The background noise level must be measured in the absence of noise emitted from the use in accordance with the Australian Standard AS 1055.
- (3) The use of the premises must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.

F7 NOISE CONTROL – PLANT AND EQUIPMENT

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

- (1) *transmission* of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
- (2) a sound pressure level at the boundary of any affected receiver that exceeds the background ($L_{A90, 15\text{minutes}}$) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

Note: The method of assessment of vibration being carried out in accordance with “Assessing Vibration; Technical Guidelines” – DEC (EPA) AS1055 for sound level measurements.

F8 STORAGE AND HANDLING OF WASTE

The storage and handling of waste associated with the premises must comply with City of Sydney Council’s Code for Waste Handling in Buildings. All refuse collection or loading operations, including the movement of garbage receptacles must take place on a level surface remote from gradients, ramps and steps. No waste shall be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

F9 WATER RATINGS

All water fixtures installed within the premises are to have an AAA water rating or more. The Proponent shall submit to the certifying authority a statement demonstrating compliance with the requirements of this condition.

F10 RESTORATION OF PUBLIC WAY

- (1) Prior to issue of the **final** Occupation Certificate, the certifying authority must receive written and photographic confirmation that the restoration of the public way has been completed in accordance with the following:
 - (a) All ground anchors must be de-stressed and isolated from the building prior to completion of the project;
 - (b) The temporary structure, including foundation blocks, anchors and piers must be removed above and below the public way, prior to completion of project, down to a depth of 2m;
 - (c) All timber must be removed; and
 - (d) All voids must be backfilled with stabilised sand (14 parts sand to 1 part cement).
- (2) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land approved for works under this approval.
- (3) The Bank Guarantee may be released after the Civil Engineer submits certification to the PCA and the relevant road authority that all the works described above have been completed and that there is no remaining instability, damage or unevenness to the public domain as a result of the development. This certification is to include relevant photographs and must be to the satisfaction of the road authority

ADVISORY NOTES

AN1 FURTHER APPROVALS

The following shall be subject of separate development applications to Council under Part 4 of the Act (except where exempt and complying development applies):

- (1) Shop fit-out and hours of operation; and
- (2) The operation of the paid car park in Building A. The application should include information regarding the hours of operation of the car park, a parking pricing structure and the operational details of any sensory guidance system proposed to assist circulation and prevent queuing on site.

AN2 SYDNEY WATER

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the *Sydney Water Act, 1994* (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 a Construction Certificate. The Section 73 Certificate shall be submitted to the certifying authority prior to the occupation of the development or release of the linen plan.

AN3 REQUIREMENTS OF PUBLIC AUTHORITIES

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the certifying authority prior to the issue of the Construction Certificate.

AN4 COMPLIANCE WITH BCA

The Proponent is advised to consult with the certifying authority about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN5 STRUCTURAL CAPABILITY FOR STRUCTURES

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN6 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 following matters shall be complied with to the satisfaction of the certifying authority:

- (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 7.00am without the prior approval of the relevant authority.

AN7 MOVEMENT OF TRUCKS

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.

AN8 CONSTRUCTION INSPECTIONS

Compliance certificate/s shall be issued by the certifying authority and submitted to Council in accordance with the mandatory inspection requirements of the Building Legislation Amendment—Quality of Construction Act, 2002 for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

AN9 NOISE GENERATION

Any noise generated during the construction of the development shall not exceed 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.

AN10 STREET NUMBERING

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy for street numbering, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers is required, a separate application shall be made to Council.

AN1 1 DISABILITY DISCRIMINATION ACT

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies 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.

AN12 ROADS ACT 1993

A separate application shall be made to the roads authority (RTA or Council) for approval under Section 138 of the *Roads Act, 1993* to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or

- (3) remove or interfere with a structure, work or tree on a public road, or
- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

AN13 ASBESTOS REMOVAL

All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

AN14 ROAD CLOSURE

A temporary road closure permit is to be obtained by Council and/or RTA prior to the closure of any roads.

SCHEDULE 3

PROPONENT'S STATEMENT OF COMMITMENTS

In accordance with Part 3A of the Environmental Planning and Assessment Act 1979, the following are the commitments made by Conybeare Morrison Pty Ltd on behalf of Sydney Fish Market Pty Ltd to manage and minimise potential impacts arising from the development.

3.0 Statement of Commitments

In accordance with Part 3A of the *Environmental Planning and Assessment Act 1979*, the following are commitments to be made by the Sydney Fish Market Pty Ltd for environmental management and mitigation measures on the site arising from the development proposal.

3.1 Traffic impacts and submissions to the RTA

An independent Stage 2 Road Safety Audit shall be undertaken on the proposed entry/ exit intersection to the SFM and Hymix sites.

Layout of car parking areas, internal roads, service and loading areas will be designed in accordance with AS 2890.1-2004: *Parking facilities – Off-street parking* and AS2890.2-2002: *Parking facilities – Off-street commercial vehicle facilities*.

