

David Glasgow
Principal Planning Officer - Key Sites Assessments
Department of Planning and Environment

**Our
reference:** R/2022/3/A

**Your
reference:** SSD 28881729

Subject: Advice on Environmental Impact Statement - Harbourside Bulk Excavation Works
(SSD 38881729)

Dear David

Thank you for your correspondence dated 22 July 2022 requesting for the City of Sydney Council ("the City") to comment on the subject application. The proposal involves the slab demolition, bulk excavation works and construction of retaining structures to facilitate the redevelopment of the Harbourside Shopping Centre.

The City has reviewed the accompanying information and generally raises no issues with the proposed development. However, as a large and complex development within a significantly populated area like Darling Harbour and Pyrmont, it is imperative that all construction works are well managed to ensure pedestrian, cyclist and vehicular access, safety, and movement is maintained.

The City raises the following matters for consideration:

1. Traffic and Transport

A preliminary Construction, Pedestrian and Traffic Management Plan (CPTMP), prepared by PTC, is submitted with the application. The City typically does not recognise the CPTMP until such time a consent is granted, and a builder is engaged to ascertain a sufficient level of detail and accuracy is provided in the CPTMP. Accordingly, it is strongly recommended that the City's suggested condition of consent be imposed requiring the proponent to submit a detailed CPTMP for consultation and approval by the City prior to works commencing. It should be highlighted that

the City does not support the use of articulated vehicles, reversing and the use of local roads for haulage unless there is no other option. Refer to **Attachment A** of this letter.

Additional comments are made to the following:

a. Safety of Intersections

Section 2.3 of the preliminary CPTMP sets out the historical crash data for the identified key intersections. However, it doesn't benchmark it or provide any commentary or context to help understand if these numbers are particularly high or noteworthy in any way. Further clarification is sought to understand how many, if any, of the crashes involve pedestrians given that Pymont Bridge Road is a high pedestrian area, particularly the eastern end.

b. Construction vehicle routes

Construction traffic should be minimised on Pymont Bridge Road, particularly if the construction timeline overlaps with the Pymont Metro construction. The City's preferred ingress route from the west is via Harbour Street and Pier Street. However, detailed comments on vehicular construction routes can be made when a formal CPTMP is submitted.

c. Types of vehicles

Section 3.8 of the Preliminary CPTMP outlines that 12.5 metre vehicles are the largest expected vehicles while Section 3.11 states 19 metres. Clarification should be provided, noting that the City will not accept articulated vehicles.

d. Cycleway on Darling Drive

Cyclists should be advised of disruptions ahead of time via Variable Messaging Signs (VMS) and given information about alternative routes, for example through Tumbalong Park in this instance. The Inner West Council's recent management plan around the disruption on the Iron Cove cycleway is a good example.

e. Work Zones

The City makes note that Figure 3.3 of the preliminary CPTMP is missing the yellow route, which should show the path vehicles take for general deliveries. This should be clarified.

2. Heritage and Archaeology

The site is immediately located adjacent significant heritage items being the Pymont Bridge, Woodward Water Feature and South Steyne. The proposed excavation of the site also presents potential uncovering of archaeological remains. Conditions of consent are recommended to ensure the protection of the heritage items during construction and that the archaeology of the site

is appropriately managed and protected. Refer to **Attachment A**.

3. **Public Domain**

It is acknowledged that the site is located on land managed by Place Management NSW, who also controls the adjacent roads (Darling Drive) and the public domain adjacent to frontages on all sides and long Cockle Bay. As such, the City is not the approval authority for the proposed works on the site that would affect the public domain.

Conditions of consent, contained in **Attachment A**, are recommended for the alignment levels of the raft slab to be approved by the relevant authority ensure that above ground construction in the future is properly considered at this early stage of the works.

4. **Waste Management**

A Waste Management Plan (WMP) was not submitted with the application. A WMP must be prepared in accordance with the City's Guidelines for Waste Management in New Developments 2018. Additional estimates detailing the volume of individual waste streams must be provided.

Waste dockets are to be retained to confirm and verify materials for recycling or disposal and to monitor the target of 95% of demolition material diverted from landfill for reuse and recycling.

