

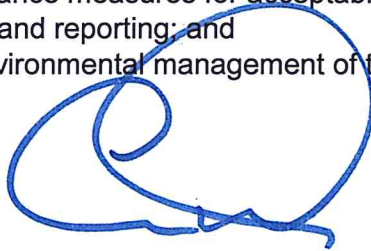
Development Consent

Section 89E of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 16 February 2015, 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;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Chris Wilson
Executive Director
Infrastructure and Industry Assessments

Sydney **23 March** ~~March~~ 2015

SCHEDULE 1

Application No.:	SSD 6715
Applicant:	DFS Australia Pty Ltd
Consent Authority:	Minister for Planning
Land:	Lot 2003 in DP788428 145-155 George Street, The Rocks
Project:	<ul style="list-style-type: none">• demolition works and refurbishment of internal areas at the ground floor and Levels 2 – 5;• a new retail entrance and accessible ramp from Harrington Street;• the enclosure of the Globe Street entrance and vaulted entry leading from George Street; and• signage.

DEFINITIONS

Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval.
Agency	Planning & Environment or its successors
BCA	Building Code of Australia
Certifying Authority	Has the same meaning as Part 4A of the EP& A Act.
Construction	Any works, including earth and building works
Council	City of Sydney Council
EIS	Environmental Impact Statement titled " <i>DFS Galleria, 150 George Street, The Rocks</i> " prepared by JBA Urban Planning Consultants Pty Ltd dated December 2014.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Minister	Minister for Planning, or nominee
Project	The project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.
Applicant	DFS Australia Pty Ltd
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
Response to Submissions	Letter from JBA Urban Planning Consultants Pty Ltd dated 20 February 2015 titled "Response to Submission: DFS Galleria, The Rocks (SSD 6715)" including appended drawings (p.1-8) titled "Signage & floor finish proposals/clarifications" prepared by PMDL Architects dated 20 February 2015.
Secretary	Secretary of Planning & Environment, or nominee
Subject Site	145 – 155 George Street, The Rocks

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

A1 DEVELOPMENT DESCRIPTION

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

- the demolition of existing improvements at the ground floor and Levels 2-5;
- the refurbishment of the internal areas at the ground floor and Levels 2-5;
- a new retail entrance and accessible ramp from Harrington Street into Level 4;
- the enclosure of the Globe Street entrance and vaulted entry leading from George Street;
and
- signage.

A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

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

Environmental Impact Statement titled "DFS Galleria, 150 George Street, The Rocks" prepared by JBA Urban Planning Consultants dated December 2014 and the following:		
Architectural Plans prepared by PMDL Architects titled "DFS Galleria George Street, Sydney"		
DA000 Rev C	Cover Sheet & Drawing List	3/12/2014
DA101 Rev C	Ground Floor Demolition Plan	2/12/2014
DA102 Rev C	Level 2 Demolition Plan	2/12/2014
DA103 Rev C	Level 3 Demolition Plan	2/12/2014
DA104 Rev C	Level 4 Demolition Plan	2/12/2014
DA105 Rev C	Level 5 Demolition Plan	2/12/2014
DA106 Rev C	George Street & Harrington Street Demolition	2/12/2014
DA107 Rev C	Globe Street Demolition	2/12/2014
DA201 Rev C	Proposed Ground Floor Plan	2/12/2014
DA202 Rev C	Proposed Level 2 Plan	2/12/2014
DA203 Rev C	Proposed Level 3 Plan	2/12/2014
DA204 Rev C	Proposed Level 4 Plan	2/12/2014
DA205 Rev C	Proposed Level 5 Plan	2/12/2014
DA401 Rev C	George Street & Harrington Street Elevation	3/12/2014
DA402 Rev C	Globe Street Elevation	2/12/2014
DA501 Rev C	North Section AA	2/12/2014
DA502 Rev C	South Section BB	2/12/2014
DA511 Rev C	West CC & East DD Section	2/12/2014
DA600 Rev C	Internal Renders	2/12/2014
DA601 Rev C	Internal Renders	2/12/2014
DA701 Rev C	Proposed Ground Floor Fixtures Plan	2/12/2014
DA702 Rev C	Proposed Level 2 Fixtures Plan	2/12/2014
DA703 Rev C	Proposed Level 3 Fixtures Plan	2/12/2014
DA704 Rev C	Proposed Level 4 Fixtures Plan	2/12/2014

