

Our Ref: URG-BAN

22 November 2016

Ms Carolyn McNally
Secretary
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001
Attention: Ben Lusher

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Dear Ms McNally,

**RE: MP11_0001 - SYDNEY HERITAGE FLEET – PROPOSED MODIFICATION #2
5-19 BANK STREET, PYRMONT**

We write on behalf of UrbanGrowth NSW with respect to major project approval MP11_0001 (the **Approval**), issued on 26 March 2014 under Part 3A of the *Environmental Planning and Assessment Act 1979 (Act)* with respect to the site at 5-19 Bank Street, Pyrmont and adjacent waterway (the **Bank Street Site**) and to our recent discussions with the Department of Planning and Environment (the **Department**) about a proposed modification of the Approval.

The Approval authorises the erection of a maritime facility at the Bank Street Site, generally comprising a museum, skills centre, wharf and foreshore walk. The proponent of the Approval was the Sydney Heritage Fleet Pty Limited (the **Fleet**). The Bank Street Site is owned by Roads and Maritime Services.

UrbanGrowth NSW has recently written to the Department and requested certification as the proponent for the purposes of the Approval under repealed section 75A of the Act.

Dry land works authorised by the Approval comprise a two/ three-storey building to be constructed across two lots that hinge around the eastern Anzac Bridge pylon with a frontage to Bank Street, a paved courtyard and public open space.

Wet land works authorised by the Approval comprise the installation of a fixed wharf and associated floating pontoon structures to berth the variety of vessels that comprise the Fleet as well as piling and navigational aids. The Approval also provides for a 24-hour public access timber walkway along the water's edge.

In 2015, the Approval was modified under MP 11_0001 MOD 1 (MOD 1) by the deletion of deferred commencement condition A2 relating to remediation works, and insertion of an equivalent condition into section F of the operative conditions to allow the Approval to be able to be physically commenced.

UrbanGrowth NSW seeks to further modify the Approval pursuant to section 75W of the Act, the operation of which is continued in respect of transitional Part 3A projects by Schedule 6A to the Act despite the repeal of Part 3A, to enable the construction of the wet land works authorised by the Approval to proceed independently from the dry land works.

If this application is approved, it is intended that a further modification application will be submitted seeking approval to modify the design of the approved dry land works (with the proposed buildings contained within the approved building footprint) and a change of use. This will facilitate the continued operation of maritime-based businesses within Blackwattle Bay. Public access to the foreshore will remain a priority.

The Approval describes the approved development as comprising land-based development and water-based development and requires a number of land-based component conditions to be satisfied prior to the commencement of the water-based development works.

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To enable commencement of the construction of the water-based works, MOD 2 proposes to amend the timing of these land-based component conditions and similar commitments as set out in the proponent Statement of Commitments. These are not deleted but deferred to the construction of the land-based components.

RobertsDay is in receipt of confirmation from the Department that the Director-General's Requirements (DGRs) as issued on 18 February 2011 apply unamended to the proposed modification.

The table at Appendix A summarises the principal amendments proposed under MOD 2. A full list of the proposed amendments shown in situ is attached at Appendix B. The table at Appendix C summarises the amendments proposed in relation to the Statement of Commitments under MOD 2.

Yours Sincerely
RobertsDay



Oliver Klein
Senior Associate

APPENDIX A – SUMMARY OF PRINCIPAL AMENDMENTS TO APPROVAL CONDITIONS

APPROVAL CONDITION AS AMENDED BY MOD 2	PROPOSED AMENDMENT COMMENT	COMMENT
PART A DEFERRED COMMENCEMENT		
A1 Contamination Assessment	Delete	This condition is satisfied by the following: <ul style="list-style-type: none"> Remediation Action Plan prepared by JBS & G Australia Pty Ltd dated 28 April 2015 (Site Audit Report 0503-1410) Remedial Action Plan prepared by SLR Consulting Pty Ltd dated 23 April 2015.
PART B ADMINISTRATIVE CONDITIONS		
B2 Development in Accordance with Plans and Documents	Update (b) to refer to the Amended Statement of Commitments	An Amended Statement of Commitments has been prepared and included with this application.
B3 Inconsistency between documents	Replace references to condition A2 with F33.	Condition A2 was deleted under MOD 1 and replaced with a new condition, F33.
PART C MODIFICATIONS		
C6 Modified Plans to be Approved by Director-General	Include additional text: "... prior to issue of the a construction certificate relating to the land-based component as described in B1(a-b)."	Modifications required by Condition C6 relate only to land-based works.
PART D - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE		
D1 Access from Bank Street D2 Landscaping of the Site D5 Flooding Impacts D6 Stormwater Drainage D8 Water Conservation and Re-use Measures	Include additional text for each condition: '...relating to the land-based component as described in B1(a-b)'.	D1. D2. D5. D6. D8. D9. D10. D14, D17 relate only to land-based works.

D9 Alignment Levels		
D10 Public Domain Plan		
D14 Reflectivity		
D17 Service Vehicles		
PART E - PRIOR TO CONSTRUCTION		
E3 Environment Protection Licence	Delete and insert new Condition G23, which requires an EPL to be issued prior to OC.	The EPL is not required until operation of the marina.
E6 Preservation of Survey Marks	Include additional text: ' <i>...relating to the land-based component as described in B1(a-b)</i> '.	E6 relates only to land-based works.
PART F - DURING CONSTRUCTION		
F32 Access Driveways to be Constructed	Delete	Repetitive of F25
G7 Street Tree Maintenance	Amend text: "... the twelve 2 year maintenance period..."	G7 is modified to correct a minor error relating to the 2 year street tree maintenance period.
G23 Environment Protection Licence	Insert new condition relating to EPL	Refer E3 above.

APPENDIX B – PROPOSED AMENDMENTS TO APPROVAL CONDITIONS

SCHEDULE 2 TERMS OF APPROVAL

~~A-DEFERRED COMMENCEMENT~~

~~Contamination Assessment~~

~~A1 The project approval is deferred and does not become effective or operate until:~~

~~(a) a site auditor (accredited under the Contaminated Land Management Act 1997), engaged by the proponent, has prepared a site audit statement certifying that the site is suitable for the proposed use (without the need for remediation) and that a statement has been given to the Director General; and~~

~~(b) if remediation is required to make the site suitable for the proposed use, a plan of remediation, prepared by a site auditor (accredited under the Contaminated Land Management Act 1997) in accordance with the contaminated land planning guidelines in force under Part 7A of the Environmental Planning and Assessment Act 1979 and accompanied by a site audit statement by the auditor, has been submitted to the Director General and approved by the Director General, whether with or without modifications.~~

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Remediation work if required

~~A2 Any remediation work is to be carried out in accordance with the plan of remediation as approved by the Director General. [deleted under MOD 1]~~

End of Part A

B ADMINISTRATIVE CONDITIONS

Project Description

B1 Approval is granted to the carrying out of the project generally described below. The land-based component includes the following:

- (a) Three storey building containing:
 - i. boat storage facilities;
 - ii. amenities areas;
 - iii. bicycle parking;
 - iv. community skills workspace and running maintenance workshop;
 - v. exhibition space and meeting rooms;

vi. green roof; and

(b) a publically accessible foreshore walkway and foreshore vehicle and pedestrian access;

The water-based component includes the following:

(c) fixed wharf;

(d) floating pontoons;

(e) three (3) dolphins; and

(f) a publicly accessible timber walkway (boardwalk).

