

# Development consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Executive Director  
Development Assessment Systems & Approvals  
**Planning and Infrastructure**

Sydney

2014

### SCHEDULE 1

**Application No.:**

SSD 6013

**Applicant:**

Lend Lease (The Haymarket) Pty Ltd

**Consent Authority:**

Minister for Planning and Infrastructure

**Land:**

North West Plot, The Haymarket, Mixed Use Commercial and Public Car Park Building

(Lot 1 DP 612907, Lot 2 DP6129077, Lot 201 DP 1165804. Lot 1 DP 827982, Lot 900 DP 1132344, and Lot 2 DP 827982)

**Approved Development:**

Development of The Haymarket, Mixed Use Commercial and Public Car Park including:

- site preparation works including demolition of existing structures, tree removal, minor excavation, and site remediation as required;
- staged construction of a 12 storey building to be used for commercial premises, and above ground car parking;
- various public domain improvements including provision (part) new east-west pedestrian laneway (known as Dickson's Lane) linking Darling Drive to the Boulevard, upgrading of existing footpaths, provision of street trees, and provision of bicycle parking facilities;
- building identification signage and wall advertising sign.

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## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Agency	Planning and Infrastructure
Applicant	Consent holder or person with the benefit of the development consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A3.
BCA	Building Code of Australia
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	City of Sydney Council
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development ) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Director-General	Director-General of Planning and Infrastructure
Director General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate)
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated May 2013
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning and Infrastructure, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
RTS	Response to Submissions report titled Response to Submissions and Amendments to Proposed Development prepared by JBA Urban Planning Consultants Pty Ltd, dated February 2014
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
RMS	Roads and Maritime Services Division, Transport for NSW
SHFA	Sydney Harbour Foreshore Authority
Site	Land referred to in Schedule 1
Stage 1	Stage 1 of the building works as described in the Environmental Impact Statement, prepared by JBA Urban Planning Consultants Pty Ltd.

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## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

A1 In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

#### Development Description

A2 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule 1 and A3.

A3 The Applicant shall carry out the project generally in accordance with the:

- State Significant Development Application SSD 6013;
- Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd dated May 2013;
- Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd dated February 2014;
- The conditions of this consent; and
- The following drawings, except for:
  - any modifications which are Exempt or Complying Development;
  - otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Lend Lease Design			
Drawing No.	Revision	Name of Plan	Date
SNW DA30005	02	Site Plan – Demolition	24.01.14
SNW DA30006	02	Site Plan – Detail Excavation	24.01.14
SNW DA30100	05	Ground Floor Plan	24.01.14
SNW DA30101	03	Car Park Level 1	24.01.14
SNW DA30102	02	Car Park Level 2	24.01.14
SNW DA30103	02	Car Park Level 3	24.01.14
SNW DA30104	02	Car Park Level 4	24.01.14
SNW DA30105	02	Car Park Level 4A	24.01.14
SNW DA30106	02	Typical Floor Plan – Levels 5,6 & 7	24.01.14
SNW DA30108	02	Floor Plan Level 8	24.01.14
SNW DA30109	02	Floor Plan Level 9	24.01.14
SNW DA30110	02	Floor Plan Level 10	24.01.14
SNW DA30111	02	Floor Plan Level 11 – Plant	24.01.14
SNW DA30112	02	Roof Plan	24.01.14
SNW DA30301	02	Section AA	24.01.14
SNW DA30302	03	Section BB	24.01.14
SNW DA30303	03	Section CC	24.01.14