A site plan is also required to show storage areas away from public access for reusable materials and recyclables during demolition and construction. Demolition waste must be contained and stored within the boundaries of the development.

The City's recommended conditions of consent are contained in, but not limited to, **Attachment A** of this letter. It is recommended that these conditions be imposed in any approval granted for the development. It is also requested that the City be given an opportunity to review the draft conditions prior to determination.

Please contact Reinah Urqueza on ph: 02 9265 9333 if you need to discuss your request.



Andrew Rees
Area Planning Manager

ATTACHMENT A – RECOMMENDED CONDITIONS OF CONSENT

Traffic and Transport

(1) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.
- (b) The approved plan must be complied with during any demolition and/or construction work.
- (c) The plan must address Council's standard requirements for Construction Traffic Management Plans as follows:
 - (i) Details of routes to and from site and entry and exit points from site – site specific.
 - (ii) Details of roads that may be excluded from use by construction traffic i.e. roads with load limits, quiet residential streets or access/turn restricted streets – site specific.
 - (iii) The approved truck route plan shall form part of the contract and must be distributed to all truck drivers.
 - (iv) All vehicles must enter and exit the site in a forward direction (unless specific approval for a one-off occasion is obtained from the City's Construction Regulation Unit).
 - (v) Trucks are not allowed to reverse into the site from the road (unless specific approval for a one-off occasion is obtained from the City's Construction Regulation Unit).
 - (vi) The Applicant must provide the City with details of the largest truck that will be used during the demolition, excavation and construction. NOTE: No dog trailers or articulated vehicles (AV) to be used (unless specific approval for a one-off occasion is obtained from the City's Construction Regulation Unit).
 - (vii) Oversize and over-mass vehicles are not allowed to travel on Local Roads (unless approval for a one-off occasion is obtained from the City's Traffic Operations Unit). Requests to use these vehicles must be submitted to the National Heavy Vehicle Regulator (NHVR) 28 days prior to the vehicle's scheduled travel date. For more information please contact the NHVR on 1300 696 487 or www.nhvr.gov.au.
 - (viii) No queuing or marshalling of trucks is permitted on any public road.
 - (ix) Any temporary adjustment to Bus Stops or Traffic Signals will require the Applicant to obtain approval from Transport for NSW (TfNSW) prior to commencement of works.
 - (x) All vehicles associated with the development shall be parked wholly within the site. All site staff related with the works are to park in a

designated off street area or be encouraged to use public transport and not park on the public road.

- (xi) All loading and unloading must be within the development site or at an approved "Works Zone".
- (xii) The Applicant must apply to the City's Traffic Works Co-ordinator to organise appropriate approvals for Work Zones and road closures.
- (xiii) The Applicant must apply to the City's Construction Regulations Unit to organise appropriate approvals for partial road closures.
- (xiv) The Applicant must apply to TfNSW's Transport Management Centre for approval of any road works on State Roads or within 100m of Traffic Signals and receive an approved Road Occupancy Licence (ROL). A copy of the ROL must be provided to the City.
- (xv) The Applicant must apply to the City's Construction Regulations Unit to organise appropriate approvals for temporary driveways, cranes and barricades etc.
- (xvi) The Applicant must comply with development consent for hours of construction.
- (xvii) All Traffic Control Plans associated with the CTMP must comply with the Australian Standards and TfNSW's Traffic Control At Work Sites Guidelines.
- (xviii) Traffic Controllers are NOT to stop traffic on the public street(s) to allow trucks to enter or leave the site. They MUST wait until a suitable gap in traffic allows them to assist trucks to enter or exit the site. The Roads Act does not give any special treatment to trucks leaving a construction site - the vehicles already on the road have right-of-way.
- (xix) Pedestrians may be held only for very short periods to ensure safety when trucks are leaving or entering BUT you must NOT stop pedestrians in anticipation i.e. at all times the pedestrians have right-of-way on the footpath not the trucks.
- (xx) Physical barriers to control pedestrian or traffic movements need to be determined by the City's Construction Regulations Unit prior to commencement of work.
- (xxi) The Applicant must obtain a permit from the City's Construction Regulation Unit regarding the placing of any plant/equipment on public ways.
- (xxii) The Applicant must apply to the City's Building Approvals Unit to organise appropriate approvals for hoarding prior to commencement of works.
- (xxiii) The CTMP is for the excavation, demolition and construction of building works, not for road works (if required) associated with the development. Any road works will require the Applicant or the contractor to separately seek approval from the City and/or TfNSW for

consideration. Also WorkCover requires that Traffic Control Plans must comply with Australian Standards 1742.3 and must be prepared by a Certified Traffic Controller (under TfNSW regulations).