Development in Accordance with Plans and Documents

B2 The development shall be undertaken generally in accordance with:

(a) Environmental Assessment dated 27 November 2012 prepared by Hamptons Property Services, except as amended by the Preferred Project Report dated 18 December 2013;

(b) ~~The Revised Statement of Commitments prepared by Hamptons Property Services, section 7 of the Preferred Project Report dated 18 December 2013;~~ Amended Statement of Commitments prepared by RobertsDay dated 04 August, 2016;

(c) The following drawings:

Architectural Drawings prepared by Crawford Architects Pty Limited			
Drawing No.	Revision	Name of Plan	Date
SK10	D	Masterplan	2013.12.04
SK12	A	Site Plan Details	2013.02.04
SK14	A	Foreshore and Museum Access Plan	2013.05.27
SK30	B	Elevation - Bank Street	2013.05.24
SK31	B	Elevations - Water Front	2013.05.24
SK32	B	Elevations South	2013.05.24
SK33	B	Elevations - North	2013.05.24
SK40	C	Level 0 Plan	2013.05.27

SK41	C	Level 1 Plan	2013.05.27
SK42	B	Level 2 Plan	2013.05.24
SK43	C	Roof Plan	2013.05.27
SK50	A	Sections - Sheet 01	2013.02.04
SK51	A	Sections - Sheet 02	2013.02.04
SK52	A	Sections - Sheet 03	2013.02.04
SK53	A	Sections - Sheet 04	2013.02.04

except for as otherwise provided by the terms of approval;

Inconsistency between documents

B3 If there is any inconsistency between:

- (a) The terms of this approval and the Statement of Commitments (at Schedule 3), the conditions of this approval prevail;
- (b) The terms of this approval and the drawings/documents referred to in Condition ~~A2~~ F33, the conditions of this approval prevail; and
- (c) Any drawing/document listed in Condition ~~A2~~ F33 and any other drawing/document listed in Condition ~~A2~~ F33, the most recent document shall prevail to the extent of the inconsistency.

Lapsing of approval

B4 This approval will lapse five years from the date of approval unless the works associated with the project have physically commenced.

Prescribed Conditions

B5 The Proponent shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Director General as Moderator

B6 Where this approval requires consultation between parties, the parties shall not act unreasonably in preventing this from occurring. In the event that there is disagreement between parties about whether reasonable consultation has taken place, the matter may be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Director-General's resolution of the matter will be binding on the parties.

Long Service Levy

B7 For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal Notices

B8 Any advice or notice to the consent authority shall be served on the Director-General.

Limits of Approval

B9 No approval is granted for any of the following:

- (a) use of the abutment of the Glebe Island Bridge for any purpose;
- (b) dredging of the seabed to facilitate the marina and vessels; and
- (c) bus/tourist coach parking on the local road network, including Bank Street

Development (or other) approvals if required, must be obtained prior to undertaking any of the above.

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End of Part B

C MODIFICATIONS

Kiosk and Exhibition Pavilion

C1 The kiosk and exhibition pavilion is to be deleted from the proposal to ensure the base of the Anzac Bridge pylon is not obstructed when viewed from the west and north-west.

Security around Anzac Bridge Pylon

C2 Any fencing or similar security device is to be visually transparent and kept open during daylight hours to enable unobstructed views of the pylon.

Activation of Building Facade

C3 The north eastern elevation of the building which addresses Bank Street, and the south eastern elevation of the building which addresses the future open space, is to be redesigned to include glazing to allow people to look into the facility and provide for greater activation and surveillance.

Foreshore Walkway

C4 A foreshore walkway is to be provided along the full length of the foreshore of the site. The walkway is to be:

(a) a minimum of 10 metres in width and located above the mean high water mark for its entire length

(b) open to the public 24 hours per day, 7 days a week

(c) designed as a shared pathway able to accommodate both pedestrians and cyclists

(d) designed to link with future foreshore access on adjoining properties.

No cantilevering of buildings over the foreshore walk is permitted.

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Setback from Bank Street

C5 A setback of 2.5 metres is to be provided between the building and the site boundary along Bank Street which is to be landscaped.

Modified Plans to be Approved by Director-General

C6 Amended plans which reflect compliance with all modifications detailed above must be submitted to the Director-General for approval prior to issue of ~~the a~~ a construction certificate relating to the land-based component as described in B1(a-b).

End of Part C

D - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Access from Bank Street

D1 In order to improve pedestrian and vehicular movement from Bank Street, the design shall be amended as follows:

(a) the northern vehicle access/driveway crossover from Bank Street (Foreshore Vehicle and Pedestrian Access), including ingress and egress points from Bank Street and internal manoeuvring shall fully comply with the requirements of Australian Standard AS 2890.1 including the required 300mm clearance; and

(b) the southern service vehicle access/ driveway crossover from Bank Street shall provide access compliant with the requirements of Australian Standard AS 2890.1 without reliance on a driveway crossover which may be provided on adjoining lands.

Amended plans detailing compliance with the above must be submitted for the approval of the Certifying Authority prior to the issue of a Construction Certificate relating to the land-based component as described in B1(a-b).

Landscaping of the Site

D2 A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate **relating to the land-based component as described in B1(a-b)**. The plan must include:

- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
- b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
- (c) Location, numbers and type of plant species;
- (d) Details of planting procedure and maintenance;
- (e) Details of drainage and watering systems.

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Prior to the issue of a Construction Certificate **relating to the land-based component as described in B1(a-b)**, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property. All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

Deed of Agreement

D3 The proponent must enter into a Deed of Agreement with Ausgrid and RMS to ensure protection of their assets (including access to) located on the site (including in and under the waters of Sydney Harbour). Details of the agreement must include but shall not be limited to the following:

- (a) Provisions to accommodate unrestricted access to Ausgrid assets to enable emergency repairs to be carried out in the event of failure, including provision for the location of large cable reels adjacent to the joint bays if new cables were to be pulled into the duct lines; and
- (b) Provision of a 3 metre wide vehicle access on the approach to the Anzac Bridge.

This condition does not permit any variations to the external building envelopes to accommodate the terms of the deed. A copy of the executed deed must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Structural Adequacy

D4 The Proponent must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA and Australian Standard AS 3962 - Guidelines for Design of Marinas.

Specification consideration must be given to the impact of the development on the assets of Ausgrid and RMS. As-built drawings of their assets must be obtained to inform the design. The final design drawings must be endorsed by Ausgrid and RMS.

Details of compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Notes:

a) Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works;

b) Part 8 of the EP&A Regulation sets out the requirements for the certification of the project; and

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Flooding Impacts

D5 In order to provide protection from flooding, the design shall be amended to incorporate the following:

(a) flood compatible materials and finishes must be adopted throughout the ground floor. Particular attention should be directed at ensuring that the inundation of the ground floor will not damage equipment in the plant room or lift well;

(b) power supply points and mechanical, electrical and communications equipment, and storage cabinets should be located a minimum of 0.5 m above the projected 1% AEP 'high' 2050 water level (i.e. a minimum elevation of 2.3 m AHD);

(c) the provision for the deck of the boardwalk to be raised in the future to accommodate sea level rise, should this be necessary;

(d) the provision of appropriate signage, properly stowed emergency life rings in the identification of an emergency muster point/ safe refuge area to address the issue of the public safety of pedestrians accessing the timber boardwalk from flooding from Blackwattle Bay; and

(e) clear access to ensure the safe evacuation of volunteers and visitors to an emergency muster point/ safe refuge area in the event of a large flood.

Amended plans detailing compliance with the above where relevant must be submitted for the approval of the Certifying Authority prior to the issue of ~~any~~ a Construction Certificate relating to the land-based component as described in B1(a-b).

Stormwater Drainage

D6 The combined stormwater drainage capacity (i.e. piped and overland flow) must be designed in consultation with the City of Sydney Council to convey flow up to the 100 year ARI storm event and not exacerbate the current level of ponding in Bank Street adjacent to the north-east boundary of the site. The detailed design should consider the following factors:

- (a) any relevant findings of the Blackwattle Bay Catchment Area Flood Study;
- (b) future increases to Sydney metropolitan rainfall intensities (as identified in the NSW Government's Practical Consideration of Climate Change); and
- (c) the requirements of the City of Sydney Council's Draft Stormwater Drainage Design Code in relation to the flow conditions along any overland flow path during a 100 year ARI storm event (maximum depth 0.2 m; maximum velocity 1 m/s).

Engineering drawings detailing compliance with the above must be submitted for the approval of the Certifying Authority prior to the issue of a Construction Certificate relating to the land-based component as described in B1(a-b).

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Stormwater Quality - Stormwater Pollution Trap

D7 A stormwater pollution trap designed in accordance Environmental Action for Marinas, Boatsheds and Slipways (OEH June 2007) must be provided. The trap must be capable of collecting litter, sediments and hydrocarbons to treat runoff from all hard-paved areas prior to discharge into Blackwattle Bay. Engineering drawings detailing compliance with the above must be submitted for the approval of the Certifying Authority prior to the issue of a Construction Certificate.