SNW DA30304	02	Section DD	24.01.14
SNW DA30305	02	Section EE	24.01.14
SNW DA30400	02	North Elevation	24.01.14
SNW DA30401	02	East Elevation	24.01.14
SNW DA30402	02	South Elevation	24.01.14
SNW DA30403	02	West Elevation	24.01.14
SNW DA39100	02	Staging Option – Ground Floor Plan	20.01.14
SNW DA39101	02	Staging Option – Car Park Level 1	20.01.14
SNW DA39102	02	Staging Option – Car Park Level 2	20.01.14
SNW DA39103	02	Staging Option – Car Park Level 3	20.01.14
SNW DA39104	02	Staging Option – Car Park Level 4	20.01.14
SNW DA39105	02	Staging Option – Car Park Level 4A	20.01.14
SNW DA39106	02	Staging Option – Roof Plan	20.01.14
SNW DA39301	02	Staging Option – Section AA	20.01.14
SNW DA39302	02	Staging Option – Section BB	20.01.14
SNW DA39400	02	Staging Option – North Elevation	20.01.14
SNW DA39401	02	Staging Option – East Elevation	20.01.14
SNW DA39402	02	Staging Option – South Elevation	20.01.14
SNW DA39403	02	Staging Option – West Elevation	20.01.14
<b>Landscape Drawings prepared by Hassell Limited</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
L001	D	Drawing List and Drawing Layout	27.01.14
L101	D	Tree Removal Plan	27.01.14
L201	D	Scope of Works Plan	27.01.14
L202	D	Dicksons Lane Plan	27.01.14
L210	D	Paving Plan	27.01.14
L211	D	Planting Plan	27.01.14
L212	D	Urban Elements Plan	27.01.14
L301	D	Sectional Elevations	27.01.14
<b>Civil Drawings prepared by Hyder Consulting Pty Ltd</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
PD-CI-2201	04	Sediment and Erosion Control Plan	31.01.14
PD-CI-2301	04	Civil Works and Stormwater Plan	31.01.14
PD-CI-2401	04	Combined Services Plan	17.01.14
SKCPD060	02	Proposed Floor Level Grading and Flood Level (including Climate Change) Plan	31.01.14

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### **Inconsistency between documents**

A4 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

### **Limits on consent**

A5 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.

### **Prescribed conditions**

A6 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

### **Long service levy**

A7 A Long Service Levy is required to be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

### **Legal notices**

A8 Any advice or notice to the consent authority shall be served on the Director-General.

### **Future Development Applications**

A9 The following shall be subject of separate Development Application/s under Part 4 of the Act (except where exempt and complying development applies):

- strata subdivision; and
- fit out and use for the ground floor tenancies.

Any Development Applications for the fitout of ground floor tenancies shall be generally compliant with the Building Design and Laneway Visual Assessment submitted with the RTS.

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## PART B      REMEDIATION CONDITIONS

- B1    The Applicant shall remediate the site in accordance with the approved Remedial Action Plan (RAP) prepared by Coffey Environments and dated 13 January 2014. Amendments to the approved RAP required as a result of further investigations must be prepared by a suitably qualified and experienced expert and approved by the site auditor.
- B2    Prior to the commencement of remediation works, the RAP must be endorsed by an accredited site auditor.
- B3    Upon completion of the remediation works on the Site, the Applicant shall procure a site audit report and a site audit statement prepared by an accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the PCA and SHFA prior to the issue of the Occupation Certificate.

Note: The Applicant must comply with clauses 17 and 18 of *State Environmental Planning Policy No.55—Remediation of Land*.

Note: Words and expressions used in these conditions have the same meaning as in the *Contaminated Land Management Act 1997*.

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## PART C PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### Design Modifications

C1 Prior to the issue of the relevant Construction Certificate, amended plans showing the following shall be submitted to the PCA for approval:

- a kerb ramp at the footpath of the bike entry.

Details following the resolution of the design are to be provided to the Director-General for information.

### Compliance with the Building Code of Australia (BCA)

C2 Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of consent under Clause 98 of the Environmental Planning and Assessment Regulation in relation to the requirements of the Building Code of Australia (BCA).

### Plant Noise

C3 Prior to the issue of the relevant Construction Certificate, evidence to the PCA shall be submitted demonstrating general compliance in accordance with the recommendations surrounding mechanical plant noise under the Noise and Vibration Assessment report submitted with the EIS.

### Reflectivity

C4 Prior to issue of the relevant or that of above ground works Construction Certificate, the PCA is to ensure that the visible light reflectivity from building materials used on the façade of the building does not exceed 20%.

### Outdoor Lighting

C5 All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

### Access for People with Disabilities

C6 The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the relevant Construction Certificate drawings.

### Erosion and Sediment Control

C7 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for below ground works.