(xxiv) Please note that the provision of any information in this CTMP will not exempt the Applicant from correctly fulfilling all other conditions relevant to the development consent for the above site.

Reason

To ensure that the impacts of construction traffic is appropriately managed.

Heritage

(2) ARCHAEOLOGICAL INVESTIGATION

- (a) The applicant must apply to the Heritage Division of the Department of Environment and Heritage for an excavation permit under Section 140 of the *Heritage Act 1977*.
- (b) Should any potential archaeological deposit likely to contain Aboriginal objects be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the NSW Government Office of Environment and Heritage for an excavation permit for Aboriginal objects.
- (c) The applicant must comply with the conditions and requirements of any excavation permit required and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (f) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*;
- (g) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to issue of any Occupation Certificate.

Reason

To ensure that the archaeology of the site is appropriately managed and protected.

(3) ARCHAEOLOGICAL ASSESSMENT

An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted to and approved by Council prior to the issue of a Construction

Certificate. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.

Recommendations by the archaeological assessment are to be implemented during the process of demolition and excavation work.

Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.

Reason

To ensure that the archaeology of the site is appropriately managed and protected.

(4) SITES IN THE VICINITY OF A HERITAGE ITEM – MAJOR DEVELOPMENT

- (a) A protection strategy for the duration of the construction works, is to be submitted to and approved by Council prior to the issue of any Construction Certificate. The Strategy is to detail how the proposed works will ensure that the Pyrmont Bridge and Woodward Water Feature and South Steyne is to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.

Optional inclusions that depend on the nature and extend of the works:

- (b) Additionally the protection strategy is to include:
 - (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
 - (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
 - (iii) (for sites requiring large scale excavation that is below the level of adjacent heritage items) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. The report must address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.
 - (iv) (for sites exposing party walls previously never exposed) Details of the proposed protection of party walls from damp and water ingress during the works.

Reason

To ensure the protection of adjacent/nearby heritage items.

(5) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupation Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

Reason

To ensure that the archaeology of the site is appropriately managed and protected.

(6) SANDSTONE RECYCLING (FOR LARGE SCALE DEVELOPMENTS INVOLVING EXCAVATION TO A DEPTH OF AT LEAST ONE BASEMENT LEVEL)

- (a) A Geotechnical Report prepared by a suitably qualified geotechnical engineer is to be submitted to Council prior to the issue of any Construction Certificate. The report is to include an investigation of the nature of the existing subsurface profile using appropriate investigation methodology and borehole testing techniques.
- (b) The Geotechnical Report is to analyse the quality of the material, including contamination, and to assess the suitability of the rock for removal by cutting into quarry blocks for use as high quality building construction material, including for building conservation.
- (c) Subject to confirmation that the rock is of a suitable quality for reuse in other construction, the Geotechnical Report is to include an Excavation Work Method Statement with recommendations as to the depth of the most suitable profile, details excavation methodologies, cutting methods and procedures for the removal of all sandstone material in a useable form and size, noise and dust attenuation measures in addition to recommendations for monitoring, notifications and review.
- (d) In addition, details of any required storage of material off site must be submitted. If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is 'Yellow Block' sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse. Storage may be able to be facilitated by the Council or the NSW Department of Commerce. Please contact the Manager

Centenary Stonework Program at the NSW Department of Finance and Services on 9372 8526 for further enquiries with regard to storage.

- (e) The programming of the works is to take into account, the above process.

Reason

To ensure that sandstone on the site that is of an appropriate quality is removed by cutting into quarry blocks for use as high quality building construction material, including for building conservation.

Environmental Health

(7) RODENT TREATMENT PROGRAMME – PRE DEMOLITION AND/OR EXCAVATION

- (a) Prior to the commencement of any demolition and/or excavation works, a programme of baiting and monitoring of rodent activity is to be put in place at the site.
- (b) A licensed Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved/endorsed by Council.