Water Conservation and Re-use Measures

D8 In order to reduce the developments demand for potable water, the following water conservation and re-use measures must be adopted:

- (a) a 15 kL (minimum) rainwater tank to store stormwater runoff from the green roof area for re-use in toilets. The level of the tank outlet must be located at a minimum elevation of 2.3 m AHD (i.e. the projected 1% AEP 'high' 2050 water level plus a 0.5 m freeboard allowance) to prevent backflow from any sea level rise, tides, storm surges and/or waves from Blackwattle Bay;
- (b) waterless urinals;
- (c) 4-star efficiency rated toilets, sinks, basins and bathroom taps and showers; and
- (d) water saving devices, such as dual flush toilets and AAA rated flow regulators to all showers and taps should be installed in all areas to reduce water consumption and promote energy efficiency to reduce the project's water demands.

Plans detailing compliance with the above must be submitted for the approval of the Certifying Authority prior to the issue of a Construction Certificate relating to the land-based component as described in B1(a-b).

Alignment Levels

D9 Footpath alignment levels for the building must be prepared by a registered surveyor and must be in accordance with the Council's Public Domain Manual. Plans detailing compliance

with the above must be submitted for the approval of the Certifying Authority prior to the issue of a Construction Certificate relating to the land-based component as described in B1(a-b).

Public Domain Plan

D10 Prior to the issue of ~~any~~ a Construction Certificate relating to the land-based component as described in B1(a-b) three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by Council. The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

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

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

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

Photographic Record / Dilapidation Report – Public Domain

D11 Prior to the issue of the Construction Certificate a photographic recording of the public domain site frontages must be prepared and submitted to the Certifying Authorities satisfaction. The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street. The form of the recording is to be as follows:

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

(d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;

(e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Disabled Access

D12 Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

Acid Sulphate Soil Management Plan

D13 An Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the Acid Sulphate Soil Assessment Guidelines (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Reflectivity

D14 The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. Details of compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate relating to the land-based component as described in B1(a-b).

Storage and Handling of Waste

D15 A Waste Management Plan is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005.

Requirements of Public Authorities for Connection to Services

D16 The proponent shall comply with the requirements of any public authorities (e.g. Ausgrid 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 any Construction Certificate.

Service Vehicles

D17 Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities. Details must be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate **relating to the land-based component as described in B1(a-b).**

End of Part D

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E PRIOR TO CONSTRUCTION

Notice to be given prior to Commencement / Excavation

E1 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 for the project.

Footpath Damage Bank Guarantee

E2 A Footpath Damage Bank Guarantee calculated on the basis of 50 linear metres of the asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site. The guarantee must be lodged with Council prior to issue of a Construction Certificate.

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

Environment Protection Licence

~~E3 An application to the EPA for an Environment Protection Licence under the Protection of the Environment Operations Act 1997 for the facility must be submitted prior to the commencement of any on site works.~~

Construction Environmental Management Plan

E4 Prior to the commencement of construction, a Construction Environmental Management Plan (CEMP) shall be submitted to the satisfaction of the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- a) hours of work;
- b) 24 hour contact details of site manager;

- c) traffic and pedestrian management, in consultation with the local council;
- d) construction noise and vibration management, prepared by a suitably qualified person;
- e) management of dust to protect the amenity of the neighbourhood;
- f) waste management measures including any contaminated waste identified;
- g) erosion and sediment control (designed in accordance with the document Managing Urban Stormwater–Soils & Construction Volume 1 (2004) by Landcom);
- h) specific measures to prevent and manage marine sediment disturbance during the construction of the water-based component, especially boring associated with piling;
- i) Specific sediment control measures to prevent any acidic soils from entering waterways; and
- j) Specific measures to treat acidic soils to make the site suitable for their future use.

The CEMP shall be submitted to and approved by the Certifying Authority prior to commencement of construction. A copy of the approved plan must be provided to the Department and Council prior to commencement of works.

Stormwater Quality - Stormwater Management Plan

E5 Prior to the commencement of construction, a Stormwater Management Plan must be submitted to the satisfaction of the Certifying Authority. This plan must include an Erosion and Sediment Control Plan and systems, processes and procedures for the implementation, operation and management of:

- a) temporary boundary treatment and stormwater overland flow path to direct any overflow from Bank Street around the works area;
- b) procedures for management of any spills; and
- c) management of all excess spoil and construction wastes.

A copy of the approved plan must be provided to the Department and Council prior to the commencement of works.

Preservation of Survey Marks

E6 All works in Council controlled streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box).

- a) Prior to commencement of construction relating to the land-based component as described in B1(a-b) a survey plan, clearly showing the location of all permanent survey

marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

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

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

Existing Services

E7 The Proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and advise the Certifying Authority of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

Traffic and Pedestrian Management

E8 Prior to commencement of construction a Traffic and Pedestrian Management Plan prepared in accordance with AS1742 and the RTA publication Traffic Control at Works Sites Version 2 shall be prepared by an RTA accredited person, and shall be submitted to and approved by the Certifying Authority. Safe public access shall be provided at all times. The plan shall address, but not be limited to the following matters:

- a) ingress and egress of vehicles to the site;
- b) loading and unloading, including construction zones;
- c) predicted traffic volumes, types and routes, and;
- d) pedestrian and traffic management methods.

Note: A copy of the approved plan must be provided to the Director General and Council prior to commencement of construction.

Protection of Site – Hoarding

E9 A hoarding or fence must be erected between the work site and the public place if:

- a) the work involved in the erection or demolition of a building is likely to cause obstruction or inconvenience to pedestrian or vehicular traffic in a public place; or
- b) if it involves the enclosure of a public place.

If necessary an awning is to be erected which is sufficient to prevent any substance from or in connection with the work from falling into a public place. Any such hoarding, fence or awning is to be removed when the work has been completed. If

the work site is likely to be hazardous to persons in a public place, it must be kept lit between sunset and sunrise.

Water Act 1912 and Water Management Act 2000

E10 All relevant licences/approvals under the Water Act 1912 and the Water Management Act 2000 for all activities that intercept or extract ground and surface water must be obtained prior to commencement of those activities.

End of Part E

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F DURING CONSTRUCTION

Hours of Work

F1 The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:

- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- b) between 8:00 am and 1:00 pm, Saturdays;
- c) no work on Sundays and public holidays.
- d) works may be undertaken outside these hours where:
 - i. the delivery of materials is required outside these hours by the Police or other authorities;
 - ii. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - iii. variation is approved in advance in writing by the Director General or his nominee.

Use of Intrusive Appliances - Time Restriction

F2 The operation of high noise intrusive plant and machinery such as pile-drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of Council's Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 "Guide to Noise Control on Construction, Maintenance and Demolition Sites" is restricted to the hours of:

- a) 09.00am- 12.00pm and 2.00pm – 5.00pm Monday to Friday; and
- b) 08.30am - 12.00pm Saturdays

Community Consultation prior to commencement of works

F3 The proponent must ensure that before any works are commenced, an appropriate level of community consultation has been carried out with surrounding noise sensitive receivers. This should include the submission of a suitable and readily contactable site contact should any complaints or other issues arise during construction hours. Complaint logs shall be kept outlining the details of any complaint received together with the investigative and corrective actions taken in response to that complaint. The logs must be made available to the Council authorised officers on request.

The proponent must provide a contact telephone number to the Manager of Council's Rangers and the Manager of Council's Health & Building, for the Site Manager or other suitable person who will be readily contactable onsite at all times whilst any works are carried out, and whom may be contacted should any complaints concerning offensive noise and vibration be received.

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Construction Noise Management

F4 The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Environmental Management Plan, approved by the Certifying Authority.

All work, including demolition, excavation and building work must comply with the City of Sydney Building Sites Noise Code and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

The proponent should undertake noise mitigation measures during the construction phase, notably during piling activities to reduce the noise impact on sensitive receivers. Noise mitigation measures must be detailed in the Construction Noise Management Plan to give assurance that noise limits as outlined in the Noise Impact Assessment prepared by SLR Global Environmental Solutions dated 16 January 2012.

Vibration Criteria

F5 Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:

- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures;
- b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Director General.