### Pre-Construction Dilapidation Reports

C8 The Applicant is to engage a suitably qualified consultant to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, above ground infrastructure and roads within the 'zone of influence'.

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Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for below ground works. A copy of the report is to be forwarded to the SHFA and each of the affected property owners.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Director-General that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

### **Car Parking**

- C9 Prior to the the demolition of the SEC parking, the Applicant shall submit an Event Car Parking Management Strategy to SHFA for approval (for this time period up until the closure of the Sydney Entertainment Centre). This Management Strategy shall include:
- how patrons attending SEC functions will be appropriately informed of the most suitable alternative public car parking locations; and
  - the possible potential to install temporary signage visible to drivers along Pier Street and Darling Drive informing them of nearby suitable alternative public car parking locations.
- C10 The applicant must ensure that the car park entries/exits are designed in such a manner as to ensure that the future queuing areas and capacity requirements comply with Section 3.4 of AS 2890.1-2004.
- C11 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be accordance with AS 2890.1-2004, AS2890.6 for accessible spaces and AS2890.2-2002 for heavy vehicles where applicable.
- C12 Car parking on site shall be provided as follows:
- 400 public car spaces;
  - 50 commercial office car spaces; and
  - 1 car share space.

### **Bicycle Facilities**

- C13 Minimum bicycle parking on site shall be provided as follows:
- 146 bicycle parking spaces; and
  - 32 visitor parking spaces.
- C14 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.

### **Facilities for Cyclists**

- C15 The number of storage, change room and shower facilities for the commercial use shall comply with the details provide in the RtS. Details shall be submitted to the satisfaction of

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the PCA prior to the issue of the relevant Construction Certificate for services and finishes works

### **Structural Details**

- C16 Prior to the issue of a relevant Construction Certificate, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:
- a) the relevant clauses of the BCA; and
  - b) the development consent.

### **Mechanical Ventilation**

- C17 All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

### **Storage and Handling of Waste**

- C18 The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Recommendations of the Waste Management Plan for SSSA 4 shall be met to the satisfaction of the Certifying Authority.

### **Sydney Water Notice of Requirements**

- C19 An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue the relevant Construction Certificate.

### **Installation of Dual Flush Toilets**

- C20 All toilets installed within the development must be of water efficient dual-flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the consent of the Certifying Authority, prior to the issue of the relevant Construction Certificate for above ground works.

### **Installation of Water Efficient Taps**

- C21 All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted for the approval of the Certifying Authority, prior to issue of the relevant Construction Certificate for services and finishes works.

### **Installation of Water Efficient Urinals**

- C22 New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- C23 Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to the issue of the relevant Construction Certificate for above ground works.

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### **Internal Lighting System**

C24 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 to and approved by the Certifying Authority prior to the relevant Construction Certificate being issued.

### **Safer by Design**

C25 To minimise the opportunity for crime and in accordance with 'Crime Prevention Through Environmental Design' principles, the measures provided in the EIS (prepared by Harris Crime Prevention Services) are to be demonstrated on the architectural plans where possible prior to the issue of the relevant Construction Certificate.

C26 The western side of the building shall have appropriate CCTV monitoring and lighting which has coverage of the footpath that abuts the landscaping area. The bicycle storage area should have CCTV coverage, high luminance lighting and white non-reflective ceilings.

### **Compliance Report**

C27 Prior to the issue of a Construction Certificate, the applicant shall submit to the agency a report addressing compliance with all relevant conditions of this consent.

### **Footway Pavement Design**

C28 A footway pavement design for all flexible and rigid pavements including all considerations, assumptions, sub grade test results, and calculations shall be submitted to SHFA for consent prior to the issue of the relevant Construction Certificate for works above ground.

### **Paving Materials**

C29 The surface of any material used or proposed to be used for the paving of thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

### **Street Tree Planting and Maintenance**

C30 A Landscape Plan indicating the location of the street trees must be submitted to and approved by SHFA prior to the issue of the relevant Construction Certificate.

### **Road Design and Car Parking Layout**

C31 Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new road within the subject site. All roads shall be designed in consultation with the relevant requirements of SHFA and the RMS (if applicable). Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **Groundwater**

C32 Prior to issue of the relevant Construction Certificate, details are to be submitted to the PCA for approval demonstrating that all areas of the building below the standing groundwater level are tanked and designed and constructed in a manner that ensures minimal groundwater inflow.