The implementation of sensory "Parking Guidance System" throughout the internal car parking areas to guide traffic circulation and prevent residual queuing in parking areas shall be development in consultation with the SFM parking operator.

Detailed design and submissions for the approval of the RTA of the following:

- Post development stormwater discharge from the subject site into the RTA drainage system shall not exceed the existing development discharge.
- Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted, prior to the commencement of any works.
- Submission of detailed design drawings and geotechnical reports relating to any excavation of the site and support structures, prior to the approval of any Construction Certificate. The developer shall meet the full cost of the assessment by the RTA. The report would address the key issues of:
 - Impact of excavation/ rock anchors on the stability of Pymont Bridge Road and the Western Distributor and details on how the carriageway would be monitored for settlement;
 - Impact of any excavation on the structural stability of the Pymont Bridge Road and the Western Distributor.
- Responsibility for all public utility adjustment/ relocation works, necessitated by the above work and as required by the various public utility authorities and/ or their agents.

Ensure compliance of the following:

- Provision of maintenance access to the viaduct structures at all times for the RTA. Construction equipment shall be kept clear of the viaduct structures at all times and no permanent structures which may impede this access are to be erected within Lot 17 DP 1027254.
- All works/ regulatory signposted associated with the proposed development shall be at no cost to the RTA.

Preparation of a Workplace Travel Plan and Travel Access Guide, as required.

3.2 Remediation Action Plan

Remediation works will be undertaken to make the site suitable for its proposed uses.

The proposed site remediation for the SFM site and the Foreshore Area includes a combination of strategies comprising:

- Removal of the suspected underground storage tanks (USTs) identified during the EIS investigations;
- Excavation and off-site disposal of the worst of the contaminated soil where practical (based on contaminant concentrations and the potential for the contaminants to impact on the groundwater system);
- Cap and contain the remainder of the contaminated soil;
- On-going monitoring of the groundwater conditions; and
- Management of the site via the implementation of an environmental management plan (EMP).

Prior to commencement of the proposed remediation works, an Occupational Health and Safety Plan will be prepared for the contaminants that are present at the site.

Environmental personnel should be present during removal of any tanks and associated pipe work to access the excavation and provide advice on the removal of any impacted soil in the vicinity of the subsurface facilities.

Following remediation and validation assessment of the remediation works, an Environmental Management Plan (EMP) will be prepared for any contaminants remaining on the site.

The Remediation Action Plan (RAP) will be reviewed by a NSW EPA accredited site auditor in relation to the remediation of the site, with a Site Audit Statement provided certifying that the RAP can be implemented and the site can be made suitable for its proposed use after remediation.

3.3 Landscaping

A Tree Management Plan will be prepared by a qualified Consultant Arborist with tree protection measures to minimise any potential impacts by the development on the trees proposed to be retained. The Tree Management Plan will be prepared and submitted to the City of Sydney Council and the Department of Planning for approval. The Tree Management Plan is to ensure all trees recommended for retention are protected in accordance with AS 4970: *Protection of Trees on Development Sites*, prior to the commencement of construction works.

The Tree Management Plan should include the following:

- Assessment of the potential impact of the proposed development on existing trees to be retained, including any proposed incursions to the canopy and/ or root zone – including as part of the construction methodology;
- Recommendation of modifications to the design or construction methods where appropriate to minimise adverse impact on trees considered worthy of preservation, including setbacks or other measures to avoid adverse impact;

- Preparation of a plan indicating trees to be removed and retained, with their respective identification number based on the site survey;
- A Plan of Management for transplantation for existing trees to be transplanted; and
- Involvement of the Arborist's during the works.

3.4 Public domain

Detailed design, documentation and construction of the public domain will be in accordance with relevant Australian Standards and the following City of Sydney Council policies:

- *City of Sydney's Public Domain Manual*
- *Sydney Streets Design Code*
- *Sydney Streets Lighting Policy*

3.5 Heritage and archaeology

To effectively manage any impacts on non indigenous and aboriginal archaeological potential of the area in accordance with the *NSW Heritage Act 1977* and *National Parks and Wildlife Act 1974*, the following measures can be undertaken:

- A program of archaeological investigation and an excavation director appointed to manage the program.
- A Research, Design and Management Strategy report to guide this investigation, drawing on a range of Heritage Council guidelines.
- Testing of areas of impact within the study area to determine the nature and depth of archaeological remains and to assist the development of an archaeological management strategy.
- A program of archaeological salvage and recording to include sampling sections of the site, with:
 - Record of any evidence of 19th century maritime infrastructure, stores and reclamation including features such as drains and culverts, jetties, piers, sea walls and piling and evidence of early industrial buildings particularly those associated with early industry including the timber industry, shipwrights workshops, sandstone quarrying, ironworks, oil works and the cooperage;
 - Investigation of the nature of the area's reclamation fills throughout the study area;
 - Investigation of early topography and natural landform and its modification through time; and
 - Recording of any subsurface archaeological deposits containing Aboriginal artefact scatters and/ or middens located within the portion near the original shoreline.
- Archaeological sampling and recording according to Heritage Branch, Department of Planning guidelines and best practice archaeological methodologies. The program of Aboriginal sub-surface testing should be undertaken in partnership with the Metropolitan Local Aboriginal Land Council.
- Application for a Care Agreement with the Department of Environment, Climate Change and Water by the Metropolitan Local Aboriginal Land Council should apply for a Care Agreement with the Department of Environment, Climate Change

and Water, should any Aboriginal "objects" (as defined under the *National Parks and Wildlife Act 1974*) be located during the course of the testing program, to enable keeping of the objects.

- Keeping of a repository for any artefacts recovered on site.
- Development of an Interpretation Plan for the site, with the results of the archaeological program and all its types of evidence, to be incorporated into the Interpretation Plan. Interpretation of the Aboriginal history of the site is to be included in the redevelopment proposals.

3.6 Acid Sulphate Soil Management Plan

An Acid Sulphate Soil Management Plan (ASSMP) has been considered as not necessary for development works to a depth of approximately 1.5m, with any works below this depth to be undertaken in accordance with the ASSMP prepared for the site.

Management of excavated material

Any fill soils excavated from below a depth of approximately 1.5m at the site must be treated, assigned a waste classification and disposed of to an appropriate landfill.

The following options are available for the disposal of acid sulphate soils excavated during the development works:

- Option A – Fill and Natural ASS: Treatment, waste classification and disposal of landfill; and
- Option B – Natural ASS only: Immediate transport of natural acid sulphate soils to landfill for disposal beneath the water table. A number of conditions have to be satisfied for burial beneath the water table to be viable. This option is not suitable for fill material.

Groundwater seepage and dewatering

In the event that de-watering of excavations is required during construction, management of the pumped out water and conditions within the surrounding acid sulphate soils will be required, as outlined in the ASSMP.

In the event that de-watering of soil neutralisation of groundwater monitoring tests indicate a significant change in acidic conditions, the contingency plan outlined in the ASSMP should be implemented.

3.7 Sedimentary control and construction management

The following general management measures are to be adopted during the construction works to ensure that sediment loads are reduced and contained.

General management measures for implementation include:

- Adoption of weed and sediment control measures;
- Installation of silt containment devices at all runoff points leading from the construction site to contain sediment and silt from construction activities before runoff reaches drains leading to Blackwattle Bay;
- Gross pollutant traps will need to be constructed upstream of any discharge point to prevent sediment being discharged into Blackwattle Bay;

- Ensure all lay-down areas cleaned and debris removed following completion of construction works to avoid introduction of disease; and
- Development of a wash down facility and central grease trap for new buildings.

3.8 Services

The following services provision measures are to be implemented for:

RailCorp services:

- Identification of the existence of any RailCorp services (such as pipes and cables) and structures within their development area by initiating the appropriate service searches. Where RailCorp services exist within the development site, enter into discussion and reach agreement with RailCorp regarding the accommodation of the services
- Where physical intrusion into the corridor is required (e.g. stormwater connections, rock anchors) and be conflict with existing RailCorp services in the corridor, the existence of any RailCorp services and structures within the area of the corridor affected are to be identified.

Sydney Water services:

- A clear access zone and clear vehicular access to Sydney Water's stormwater assets are to be maintained at all times with a minimum 1m clearance is to be provided on either side of the 1500mm diameter stormwater pipeline to all building structures and a clearance above ground of 6m. Where such provision cannot be provided, liaison is to be undertaken with Sydney Water.
- Detailed information that describes the integration of the proposed main wharf, ramp and promenade with the existing stormwater outlet, with design of the outlet to be easily accessible and maintainable at all times.
- Stormwater discharging to Sydney Water's networks through new connections is to meet contemporary stormwater management targets. As a minimum, the 1997 NSW Environment Protection Authority guidelines, detailed below, should apply.
- The funding of any adjustments needed to Sydney Water infrastructure as a result of any development.

Industry & Investment NSW recommends that in-lieu of the vertical and steel sheet piling seawalls proposed for part of the reconstructed seawall that sloping seawalls of an environmentally-friendly design are used.

3.9 Waterfront and public safety

Incorporation of waterfront safety measures into the design of the waterfront precinct.

3.10 Access

The proposed buildings and public domain area are to comply with the requirements of the *Disability (Access to Premises – Building) Standards 2010* in terms of accessible paths of travel, walkways, ramps, kerb ramps, lifts, car parking facilities, sanitary facilities, and complies with the requirements of *City of Sydney Access DCP 2004* and the BCA.