Construction Management Plan

F6 Construction shall be carried out in accordance with the approved Construction Environmental Management Plan. The plan shall ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.

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No Obstruction of Public Way

F7 The public way or any nominated temporary pedestrian link established during construction must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

Erosion and Sediment Control

F8 All erosion and sediment control measures are to be effectively implemented for the duration of construction works for each stage of the Project, 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.

a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;

b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and

c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

Approved Plans to be On-site

F9 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 Council, the Department or the Certifying Authority.

Seawall Discovery During Excavation

F10 If the former sea wall is exposed during excavation works an archaeologist must be called to the site to record the location and the extent of the feature prior to its removal. A report should be submitted to the Heritage Branch at the Office of Environment and Heritage regarding the recording.

Archaeological Discovery During Excavation

F11 The recommendations of the Aboriginal Heritage Impact Assessment prepared by Archaeological & Heritage Management Solutions and dated 29 November 2011 shall be adhered to during the course of the development. In addition:

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- a) If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977; and
- b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Loading and Unloading During Construction

F12 The following requirements apply:

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

Classification of Waste

F13 Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (April 2008)'. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

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Hazardous and Industrial Waste

F14 Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Environmental Protection Authority, NSW Work Cover Authority pursuant to the provisions of the following:

- a) Protection of the Environment Operations Act 1997;
- b) Protection of the Environment Operations (Waste) Regulation 2005;
- c) Waste Avoidance and Recovery Act 2001;
- d) Work Health and Safety Act 2011; and
- e) Work Health and Safety Regulation 2011.

Vehicle Footway Crossing

F15 A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing in Bank Street and replacement of the footpath formation where any such crossings are no longer required. All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

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

Skips and Bins

F16 No asbestos laden skips or bins are to be left in any public place without the approval of Council.

Water Safety and Navigation

F17 The proposed construction works are not to interfere with the movement of seagoing ships unless agreed in advance with the Harbour Master. This requirement must be included in the Marine Traffic Management Plan required by the Harbour Master Approval issued by Sydney ports Corporation, dated 26 April 2013. Pursuant to the Harbour Masters Approval, the following is required:

- a) buoys are not to be laid in or adjacent to the shipping channels unless agreed in advance with Harbour Master;
- b) all buoys are to be fitted with lights;
- c) all vessels associated with the construction works are to have Response Plans for emergencies and spills;
- d) the applicant must provide the Harbour Master with an “All Hours” contact number during construction of the facility;
- e) any marine spill (whether the spill occurs on water or occurs on land and subsequently enters the water) is to be immediately reported to Sydney Ports VTS on 9296 4000; and
- f) any material associated with the construction of the development that enters the water is to be immediately retrieved. Should the material not be retrieved, Sydney Ports will organise for its removal and recover the cost from the Applicant.

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Measures to prevent sediment disturbance of the seabed

F18 The Proponent shall ensure that all the proposed works are carried out in a way that minimises the disturbance of the seabed.

Operation of vessels during construction over shallow areas is to be conducted during periods when there is sufficient water depth to avoid propeller dredging of the underlying sediment.

Measures to avoid turbidity and scouring of the sea floor shall be implemented throughout construction works.

Setting Out of Structures

F19 All land-based and water-based structures shall be set out by a registered surveyor to verify the correct position of each structure in relation to property/lease area boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the Certifying Authority certifying that works are in accordance with the approved project application.

Section 138 Approval

F20 Prior to the commencement of any work within the public way of Bank Street, a separate application is to be made to Council for approval under Section 138 of the Roads Act 1993.

Work Cover Requirements

F21 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 Work Cover requirements.

Dust Control Measures

F22 Adequate measures being taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

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- a) Physical barriers being erected at right angles to the prevailing wind direction or being placed around or over dust sources to prevent wind or activity from generating dust emissions;
- b) 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;
- c) All materials shall be stored or stockpiled at the best locations;
- d) The work area being dampened slightly to prevent dust from becoming airborne but not to the extent that runoff occurs;
- e) 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 materials;
- f) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive through washing bays (if applicable);
- g) Gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- h) Cleaning of footpaths and roadways shall be carried out regularly by manual dry sweep or by use of a cleaning vehicle.

Protection of Stone Kerbs

F23 The existing stone kerbs on the Bank Street frontage of the site are to be retained and properly protected during excavation and construction works.

- a) To avoid damage to stone kerbs during construction and / or excavation works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (ie. those that are in good condition as agreed by City officers) must be re-installed in accordance with Council's standard details and specifications after the construction and / or excavation works have been completed.

Note: A temporary concrete kerb will need to be constructed to retain the footpath and road access until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate.

Note: All costs associated with the works are to be at no cost to the Council.

b) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council's officers.

c) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.

d) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by Council's officers. All unused stone kerbs are to be salvaged and returned to the Council's store.

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e) Council approval is required before kerbs are removed.

Use of Mobile Cranes

F24 Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.00am without the prior approval of Council.

Access Driveways to Be Constructed

F25 Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

Street Tree Planting and Maintenance

F26 All site preparation and new street tree planting must be carried out in accordance with the City's Street Tree Master Plan and the approved Landscape and Public Domain Plans. Site preparation for new tree planting would include but not be limited to the following:

- a) excavation of subgrade for continuous tree trenches;
- b) installation of subsoil drainage, imported soil mixes and structural soil;
- c) supplied trees grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment; and

d) the availability of advanced quality stock is a frequent industry problem. In most instances, a supply order is forwarded for stock to be grown on by supplier. This should be planned now to ensure stock is available.

The street tree(s) must be planted:

- a) by a qualified Arborist or Horticulturist (AQF Level 3); and
- b) before the issue of an Occupation Certificate.

The tree pits must be inspected by Council’s Contract Coordinator – Street Trees, before and after planting.

Paving Materials

F27 The surface of any material used or proposed to be used for paving must comply with AS/NZS 4586:2004 (including amendments) “Slip resistance classification of new pedestrian surface materials”.

Encroachments – Neighbouring Properties

F28 No portion of the proposed structure shall encroach onto the adjoining properties.

Encroachments – Public Way

F29 No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council’s footpath area.

Cost of Signposting

F30 All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the proponent.

Traffic Works

F31 Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Sydney Traffic Committee Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

Access Driveways to be Constructed

~~F32 Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council’s “Driveway Specifications” to the satisfaction of Council prior to issue of any construction certificate.~~

F33 Remediation works are to be carried out in accordance with the approved site audit report 0503-1410 Bank Street, Pyrmont, NSW prepared by JBS&G Australia Pty Ltd dated 28 April 2015 and Remedial Action Plan prepared by SLR Consulting Pty Ltd dated 23 April 2015,

that were submitted to and approved by the Secretary on 17 August 2015. [inserted under MOD 1]

End of Part F

G PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

Occupation Certificate

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G1 An Occupation Certificate must be obtained from the Certifying Authority prior to commencement of occupation or use of the whole or part of the new building, an altered portion of, or an extension to an existing building.

Fire Safety Certificate

G2 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 occupation. A copy of the Fire Safety certificate must be submitted to the relevant authority and Council.

Section 94 Contributions

G3 A contribution under section 94 of the Environmental Planning and Assessment Act 1979 must be paid in accordance with the following:

Cash Contribution Required

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

Amount of Contribution

(b) The amount of the contribution is \$7,071.54.

Note: The contribution will be indexed annually, see paragraphs (e) and (f) below.

Purposes for which Contribution Required

(c) The contribution is required, and must be held and applied in accordance with the Act and the Ultimo Pymont 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%

Timing of Payment

(d) The contribution must be paid prior to the commencement of the development. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted.

Indexing

(e) The contribution rate in "Ultimo Pyrmont Section 94 Contributions Plan 1994" will be adjusted in accordance with clause 19 of the Plan being not less than annually.

(f) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.

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Structural Inspection Certificate

G4 A Structural Inspection Certificate or a Compliance Certificate for any structural work is to be submitted to the satisfaction of the PCA prior to use of the premises.

Right Of Way

G5 A Right of Way must be created which provides 24 hour public access over the foreshore walkway and the foreshore vehicle and pedestrian access. The Right of Way must have a minimum width of 10 metres along the foreshore walkway. The terms of the Right of Way shall be to satisfaction of Council and must be registered on the land title.