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C33 Prior to issue of the relevant Construction Certificate, details are to be submitted to the PCA for approval demonstrating how water discharged from the site to stormwater or surrounding waterways will be of sufficient quality to comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

**Disposal of seepage and stormwater**

C34 Any seepage or rainwater collected on-site during construction, must be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless it is consistent with the document *Managing Urban Stormwater – Soils and Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

**Stormwater and Drainage Management**

C35 Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including details of the provision and maintenance of overland flow paths must be submitted to and approved by the relevant authority. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

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## **PART D PRIOR TO COMMENCEMENT OF WORKS**

### **Certified Plans**

- D1 Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the PCA and Planning and Infrastructure prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

### **Demolition**

- D2 The demolition work shall comply with the provisions of *Australian Standard AS2601: 2001 The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of any demolition.

### **Notice of Commencement of Works**

- D3 The PCA and SHFA shall be given written notice, at least 48 hours prior to the commencement of building or subdivision works on the Site.

### **Construction Environmental Management Plan**

- D4 Prior to the commencement of any works on the Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the PCA. The CEMP shall be informed by the Construction Management Plan submitted with the EIS. 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 management, in consultation with SHFA, Council, TfNSW and RMS;
  - d) construction noise and vibration management, prepared by a suitably qualified person;
  - e) management of dust to protect the amenity of the neighbourhood;
  - f) erosion and sediment control;
  - g) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site;
  - h) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;
  - i) flora and fauna management;
  - j) works in accordance with the Remedial Works Plan submitted with the EIS;
  - k) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works; and
  - l) incorporation of all acoustic management and treatments.

The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

The CEMP shall be certified by the Contractor's Traffic Manager and subject to road safety audits by the Contractor. The Applicant shall submit a copy of the CEMP to the agency, SHFA, Council, TfNSW and RMS prior to commencement of work.

### **Construction Noise and Vibration**

- D5 Prior to the commencement of construction activities, a detailed Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the PCA. The Plan shall include, but not be limited to:

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- a) Identification of each work area, site compound and access route (both private and public);
  - b) Identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;
  - c) Identification of all potentially affected sensitive receivers;
  - d) The construction noise objectives identified in accordance with the *Interim Construction Noise Guidelines* (DECC 2009);
  - e) Assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d);
  - f) Where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
  - g) Description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers;
  - h) Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
  - i) Measures to monitor noise performance and respond to complaints.

The CNVMP should also include demolition methods that do not require the use of rock breakers or other similar high noise generating equipment, such as rock (or concrete) splitting of building sections for transport and break up off site, unless not feasible and reasonable. Where rock breakers or other high noise generating equipment are to be used such that the appropriate criteria are exceeded, the hours of operation for high noise generating equipment must include respite periods.

### **Waste Management Plan during construction**

- D6 Prior to the commencement of any works on the Site, a detailed Construction Waste Management Plan prepared by a suitably qualified person, in consultation with SHFA, shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters:
- a) recycling of demolition materials including concrete; and
  - b) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

The Applicant shall submit a copy of the Plan to the agency, SHFA and the Council, prior to commencement of work.

- D7 Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.
- D8 The Applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Site, prior to the commencement of the removal of any waste material from the Site.

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## **Construction Traffic & Pedestrian Management Plan**

D9 Prior to the commencement of any works on the Site, a Construction Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with SHFA, the RMS, and the Transport Management Centre.

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;
- d) pedestrian and traffic management methods; and
- e) an integrated wayfinding signage strategy for pedestrians.

The Applicant shall submit a copy of the final Plan to the SHFA and the Transport Management Centre, prior to the commencement of work.

D10 The plan should include the cumulative construction impacts of all the projects listed below:

- Barangaroo, now to at least 2020;
- CBD & South East Light Rail (CSELR), 2014/15 to 2020;
- Central Park (former Carlton United Brewery), now to 2016;
- Four Points by Sheraton, 2014 to 2015;
- Harold Park redevelopment, now to 2017;
- IMAX redevelopment, 2014 to 2016;
- Sydney City Centre Bus Plan, 2014 to 2015;
- Sydney Harbour Bridge Toll Plaza upgrade, now to 2015;
- Wynyard Walk, now to 2015; and
- Temporary Exhibition Centre, 2014 to 2016.