Reason

To ensure that the potential impact of rodents during the demolition, excavation and construction phase is appropriately managed.

(8) HAZARDOUS MATERIALS SURVEY REQUIRED

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

Reason

To ensure that hazardous materials on the site are identified and appropriately managed.

(9) SITE AUDIT STATEMENT

Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to Council at email address:-

hbapplications@cityofsydney.nsw.gov.au

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.
- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).
- (c) **No Occupation Certificate is to be issued** by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

Reason

To ensure that the site is appropriately remediated.

(10) COMPLIANCE WITH DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan, prepared by Acoustic Logic dated 5 May 2022 reference 20220030.1/0505A/R4/SN.
- (b) Where all such control measures have been implemented and the resultant noise and/or vibration levels at any sensitive receive still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. Such periods must be set and agreed to by Council.

Reason

To ensure all parties are aware of the supporting documentation that applied to the development.

(11) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(12) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by JBS&G dated 3 May 2022, reference number 62851/145112 and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor Senversa dated 6 May 2022 reference Interim Advice 2. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Council, the Site Auditor and the Principal Certifier.

Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor and Council prior to the commencement of such work.

Reason

To ensure that the site is appropriately remediated.

(13) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Council must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.

Reason

To ensure that the site is appropriately remediated.

(14) IMPORTED FILL MATERIALS

All fill imported onto the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or

- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

Reason

To ensure that imported fill is not contaminated.

(15) CLASSIFICATION OF WASTE

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 (July 2009)*. 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.

Reason

To ensure that waste from site is classified and disposed of appropriately.

(16) DISCHARGE OF CONTAMINATED GROUNDWATER

Contaminated groundwater must not be discharged into the City's stormwater drainage system.

Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

To ensure that the discharge of ground water is appropriately managed.

(17) STOCKPILES

- (a) No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.
- (b) All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours must be covered.
- (d) All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours.

Reason

To ensure that stockpiles of soil or other materials are appropriately managed.

(18) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

All recommendations contained in the Acid Sulphate Soils Management Plan prepared by JBS&G, reference 62851/144484 (Rev 1) dated 4 April 2022, must be implemented.

Reason

To ensure that Acid Sulphate Soils are appropriately managed.

(19) HOURS OF WORK AND NOISE – CBD

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

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
- (c) Notwithstanding the above, the use of a crane 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 outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Reason

To protect the amenity of the surrounding area.

(20) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or 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 the *City of Sydney 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 (EHO to specify hours)

- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Reason

To protect the amenity of the surrounding area.

(21) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting*. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

Reason

To protect the amenity of the surrounding area.

(22) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

Reason

To protect the amenity of the surrounding area.

(23) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report, as approved must be complied with.

Prior to the issue of any Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report and that the site is safe for future occupation in accordance with the approved use.

Reason

To ensure that hazardous materials on the site are appropriately managed.

(24) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:

- (a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or
- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

Reason

To ensure the preservation of existing survey infrastructure.

(25) PUBLIC DOMAIN LEVELS AND GRADIENTS – CONSTRUCTION OF RAFT SLAB

- (a) The proposed building floor levels, basement levels and ground levels should on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any demolition work or construction of basement slab, alignment levels for the building and site frontages must be submitted and approved by the relevant authority. The submission must be prepared by a Registered Surveyor.
- (c) These alignment levels, as approved by the relevant authority, are to be incorporated into the plans submitted with the application for a Construction Certificate for any public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved alignment levels, then an amended alignment levels submission must be submitted and approved to the relevant authority to reflect the changes prior to a Construction Certificate being issued for public domain work.

Reason

To ensure public domain levels and gradients comply with the relevant authority's requirements.

(26) DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to 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.

Reason

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

(27) TEMPORARY DEWATERING DURING CONSTRUCTION

Prior to discharging any water collected during excavation and construction into the City's stormwater drainage system, approval must be sought from the City's Public Domain Unit. A dewatering management plan must be submitted with an *Application for Temporary Dewatering* available to download on the City's website.

Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

To ensure dewatering is managed appropriately.