Street Numbering and Building Name

G6 Prior to an Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with Council's Policy on Numbering of Premises. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

Street Tree Maintenance

G7 All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of 2 years commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.

At the end of the 2 year maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.

If a street tree has been replaced due to maintenance deficiencies during the 2 year maintenance period, the ~~twelve~~ 2 year maintenance period will start again from the date that the street tree is replaced.

Completion of Landscaping

G8 All landscaping in the approved landscape plan is to be completed prior to an Occupation Certificate being issued.

Submission of a Physical Model

G9 Prior to an Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

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Notes:

- (i) The models must be constructed in accordance with the Model Specifications available online at:
www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp. Council's model maker must be consulted prior to construction of the model for Town Hall House. The Manager of Customs House must be consulted prior to the construction of the model for City Exhibition Space.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval that affect the external appearance of the building. Submission of Electronic Models Prior to Occupation Certificate

G10 Prior to an Occupation Certificate being issued, an accurate 1:1 electronic model of the detailed construction stage drawings must be submitted to Council for the electronic City Model.

The data required to be submitted within the surveyed location must include and identify:

- a) building design above and below ground in accordance with the development consent;
- b) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
- c) property boundaries and the kerb lines adjacent to the site. The data is to be submitted as a DGN or DWG file on physical media (floppy disc or CD). All plans are to be referenced to the submitted Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

Within the DGN or DWG file each identified structure, feature, utility or service must be distinguished by a combination of layering and/or symbology schema. The submitted plans must be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.

The electronic model must be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available online at www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparationandLodgingaDA.asp. Council's Design/Technical Support staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Prior to an Occupation Certificate being issued, a second and updated "as built" 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic City Model.

Water Safety and Navigation – Sydney Ports Operational Requirements

G11 Prior to the commencement of operations, the Proponent is to prepare a Marine Traffic Management Plan in consultation with RMS and approved by the Harbour Master. The plan must include:

- a) the operation of the development is not to interfere with the movement of trading vessels unless agreed in advance with the Harbour Master. This requirement must be included in the Marine traffic Management Plan;
- b) buoys are not to be laid in or adjacent to the shipping channels unless agreed in advance with Harbour Master;
- c) all buoys are to be fitted with lights;
- d) the 3 dolphins to the west of the new jetty are to be fitted with light aids to navigation. The light colour and characteristic to be approved by the Harbour Master in conjunction with RMS;
- e) RMS and the Harbour Master reserve the right to require light aids to navigation to be fitted to the southern ends of the new jetties;
- f) any marine spill (whether the spill occurs on water or occurs on land and subsequently enters the water) is to be immediately reported to Sydney Ports VTS on 9296 4000;
- g) any material associated with the operation of the development that enters the water is to be immediately retrieved. Should the material not be retrieved, Sydney Ports will organise for its removal and recover the cost from the Applicant; and
- h) the Applicant is to prepare a Communications Plan, for implementation during operation of the development, which is to be approved by the Harbour Master prior to operations commencing. The Plan must include / address 24/7 contact details, communication protocols for vessel departing the facility and protocols for emergencies.

Stormwater Quality - Stormwater Management Plan

G12 Prior to the occupation the proponent must prepare and implement a Stormwater Management Plan to the satisfaction of the certifying authority. This plan must include systems, processes and procedures for the implementation, operation and maintenance of:

- a) the green roof and rainwater harvesting facility/tank system;
- b) the stormwater pollution trap; and
- c) chemical, oil or fuel spills.

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Road Damage

G13 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 shall be met in full by the proponent prior to the issue of an 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.

Bicycle Parking

G14 A minimum of 8 bicycle parking spaces are to be provided. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

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

End of Trip Bicycle Facilities

G14 End of trip bicycle facilities must be available on site for use by staff/employees.

Foreshore promenade Provisions for Cyclists and Pedestrians

G15 The foreshore walkway and foreshore vehicle and pedestrian access, are to be shared ways for use by pedestrians and cyclists.

Green Travel Plan

G16 A Green Travel Plan must be submitted to and approved by the Director-General prior to issue of any Occupation Certificate. This plan should incorporate initiatives to encourage sustainable transport practices by both staff and visitors, including the provision of a mini bus and ferry shuttle transfer service.

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

Mini bus and Ferry shuttle services

G17 The proposed mini bus and ferry shuttle transfer services must be operational within 12 months of the date of the issue of the Occupation Certificate. Alternatively, the Green Travel Plan to be submitted to the Director-General for approval must demonstrate that the transport needs of visitors and volunteers accessing the site do not rely on private car use, and that overall visitation numbers are such that it can be implemented at a later date.

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Storage and Handling of Waste

G18 Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's Policy for Waste Minimisation in New Developments 2005.

Outdoor Lighting

G19 All outdoor lighting shall comply with the relevant Australian Standards. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate.

Internal Lighting

G20 The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted for the approval of the Certifying Authority prior to the issue of any Occupation Certificate.

Flood Evacuation Plan

G21 A flood evacuation plan must be prepared prior to occupation to ensure the safe evacuation of volunteers and visitors to an emergency muster point/safe refuge area in the event of a large flood.

Remediation

G22 ~~If remediation is required in accordance with Condition A1(b), [deleted under MOD 1]~~ prior to the issue of any Occupation Certificate, the proponent shall submit a detailed site audit summary report and site audit statement and validation report to the EPA, the Director-General, the Certifying Authority and the Council. The site audit must verify that the land is suitable for the proposed use.

On completion of any required remediation works, the relevant requirements of clauses 17 and 18 of SEPP 55 – Remediation of Land, being notification to Council, shall be complied with.

Environment Protection Licence

G23 An application to the EPA for an Environment Protection Licence under the Protection of the Environment Operations Act 1997 for the facility must be obtained prior to the issue of any occupation certificate.

End of Part G

H DURING OPERATIONS

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Bus/Tourist coaches

H1 Full size buses/coaches must not transport visitors/tour groups to the site unless a designated parking area for such vehicles is available on the local road network. Any such space must be the subject of a separate application to and approved by Council's Local Pedestrian, Cycling and Traffic Calming Committee.

Note: This condition does not prevent implementation of the proposed mini bus service referred to in condition E18.

RMS requirements

H2 The requirements of the RMS must be adhered to at all times during the operation of facility and include the following:

- a) the proposed buildings and structures are clear of all parcels acquired by RMS (RTA) for the Anzac Bridge and associated easements;
- b) RMS access to all RMS (RTA) structures and easements is not denied;
- c) the integrity of the easements is not to be compromised; and
- d) the Bridge pylon must be gated off from public access between the hours 5.30pm – 9.30am, unless other arrangements agreeable to the RMS have been made.

Only Running Maintenance to be undertaken at the site

H3 Only running maintenance as described in the PPR of the Fleet's operational vessels shall take place on site. Running maintenance would generally involve light activities such as cleaning, deck washing, touch-up painting/ varnishing, brass polishing and would generally be undertaken using hand-held equipment. No approval is given for heavy-duty industrial, shipyard type maintenance and restoration activities such as metal riveting, boiler-making and the like.

Loading

H4 All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

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

Signs/Goods in the Public Way

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H5 No signs or goods are to be placed on the footway or roadway adjacent to the property.

Emissions

H6 The use of the operation must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

Gaseous emissions from the operation must comply with the requirements of the Protection of the Environment Operations Act 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

Noise Use General

H7 Noise generated at the premises must not exceed the noise limits in the table below. The location is referred to in the table below are indicated by Figure 5 of the Noise Impact Assessment. Sydney Heritage Fleet, 2009, prepared by SLR Consulting , and dated 16 January 2012.