Note: Dates above are indicative and are subject to confirmation with project owners.

## **Acid Sulfate Soils**

D11 Prior to commencement of works, an Acid Sulfate Soil Assessment and Management Plan in accordance with Acid Sulfate Soils Manual (Stone et al. 1998), is to be submitted to the PCA. The Plan shall include laboratory testing of soil samples.

## **Community Consultation**

D12 A Community Consultation and Engagement Plan shall be prepared prior to commencement of works and shall include how notification of residents and complaints associated with other elements of the SICEEP project (i.e. the PPP Core Facilities) will be managed.

## **Utility Services**

D13 Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the structure. Costs for such works will be borne by the Applicant.

D14 Prior to the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

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- D15 Prior to the commencement of works, the Applicant shall:
- a) Unless otherwise agreed in writing with Ausgrid, an agreement shall be entered into ensure Ausgrid's capacity to design, construct and operate existing and future infrastructure is not impeded;
  - b) confirm with Ausgrid the location and status (e.g. live, de-energised, isolated, abandoned) of existing Ausgrid infrastructure;
  - c) liaise with Ausgrid in relation to any aspects of the development that may impact or potentially impact Ausgrid's infrastructure or ability to safely operate and maintain its infrastructure. This includes but is not limited to effects of vibration, excavation, constructions works;
  - d) liaise with Ausgrid to determine the relocation of any existing infrastructure;
  - e) design the project taking into consideration the electric and magnetic fields (EMF) associated with Ausgrid's infrastructure; and
  - f) liaise with Ausgrid to agree appropriate work methodologies in the vicinity of Ausgrid's infrastructure.

### **Associated Roadway Costs**

D16 All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway must be borne by the developer. The new road works must be designed and constructed in accordance with Austroads.

### **Excavation Works**

D17 The PCA and SHFA shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the Subject Site.

### **Structural Details**

D18 Prior to the commencement of building construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- i) the relevant clauses of the BCA,
- ii) the development consent, and
- iii) drawings and specifications comprising the Construction Certificate.

### **Stormwater and Drainage Management**

D19 The existing stormwater management and drainage connections servicing the upper catchment areas are to be maintained at all times (during and after approved works). Where temporary or interim stormwater works are required, permission is to be sought from the relevant authority (Council or Sydney Water) prior to works commencing. If a drainage line is to be removed or altered, replacing drainage line must have similar or better capacity.

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## **PART E DURING CONSTRUCTION**

### **Hours of work**

- E1 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:
- a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
  - b) between 7:00 am and 5:00 pm, Saturdays;
  - c) no work is to be undertaken on Sundays and public holidays.
  - d) works may be undertaken outside these hours where:
    - i. it is required by a works authorisation deed executed with the RMS; or
    - ii. the delivery of materials is required outside these hours by the Police or occasional works are required outside these hours by other authorities; or
    - iii. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
    - iv. variation is approved in advance in writing by the Director General.

### **Waste Disposal**

- E2 All waste generated on site must be classified and disposed of in accordance with the Waste Classification Guidelines (DECC 2008).

### **Erosion and sediment control**

- E3 All soil erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### **Acid Sulfate Soils**

- E4 All works during construction shall comply with the Acid Sulfate Soils Management Plan. All water discharge is to comply with section 120 of the *Protection of Environment Operations Act 1997* as is appropriate.

### **Approved plans to be on-site**

- E5 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 agency, SHFA or the PCA.

### **Road Occupancy License**

- E6 A Road Occupancy License (ROL) must be obtained from the Transport Management Centre (TMC) for any activity likely to impact on the operational efficiency of the road network. The ROL allows the applicant to use a specified road space at approved times, provided certain conditions are met.

Proponents must allow a minimum of 10 working days for processing from date of receipt. Traffic Control Plans are to accompany each ROL application.

### **Site notice**

- E7 A site notice(s) shall be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer.
- E8 The notice(s) is to satisfy all but not be limited to, the following requirements:
- a) The notice is to be able to be read by the general public;

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- b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Site is not permitted.

### **Utilities**

- E9 During works within the development site, the Applicant shall ensure the work in the vicinity of Ausgrid's underground infrastructure, is undertaken in accordance with Ausgrid's Network Standard NS156 – Working Near or Around Underground Cables.
- E10 The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.
- E11 The relocation of any TfNSW services or infrastructure are to be at the Applicant's cost and to TfNSW requirements and standards.
- E12 All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW or RMS.

### **Construction Noise Management**

- E13 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 Noise and Vibration Management Plan.
- E14 If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- E15 The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours and must include respite periods unless otherwise approved in the Construction Noise and Vibration Management Plan:
  - a) 8.00 am to 12.00 pm, Monday to Friday;
  - b) 1 pm to 6.00 pm Monday to Friday; and
  - c) 8.00 am to 12.00 pm, Saturday; or
  - d) as required by a works authorisation deed executed with the RMS.
- E16 Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- E17 Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the Subject Site.
- E18 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 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

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## **Vibration Criteria**

- E19 Vibration caused by construction at any residence or structure outside the Site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 *Structural Vibration in Buildings*. Effects on Structures; and
  - b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006).
  - 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.
  - d) These limits apply unless otherwise outlined in the CEMP.

## **Hoarding requirements**

- E20 The following hoarding requirements shall be complied with:
- a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
  - b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

## **Skips and Bins**

- E21 No asbestos laden skips or bins are to be left in any public place without the consent of SHFA.

## **Covering of Loads**

- E22 All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

## **Vehicle Cleansing**

- E23 Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

## **Hazardous and Industrial Waste**

- E24 Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Department of Environment and Conservation (DEC) and the 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 1996*.
  - c) *Waste Avoidance and Recovery Act 2001*.
  - d) *New South Wales Occupational Health & Safety Act 2000*.
  - e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J*
  - f) *Construction Work Involving Asbestos or Asbestos Cement 1983)*.
  - g) *The Occupational Health & Safety Regulation 2001*.
  - h) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996*.

## **Loading and Unloading During Construction**

- E25 The following requirements apply:
- a) All loading and unloading associated with construction must be accommodated within the zone identified in the Construction Traffic & Pedestrian Management Plan.

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- b) A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to SHFA at least 8 weeks prior to commencement of work on the site. Consent 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 consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
  - c) The structural design of the building must permit 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.

### **Use of Mobile Cranes**

E26 The following requirements apply:

- a) 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 SHFA for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of SHFA 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 SHFA, will create significant traffic disruptions.
- b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- c) 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 consent of SHFA.

### **Archaeology**

E27 Where substantial intact archaeological relics of State or local significance are discovered during excavation, work must cease in the affected area and the Heritage Council, or its delegate, must be notified in writing in accordance with section 146 of the Heritage Act 1977. Depending on the nature of the discovery, additional assessment may be required prior to the recommencement of excavation in the affected area.

E28 If intact archaeological relics or deposits are uncovered then an archaeological Excavation Director must be engaged to undertake archaeological monitoring of the excavation works associated with the project and an archaeological salvage program as necessary. A methodology and archaeological Research Design should be prepared to guide such investigations and should be provided for the approval of the NSW Heritage Council or its Delegate ahead of commencement of any archaeological monitoring program. The nominated Excavation Director must meet the NSW Heritage Council Criteria for Excavation Directors.

E29 After any archaeological works have been undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, Council, SHFA, and the Planning & Infrastructure. The Applicant shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations. The final excavation report shall include the following:

- a) An executive summary of the archaeological programme;
- b) Due credit to the client paying for the excavation, on the title page;
- c) An accurate site location and site plan (with scale and north arrow);
- d) Historical research, references, and bibliography;
- e) Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
- f) Nominated repository for the items;

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- g) Detailed response to research questions (at minimum those stated in the Planning & Infrastructure approved Research Design);
  - h) Conclusions from the archaeological programme. This information must include an assessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the Site and other Comparative Site Types and recommendations for the future management of the site; and
  - i) Details of how this information about the excavations have been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the sites).