Locality	Location	NOISE LIMITS dB(A)		
		Day	Evening	Night
		LAeq	LAeq	LAeq
Bayview Towers	Pymont	60	50	45
Glebe Point	Glebe	58 LAeq (15 minutes)	50	45

For the purpose of this condition:

- ‘Day’ is defined as the period between 7 AM to 6 PM, Monday to Saturday and 8 AM to 6 PM, Sunday and public holidays.
- ‘Evening’ is defined as the period of 6 PM to 10 PM; and

- ‘Night’ is defined as the period from 10 PM to 7 AM Monday to Saturday and 10 PM to 8 AM, Sunday and public holidays

To determine compliance:

a) with the Leq and LAeq (15 minute) noise limits in Condition F12, the noise measurement equipment must be located:

- approximately on the property boundary, where any dwelling is situated 30 m or less closest to the site; or
- within 30 metres to dwelling facade but not closer than 3 metres, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the site.

b) with the noise limits in Condition F12, the noise measurement equipment must be located:

- at the most affected point at a location where there is no dwelling at the location; or
- at the most affected point within an area that location. Prescribed by the criteria under “a)” above.

Complaints - Noise

H8 Should a noise complaint be received by Council and the complaint being substantiated by a Council Officer, the use of area concerned must cease operation until “attenuation works” are carried out so as that the premises complies with the relevant noise conditions.

Berthing of Vessels

H9 Only the vessels of the Sydney Heritage Fleet or any other affiliated maritime heritage organisations may operate at and use the marina and its berths. Private vessels/boats must not be moored at the maritime facility at anytime.

Foreshore Access

H10 All public accessways and pathways within Bank Street and access to the foreshore shall remain accessible to the public at all times and not be impeded by any activities associated with the use of the site.

Stormwater Management Plan

H11 The Stormwater Management Plan must be implemented and maintained at all times during the operations of the maritime facility.

Community Consultation – Function events, Pirate Parties, Sea Shanty contests and the like

H12 The proponent must ensure that before events are undertaken on the site, an appropriate level of consultation with the community and Council has been carried out. This should include the submission of a suitable and readily contactable site contact should any complaints or other issues arise during function events. Complaint logs shall be kept outlining the details of any complaint received together with the investigative and corrective actions taken in response to that complaint. The logs must be made available to the Council authorised officers on request.

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Use of exhibition and meeting spaces

H13 The exhibition and meeting spaces shall only be for the use of Sydney Heritage Fleet, other affiliated maritime heritage organisations and local community groups.

Annual Fire Safety Statement

H14 For any essential fire safety equipment, an Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the relevant authority initial Fire Safety Certificate is received.

Operation of the Facility

H15 The operations of the facility must comply with the provisions of the Environmental Action for Marinas, Boatsheds and Slipways (EPA, 2007).

End of Part H

APPENDIX C – PROPOSED AMENDMENTS TO STATEMENT OF COMMITMENTS

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
01	Overall	The proponent will undertake the proposed development in accordance with the stamped plans and documentation, including consultant reports, as may be approved, and in accordance with any Conditions of Consent which may be imposed.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	As part of the ongoing operation of the site.
02	Air Quality	<p>The proponent will control dust emissions during construction in order to manage any short-term impact on the local community. Dust emissions are not anticipated to be significant. However the proponent will prepare and implement an Air Quality Sub-Plan which will be incorporated into the Construction Environment Management Plan (CEMP) and outline details of dust management measures, such as:</p> <ul style="list-style-type: none"> • the identification of conditions during which particularly dust-producing activities may be curtailed or ceased; • dust suppression measures (e.g. water bowsers and sprays) which may be employed to dampdown earthworks or hard- standing areas during construction; • the provision of dust screens; • appropriate management of stockpiled materials; • visual inspection of off-site compliance; and • a clear communication strategy for the management and prompt investigation of dust complaints The CEMP will be prepared with reference to Section 4.16 of the OEHS Local Government Air Quality Toolkit, 	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage and during construction.

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NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		"Module 1: Air pollution control techniques".		
03	Air Quality	In the event that the Stage 2 – Detailed Investigation identifies the potential for the emission of odour or contaminated dust from the site to occur, these impacts would be specifically addressed by the proponent within any remediation strategy and CEMP.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage.
04	Air Quality	The disturbance of sediment from Blackwattle Bay also poses a significant risk of causing short-term acute odour impacts. As such, where sediment needs to be drawn to the surface, the CEMP will provide specific measures to minimise the potential for odour impacts, which may include preventing the material from drying and minimising exposure times.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage and during construction.
05	Air Quality.	The proponent will prepare an odour management plan as part of the CEMP that will provide a proactive management procedure to record activities and observations on-site, provide a range of odour control methods to manage the risk of odour emissions during construction activities and provide a methodology for the recording and response to any received odour complaints. In addition, to reduce the impact of construction plant emissions, plant will be located as far from local receptors as practicable and engines should not be left idling when not in use. Stationary trucks will also switch off engines if idling time on-site is likely to exceed 2 minutes and will avoid using the local road network during peak traffic periods. All equipment used on site should also be maintained to the required performance standards. These details will be included in the CEMP.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage and during construction

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
06	Air Quality	The proponent will prepare and implement an odour management plan which will be included within the Operational Environmental Management Plan (OEMP) . The odour management plan will provide a pro-active management procedure to record activities and observations on-site and provide a range of odour control methods to manage the risk of odour emissions from operational activities. In addition, the odour management plan will outline a methodology for the recording and response to any received odour complaints. The proponent will prepare this with reference to the OEH's Local Government Air Quality Toolkit, "Module 3: Guidelines for managing air pollution for the appropriate management and investigation of odour complaints".	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	At the Occupation Certificate stage and as part of the ongoing operation of the site.
07	Air Quality	The proponent will seek to manage any fugitive emissions from the internal workspaces through careful use and bunded storage of solvents, and the provision of spill clean-up kits including absorbing materials to minimise the potential for VOC emissions. In addition, waste solvents will be properly stored in sealed and marked containers to contain vapours and removed from site for treatment or disposal at a suitable waste management facility. Where feasible, products and agents with lower VOC content will be used. These details will be included within the OEMP.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	At the Occupation Certificate stage and as part of the ongoing operation of the site.
08	Air Quality	The proponent will ensure, where possible, that the delivery of liquid fuels will utilise reciprocal feeds, so that the tank vapours are displaced into the delivery vehicle rather than	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	At the Occupation Certificate stage and as part of the ongoing

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		<p>being emitted to the atmosphere as a fugitive emission. In addition, any dust, scrapping waste and debris and empty stripper/varnish/solvent containers will be managed and disposed of in an appropriate manner, as discussed in the SLR Consulting Waste Management Plan.</p> <p>These details will be included within the OEMP.</p>		operation of the site.
09	Air Quality	<p>The proponent will ensure that any coal handling activities will be carefully managed to ensure particulate emissions are minimised. Bunker portals should be enclosed (or partially enclosed where shown to be effective) by the use of a curtain. In addition, appropriate PPE should be worn by workers during any removal of grate ash from the coal-fired boilers to avoid health risks associated with respirable particulates.</p> <p>These details will be included within the OEMP. At the</p>	<p>Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator</p>	Occupation Certificate stage and as part of the ongoing operation of the site.
10	Air Quality	<p>The proponent will ensure that, taking account of the approved circumstances pursuant to the POEO Regulation 2010, all practicable means are employed to prevent and minimise the emission of smoke.</p>	<p>Sydney Heritage Fleet Future Operator</p>	As part of the ongoing operation of the site.
12	Aquatic Flora and Fauna	<p>The proponent will include the appropriate protection measures within the CEMP which ensures that adverse impacts are not imposed upon adjacent areas of aquatic habitat. The CEMP will need to be prepared and submitted with an application for a Construction Certificate.</p>	<p>Sydney Heritage Fleet UrbanGrowth NSW</p>	At the Construction Certificate stage and during construction.

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
13	Aquatic Flora and Fauna	The proponent will select a slow boring technique to minimise any localised turbidity for the installation of the support piles for the wharf and pontoons, in order to minimise resuspension of surface sediments and the smothering of nearby macroalgae and epifauna on rock rubble. The details of the boring technique will be provided with the application for a Construction Certificate.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage
14	Aquatic Flora and Fauna	The proponent will operate the proposal, postconstruction, in accordance with current 'best practice' measures in respect of the maintenance of boats and facilities.	Sydney Heritage Fleet Future Operator	As part of the on-going operation of the site.
15	Climate Change and Sea Level Rise	<p>The sea wall has been identified as the potential primary defence against the projected sea level rise.</p> <p>Therefore, the proponent will, as part of the operations and maintenance regime of the site, undertake monitoring of the sea wall and assess for the impacts described. In addition, the proponent will stay up to date with actual sea level rise trends.</p> <p>These details will be outlined in an OEMP which will address:</p> <ul style="list-style-type: none"> • Monitoring and Maintenance programs to reduce the risk of movement/erosion of the seawall; • Any future building adaptability/adaptation measures; and • Emergency response elements associated with sea level rise, including inundation and extreme events e.g. wave run-up. 	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	At the Occupation Certificate stage and as part of the ongoing operation of the site.
16	Coastal Flood Risk	The proponent will consider design adaptation changes which may include:	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		<ul style="list-style-type: none"> • If required, raise the sea wall to defend against projected potential sea level rise. • Develop and construct a “flexible design” whereby in the future the ground floor can be raised. • Establish all services (particularly electricity) above the projected inundation levels within the ground level building. • Raise the height of the ground level as part of the current development to accommodate the projected higher sea levels. 		Certificate stage.
20	Land Contamination	The proponent will select a construction methodology which minimises sediment disturbance, results in little spoil generation at the surface, allows for the impacts of a potential chemical attack and is accompanied by appropriate control measures to protect the marine environment during the works. Such details will be incorporated into the CEMP and will be provided with the application for a Construction Certificate.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage.
21	Land Contamination	The proponent will prepare and include a specific management plan for dealing with any acid sulphate soils encountered during construction. This management plan will be incorporated into the CEMP and provided with the application for a Construction Certificate.	Sydney Heritage Fleet UrbanGrowth NSW	At the Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b) and during construction.
22		Deleted - Satisfied		
23		Deleted - Satisfied		
24	Noise	The proponent will prepare and implement a construction noise management plan in relation to the	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		demolition and construction works. The details of this will be included within the CEMP.		and during construction.
26	Onsite Stormwater Detention (OSD)	<p>Council's drainage engineering unit advised that, as the site fronts Blackwattle Bay, there is no requirement for OSD at the site or any restriction on the rate of stormwater discharge from the site.</p> <p>However, the proponent acknowledges that some discharge restrictions may need to be implemented if new drainage connections are to be established to the existing drainage network.</p> <p>This matter will be resolved as part of the detailed design of the proposal and details in this regard will be provided as part of the Construction Certificate application.</p>	<p>Sydney Heritage Fleet UrbanGrowth NSW</p>	<p>At the Construction Certificate stage-</p> <p>Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b)</p>
27	Overland Flow Routing	<p>The proponent will ensure that the proposed design is in accordance with the overland flow routing requirements set out in the Stormwater Drainage Concept Plan and overland flow mitigation strategy. In this respect, the proponent acknowledges that:</p> <ul style="list-style-type: none"> • The development should be designed to ensure an overland flow path is maintained between Bank Street and Blackwattle Bay. • The overland flow path should be designed to convey the excess stormwater flow unable to be conveyed within the below ground stormwater pipe network for events up to and including the 100 year ARI storm flow. • Some form of boundary treatment will likely be required to divert overland flow during major storm events around the building to the eastern access way (east of the boat 	<p>Sydney Heritage Fleet UrbanGrowth NSW</p>	<p>The required details will be provided at the Construction Certificate stage and compliance may be determined at the Occupation Certificate stage</p> <p>Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b)</p>

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		<p>sheds) and western access way (along western boundary).</p> <ul style="list-style-type: none"> • Further works may be required in order to gain approval from Sydney City Council for the proposed overland flow mitigation strategy. A full network assessment will be required to determine the required capacity of the overland flow path and potential mitigation measures. • A preliminary assessment estimated the overland flow rate during a 100 year ARI event was between 84 L/s and 116 L/s, depending on the capacity of the existing pipe network. • In accordance with City of Sydney Stormwater Drainage Design Code (Draft August 2009) the depth of flow should generally be less than 0.2 m and the velocity less than 1 m/s. • Further details in this regard will be provided as part of the Construction Certificate application. 		
29	Stormwater Quality	<p>The proponent will provide for the following measures during the construction period in order to minimise the amount of sediment and potentially contaminated water which leaves the construction site:</p> <ul style="list-style-type: none"> • A designated wash out area, set aside for waste water generating activities. The wash out area will be located away from drainage lines and street gutters. All runoff from the wash out area will be upstream of a sediment fence which will intercept sediment; and • Stockpiles of sand and soil will be sheltered or covered with a plastic sheet to prevent rainfall from mobilising soils. 	<p>Sydney Heritage Fleet UrbanGrowth NSW</p>	<p>At the Construction Certificate stage and during construction.</p>

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		<ul style="list-style-type: none"> • Stockpiles of building materials will be located away from drainage lines to prevent potentially contaminated surface water runoff from being routed directly into gutters 		
30	Stormwater Quality	The proponent will prepare and implement a Construction Phase Erosion and Sedimentation Control Plan as part of the CEMP prior to commencement of site works.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage and during construction
31	Stormwater Quality	<p>The proponent accepts and will implement the detailed water quality treatment strategy provided within Water Sensitive Urban Design Strategy.</p> <p>Any further details required in this regard will be provided as part of the Construction Certificate application.</p>	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	<p>At the Construction Certificate stage</p> <p>Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b) and as part of the ongoing operation of the site.</p>
32	Traffic (Construction)	<p>The proponent will prepare and implement a traffic management plan for the construction period, which will include details specifying:</p> <ul style="list-style-type: none"> • Construction period, including stages of construction. • The daily volume of construction traffic generated (trucks, plant & equipment vehicles, materials delivery and construction staff vehicles) for demolition and construction phases. • Truck routes and times in order to protect amenity of nearby residents. • Site Access for trucks & construction staff. Control of soil / mud from being dropped from the 	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage and during construction.

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		<p>wheels of construction vehicles onto adjacent public streets when those vehicles leave the construction site.</p> <ul style="list-style-type: none"> • Construction staff parking zones. <p>The traffic management plan will be included within the CEMP.</p>		
33	Waste Management	<p>The proponent will ensure that the selected building contractor prepares and implements a detailed waste management plan, in accordance with the recommendations provided by SLR Consulting. This will include:</p> <ul style="list-style-type: none"> • Clean, suitable demolition materials are to be stockpiled on site and reused where appropriate within the construction phase of the works. • Unsuitable or contaminated materials are to be removed from site, classified and treated or disposed of at an appropriate facility. • Where necessary during the infrastructure stage of works, qualified and certified contractors should be engaged to remove all contaminated/hazardous material. • Construction materials are selected with consideration to their long lifespan and potential for reuse. • Correct quantities of construction materials are ordered and prefabricated materials are used where possible. • Formwork is reused onsite. • Site disturbance and unnecessary excavation is limited. • Careful source separation of waste (e.g. offcuts) is conducted to prevent 	<p>Sydney Heritage Fleet UrbanGrowth NSW</p>	<p>At the Construction Certificate stage and during construction.</p>

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NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		<p>crosscontamination of waste and to facilitate reuse, resale or efficient recycling.</p> <ul style="list-style-type: none"> • Subcontractors are informed of site waste management procedures. • Records of all waste types and amounts collected by contractor are maintained. • The building contractor shall identify opportunities for waste avoidance, in accordance with Section 4.3 of SLR Consulting's • Waste Management Plan (Appendix 24). • The management of construction materials and waste including options for reuse and recycling where applicable and practicable should be conducted. Only Project wastes that cannot be cost effectively reused or recycled are to be sent to landfill or appropriate disposal facilities. • The building contractor shall implement the procedures outlined at Section 4.4 of SLR Consulting's Waste Management Plan (Appendix 24). • Careful source separation of waste (e.g. offcuts) is conducted to prevent crosscontamination of waste and to facilitate reuse, resale or efficient recycling. • The Building Contractor will need to specify the types and quantities of wastes produced during construction. • The building contractor will implement the waste storage and servicing matters outlined at Section 4.6 of SLR Consulting's 		