### **Discovery of Aboriginal Heritage**

E30 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

### **Tree Management**

E31 All tree plantings should be a minimum 400 litre container size.

E32 A tree 'procurement' strategy with a reputable nursery shall be required to ensure the availability of suitable advance species (400L) at the time of implementation of the development.

E33 The design should consider the use of continuous trenches for tree pits and the installation of all services to be underground.

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## **PART F PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Environmental Performance**

- F1 Prior to the issue of the Final Occupation Certificate, the applicant is to provide to the Certifying Authority, documentation certifying the development has achieved a 5 star Office v3 tool rating as established by the Green Building Council of Australia.

### **Public Car Park**

- F2 Prior to the issue of the Final Occupation Certificate for Stage 1, appropriate external signage which advises the number of car spaces available shall be installed and at minimum a parking assist system shall be installed which indicates the number of car spaces available on each level.

### **Green Travel Plan**

- F3 Prior to the issue of the Final Occupation Certificate, a green travel plan for the commercial premises shall be submitted to the PCA and be implemented. The plan shall encourage bicycle use and other forms of sustainable transport for access to the site.

### **Visitor Bicycle Car Parking**

- F4 Prior to the issue of any Occupation Certificate, the PCA shall be satisfied that the visitor bicycle parking the northern edge of the site does not impede/ obstruct pedestrian access in this area or create pedestrian pinch points.

### **Road Damage**

- F5 The cost of repairing any damage caused to SHFA or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the issue of any Occupation Certificate.

### **Registration of Easements**

- F6 Prior to the issue of the Final Occupation Certificate, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

### **Water Authority Compliance**

- F7 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the PCA prior to issue of the occupation certificate in the case of buildings or works or issue of a subdivision certificate, in the case of subdivision.

### **Post-Construction Dilapidation Report**

- F8 Prior to the issue of the final occupation certificate:
- a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This

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- report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- b) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
- i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
  - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- c) A copy of this report is to be forwarded to the SHFA and each of the affected property owners.

### **Car Parking Management**

- F9 Prior to the issue of the relevant occupation certificate, the following shall be provided:
- External signage which advises the number of car spaces available in real time, which is visible to drivers along Pier Street, Darling Drive and the Theatre Access Road;
  - Installation of real time signage at each level of the car park advising the number of car spaces available.
- F10 An External Electronic Car Parking Detection System Plan shall be submitted to the PCA prior to the implementation. The plan shall demonstrate a scheme for advertising the number of car parking spaces available in both the Exhibition Centre and Theatre car parks provided within the Core Facilities and the public car park within The Haymarket Precinct.

### **Occupation Certificate to be Submitted**

- F11 An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to the agency and SHFA prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

### **Mechanical Ventilation**

- F12 Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- a) The Building Code of Australia;
  - b) Australian Standard AS1668 and other relevant codes;
  - c) The development consent and any relevant modifications; and,
  - d) Any dispensation granted by the New South Wales Fire Brigade.

### **Waste and Recycling Management**

- F13 Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the PCA must obtain SHFA's consent of the waste and recycling management facilities provided in the development and that a contract has been made with a licensed contractor for the removal of waste. The contract must detail that domestic waste collection is to occur within the site and that no garbage is to be placed on the public way e.g. footpaths, roadways or reserves at any time.
- F14 Prior to the issue of the relevant Occupation Certificate, a detailed Waste Management Plan for operation of the site shall be submitted to the PCA. The plan shall be developed in consultation with SHFA and any waste management facilities shall be designed in accordance with the "Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities" (EPA 2012).

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### **Fire Safety Certificate to be Submitted**

F15 A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued. A copy of the Fire Safety Certificate must be submitted to SHFA if it is not the Principal Certifying Authority.

### **Installation of Water Efficient Taps**

F16 All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the consent of the Certifying Authority, prior to an Occupation Certificate being issued.

### **Street Numbering - Major Development**

F17 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 the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

### **Acoustic Compliance**

F18 Prior to the issue of an Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the Noise and Vibration Report prepared by Renzo Tonin & Associated as submitted with the EIS.