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		<ul style="list-style-type: none"> • Waste Management Plan (Appendix 24). • Standard signage will be posted in all storage/waste collection areas and all drums/bins will be labelled correctly and clearly to identify materials stored within. • Employed staff and contractors will be made aware of all recycling initiatives and waste storage/handling requirements. • Records of waste volumes recycled, reused or contractor removed are to be maintained and reported on a quarterly basis. • Waste audits are to be carried out to gauge the effectiveness and efficiency of waste segregation procedures and recycling/reuse initiatives. Where audits show that the above procedures are not carried out effectively, additional staff training should be undertaken and signage re-examined. 		
33A	Waste Management	<p>In addition to the matters under SOC33, the proponent will ensure that the selected building contractor prepares and implements a detailed waste management plan relating to the land-based works that includes:</p> <ul style="list-style-type: none"> • Clean, suitable demolition materials are to be stockpiled on site and reused where appropriate within the construction phase of the works. • Unsuitable or contaminated materials are to be removed from site, classified and treated or disposed of at an appropriate facility. • Where necessary during the infrastructure stage of works, 	UrbanGrowth NSW	Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b)

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		<p>qualified and certified contractors should be engaged to remove all contaminated/hazardous material.</p> <ul style="list-style-type: none"> • Formwork is reused onsite 		
34	Waste Management	<p>The proponent will implement the operational waste management details as outlined. This will form part of the OEMP and include the following aspects:</p> <ul style="list-style-type: none"> • Any liquid wastes or dangerous goods wastes generated by the Project (e.g. due to damage or leakage of containment) should be disposed of by a suitably qualified contractor to an appropriately licensed disposal facility. • No liquid wastes or wash down waters should be disposed of via the stormwater drainage system. Wastewater storage tanks (including stormwater collection tanks) should be carefully monitored to ensure overflow does not occur. • Containment measures for spillages should be provided nearby (e.g. a spill kit containing noncombustible absorbent material). • No liquid wastes or wash down waters should be disposed of via the stormwater drainage system. • Wastewater storage tanks should be carefully monitored to ensure overflow does not occur. • All contaminated and hazardous wastes (i.e. fluorescent tubing, batteries, e-wastes and smoke detectors) should be recycled at an appropriately licensed facility. • Fluorescent tubes and other globes can be recycled via prepaid 	<p>Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator</p>	<p>Details may be provided at the Occupation Certificate stage and will need to be implemented as part of the on-going operation of the site.</p>

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		<p>packs suitable for Australia Post to recycling facilities in Australia.</p> <ul style="list-style-type: none"> • E-waste (electronic waste such as computers) and batteries contain heavy metal contaminants and should be recycled at an appropriately licensed recycling facility. • Smoke detectors should be returned to the supplier for disposal (this is a condition of the supplier's licence to sell smoke detectors) and not disposed of with general landfill waste as they contain small amounts of radioactive material. Contact the supplier for information on how to return used smoke detectors. 		
35	Water Management	The Proponent will apply for the relevant Environment Protection Licence as required by any condition of consent and as a requirement of the Environment Protection Authority	Sydney Heritage Fleet UrbanGrowth NSW	The relevant application will be made prior to the issue of an Occupation Certificate, or as otherwise specified by a condition of consent.
36	Water Management	The Proponent will ensure that coal and grate ash are not spilt in the waterway. This will be ensured by continuing approved coal and ash management and handling methods in use by the Fleet for almost 50 years.	Sydney Heritage Fleet Future Operator	This will be implemented as part of the on-going operation of the site.
37	Navigation	Aids to navigation including lights on the protective dolphins on the western side of the proposed marina and the southern ends of the eastern fixed wharf will be incorporated. Details will be provided at the Construction Certificate stage for approval by the Harbour Master and implemented as part of the construction process.	Sydney Heritage Fleet UrbanGrowth NSW	Consultation with the Harbour Master will occur prior to the issue of a construction certificate and the works implemented

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
				during construction.
38	Aquatic Flora & Fauna	The Proponent will not install mesh decking on the berthing facility as stipulated by NSW Fisheries.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	Note
39	Stormwater Quality	All stormwater treatment measures are to be consistent with the Water Sensitive Urban Design objectives and the City of Sydney Stormwater Drainage Design Code (draft August 2009).	Sydney Heritage Fleet UrbanGrowth NSW	Further design details will be incorporated at the Construction Certificate stage and the works incorporated during construction.
40	Stormwater Quality	All stormwater is to be appropriately treated prior to discharge from the site.	Sydney Heritage Fleet UrbanGrowth NSW	Further design details will be incorporated at the Construction Certificate stage and the works incorporated during construction. Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b)
41	Stormwater Quality	All works within or adjacent to riparian lands should be consistent with the NSW Office of Water Guidelines for Controlled Activities, noting the specific exemptions that apply under the Water Management (General) Regulation 2011.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	Further design details will be incorporated at the Construction Certificate stage and the works incorporated during construction.
42		Deleted - Satisfied		

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
43	Location of Buildings & Structures	The proposed buildings are clear of the Anzac Bridge and associated easements.	Construction Contractor and Sydney Heritage Fleet UrbanGrowth NSW	All buildings will be constructed clear of the Bridge and easements and subject to the necessary certifications during construction and prior to an occupation certificate being issued.
44	Site Access - RMS Sydney Heritage	The building contractor and future operator will provide access to RMS and UGNSW on an as required basis to all structures and easements favouring RMS/ UGNSW.	Sydney Heritage Fleet Building contractor/ Future Operator	Access will be provided during construction and operation as required.
45	Integrity of Easements (RMS)	The integrity of the easements is not to be compromised.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	All construction and operational aspects of the site will have the necessary regard for the integrity of easements.
51		Deleted - Superseded by conditions of approval		
52		Deleted - Superseded by conditions of approval		
53		Deleted - Superseded by conditions of approval		
54		Deleted - Superseded by conditions of approval		
55	Potential Aboriginal Cultural Archaeology	If any Aboriginal 'objects' as defined under the National parks and Wildlife Act 1974, are located during the course of the excavations, the National Parks and Wildlife Service should be contacted immediately and the Metropolitan Local Aboriginal Land Council should apply for a Care Agreement with the	Building Contractor	This requirement will be incorporated into the construction management plan and dealt with during site

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		Department of Environment Climate Change and Water to enable them to retain the objects.		construction, as required.
56	Potential Aboriginal Cultural Archaeology	The Interpretation Strategy at SOC53 is to include interpretation of Aboriginal history.	Project Archaeologist	Upon completion of SOC 52.
57	Travel Management	The Green Travel Plan is to provide initiatives to encourage sustainable transport practices by both staff and visitors to the facility.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator-in conjunction with traffic consultant	Prior to Occupation of the Premises.
58	Security Management Plan	A Security Management Plan is to be developed-addressed by the CEMP as part of the construction certificate documentation and necessary works included in the construction drawings	Sydney Heritage Fleet UrbanGrowth NSW	Prior to issue of a Construction Certificate
59	Wayfinding Signage	Appropriate signage is to be provided, showing the location of the Harbour Foreshore Walk	Sydney Heritage Fleet UrbanGrowth NSW	Prior to issue of an Occupation Certificate
60	Pedestrian Accessibility	Refer to Council Issue 5.4	UrbanGrowth NSW	Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b)
60A	Public Domain Improvements	Refer to Council Issue 5.5	UrbanGrowth NSW	Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b)
62	Use of Kiosk/Cafe	The kiosk pavilion will be subject to a further development application to be determined by the City of Sydney Council. This application will be for	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	Prior to occupation of kiosk and subject to

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NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		use of the kiosk and associated fit out works.		development approval.
63	Heritage Interpretation Strategy	To ensure that the historical attributes of the site are adequately recognised, it is proposed that a heritage interpretation strategy would be prepared in consultation with the City Council and RMS, in conjunction with any findings associated with SOC 52.	Sydney Heritage Fleet UrbanGrowth NSW	Prior to final occupation of the site
64	Boating Bazaars	28 days prior to any boating bazaar taking place at the site, the local community will be notified by a letter box drop of such activities. This will include the date and time of such activities, as well as any specific information regarding the event that is relevant.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	On-going basis during operation of the site.
65	Public Domain Plan	A Public Domain Plan will be prepared in consultation with the City Council, with its content agreed prior to the issue of a construction certificate, and works to be completed prior to the issue of the final occupation certificate.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	Plan to be prepared prior to issue of construction certificate relating to the land-based component as described in B1(a-b); works to be implemented prior to issue of final occupation

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