### **Building Identification Signage**

F19 Prior to the erection of the Building Identification Signage, the signage design proposed within the Building Identification Zones, must be submitted to the Director General for endorsement.

### **Public Domain**

F20 Should the building be constructed in two stages as proposed in the EIS, a Stage 1 public domain and landscape works plan shall be prepared and is to include:

- details for provision of pavement and pathways that are generally consistent with the approved landscape drawings;
- tree planting at the northern frontage as per the landscape plan;
- preliminary landscaping treatment at the western street frontage. Any landscaping shall ensure that this does not create any pinch points or potential blind spots for crime; and
- 32 visitor bicycle parking spaces at the northern street frontage as proposed.

The Stage 1 public domain and landscape works plan is to be submitted to and approved by the Director General. Evidence of this shall be submitted to the PCA prior to the issue of any occupation certificate. The PCA shall ensure the works have been completed in accordance with the approved Stage 1 public domain and landscape works plan.

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## PART G POST OCCUPATION

### Signage

- G1 Future advertisements for the wall advertisement sign on the northern façade shall:
- not be dominated by red, yellow, white or green, or any shape of pattern so as to result in it being mistaken for a rail, traffic or road sign or signal;
  - transitions between advertisements shall occur once per hour and must be instantaneous;
  - all advertisements must be static with no animation; and
  - the light sources for illuminated signs must focus solely on the sign and be shielded so that glare does not extend beyond the sign.

### Loading and unloading

- G2 All loading and unloading of service vehicles in connection with the use of the premises shall be carried out within the layover provided along Darling Drive or within the loading dock of the building.

### Use of Outdoor Terraces

- G3 Use of the rooftop office terrace is to be restricted to between 8am to 8pm Mondays to Fridays and 9am to 4pm Saturdays, Sundays and Public Holidays. No amplified music, or use of PA systems or the like are to be used on outdoor rooftop terraces and noise levels shall be managed to be accordance with the recommendations of the Noise and Vibration Report prepared by Renzo Tonin and Associates.

### Anti-Graffiti

- G4 Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

### Waste Management

- G5 Waste Management shall be undertaken in accordance with the Waste Management Plan prepared by Waste Audit and Consultancy Services and submitted with the EIS.

### Noise

- G6 The following is to achieved:
- a) The use of the premise shall be controlled so that any emitted noise is at a level so as not to create and "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
  - b) Noise associated with the operation of any plant, machinery or other equipment on the Site, shall not exceed 5dB(A) (Leq) above the background noise level when measured at the boundary of the site.
  - c) Air conditioner/s must not:
    - i. emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
      1. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
      2. before 7.00am and after 10.00pm on any other day; or
    - ii. emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

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### **Storage of hazardous or toxic material**

G7 Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

### **External lighting**

G8 External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

### **Annual Fire Safety Certification**

G9 The owner of the building shall certify to the Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### **Business and building identification signage**

- G10 Business and building identification signage shall comply with the following:-
- a) The approved signage shall be appropriately maintained at all times.
  - b) The signage shall be utilised as building and business identification signage only and shall not be adapted or altered to be third party advertising signage without the further consent.
  - c) The signage shall not:-
    - i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;
    - ii) include any apparatus to provide any sound;
    - iii) carry a message(s) which is offensive;
    - iv) give instructions to traffic by the use of the words 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
    - v) contain interchangeable or movable parts;
    - vi) impair or distract the vision of a driver through the intensity of the illumination of the sign;
    - vii) must not impede the ability of the occupants to exit the building under emergency conditions.
  - d) The wording to the signage shall be primarily displayed in English but may include a translation in another language.

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## ADVISORY NOTES

### Appeals

AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

### Other approvals and permits

AN2 The Applicant shall apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

### Responsibility for other consents / agreements

AN3 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### Temporary structures

AN4 An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

AN5 Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

### Disability Discrimination Act

AN6 This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

### Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN7 The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN8 This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act

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may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### **Asbestos removal**

AN9 All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "*Code of Practice for the Safe Removal of Asbestos*".

### **Site contamination issues during construction**

AN10 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the agency.

### **Below ground (sub-surface) works – non-aboriginal relics**

AN11 If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

### **Discovery of aboriginal heritage**

AN12 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.