Plans prepared by PMDL Architects dated 20 February 2015 titled “DFS T Galleria Sydney, PMDL Dept. of Planning Responses”:		
Notes: where there are inconsistencies between the plans listed above and the plans listed below, the plans listed below shall prevail.		
1.1 (page 3)	SSDA Design Amendment – Floor Finishes I George St, Main Entry	20/02/2015
1.2 (page 4)	SSDA Design Amendment I George St Main Entry Tiling & Signage	20/02/2015
1.3 (page 5)	Proposed Signage I George St Façade & Vaulted Entry beyond	20/02/2015
2.0 (page 6)	Concept- Materials Selection I External finishes, Atrium & Core	20/02/2015
1.6 (page 8)	Proposed signage I Harrington St Facade	20/02.2015
Heritage Impact Assessment titled “Heritage Impact Assessment for DFS Galleria, George Street, Sydney” prepared by CCG Architects and dated November 2014 (Job-No. 13-170)		
ESD Strategy titled “DFS Galleria, George Street ESD strategy for DA submission” prepared by Arup Pty Ltd dated 1 December 2014.		
Accessibility Report titled “ Accessibility & DDA Sign Off- DFS Galleria George Street” prepared by McKenzie Group Consulting (QLD) Pty Ltd dated 4 December 2014.		
Hazardous Materials Report titled “Hazardous Materials Reinspection, 155 George Street, Sydney, NSW 2000” prepared by HIBBS & Associates Pty Ltd and dated April 2010.		
BCA Report titled “Building Code of Australia Report: Proposed DFS Galleria Building Refurbishment Works- 155 George Street, Sydney NSW 2000” Rev.01 prepared by McKenzie Group and dated 3.12.2014.		
Fire Engineering Statement titled “DFS Galleria- Fire Engineering DA Statement” prepared by Arup Pty Ltd dated 1 December 2014.		

except for:

- a) any modifications which are ‘Exempt and Complying Development’ as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- b) otherwise provided by the conditions of this approval.

A3 INCONSISTENCY BETWEEN DOCUMENTS

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

A4 LIMITS ON CONSENT

This consent will lapse five years from the date of consent.

A5 APPROVAL OF USES

- (a) Separate approval must be obtained for the commercial fitout and use of the Level 5 of the building, as relevant.
- (b) Separate approval must be obtained for any physical changes to the George Street façade and the existing awning.

Note: this condition does not apply to the new DFS awning fascia lettering illustrated plan 1.3 titled “Proposed Signage I George St Façade & Vaulted Entry beyond” prepared by PMDL dated 20 February 2015.

A6 PRESCRIBED CONDITIONS

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

A7 LONG SERVICE LEVY

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

End of Section A

PART B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

B1 FINAL TILE SELECTION

Prior to the issue of a Construction Certificate, the applicant shall provide evidence to the Certifying Authority that the tile selection for the George Street entry is consistent with the detail illustrated on Plan 1.1 “Floor Finishes I George Street, Main Entry” prepared by PMDL dated 20 February 2015.

Any variations to the approved floor finishes must be approved by the Sydney Harbour Foreshore Authority prior to the issue of a Construction Certificate.

B2 CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

B3 WASTE AND RECYCLING MANAGEMENT

A Waste Management Plan is to be approved by the Certifying Authority prior to a Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

B4 COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA

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 approval under clause 98 of the Environmental Planning and Assessment Regulation in relation to the requirements of the Building Code of Australia.

B5 STRUCTURAL DETAILS

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

- (1) the relevant clauses of the BCA;
- (2) the relevant project approvals; and
- (3) the relevant Australian Standards listed in the BCA (Specification A1.3).

B6 DISABLED ACCESS- GENERAL

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

B7 STORAGE AND HANDLING OF WASTE

The design and management of facilities for the storage and handling of operational waste must comply with the requirements of City of Sydney Development Control Plan 2012. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B8 WATER RATINGS

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

B9 ECOLOGICAL SUSTAINABLE DESIGN

Prior to the issue of a Construction Certificate, details shall be provided to the satisfaction of the Certifying Authority which demonstrate that the proposal complies with the sustainability strategies detailed in the report titled “*DFS Galleria, George Street ESD Strategy for DA submission*” prepared by Arup Pty Ltd and dated 1 December 2014.

End of Section B

PART C- PRIOR TO THE COMMENCEMENT OF WORKS

C1 NOTICE OF COMMENCEMENT OF WORKS

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

C2 USE OF HERITAGE PRACTITIONER

An experienced heritage practitioner is to be commissioned to work with the consultant team prior to the commencement of works and throughout the design development, contract documentation and construction stages of the project. The heritage practitioner is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage practitioner is to be provided with full access to the site and authorised by the applicant to respond directly to SHFA where information or clarification is required regarding the resolution of heritage issues throughout the project. The heritage practitioner is to ensure that the works to the buildings are

C3 PROTECTION OF BUILDING FABRIC

Prior to the commencement of works, the heritage practitioner (refer Condition C2) is to be satisfied that suitable measures are in place to protect significant building fabric and elements from potential damage.

C4 BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

C5 DEMOLITION

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 works.

All hazardous building material removal must comply with the recommendations contained in the report title :Hazardous Materials Reinspection, 155 George Street, Sydney NSW 2000 (Reference No. S6184)" prepared by HIBBS & Associates Pty Ltd dated April 2010.

C6 CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- (1) Prior to the commencement of work the following details must be submitted to and be approved by the Principal Certifying Authority, as relevant to the Project:
 - a. Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls and the proposed method of facade retention (as relevant).
 - b. A Demolition Work Method Statement prepared by a licensed demolisher who is Registered with the Work Cover Authority. (The demolition by induced collapse, the Use of explosives or on-site burning is not permitted.)
 - c. An Excavation Work Method Statement prepared by an appropriately qualified person (as relevant).
 - d. A Waste Management Plan for the demolition and or excavation of the proposed Development (as relevant).
- (2) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Policy for Waste Minimisation in New Developments 2005*, the *Waste*

Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:

- a. A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
 - b. The name and address of the company/contractor undertaking demolition/excavation works.
 - c. The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - d. The name and address of the transport contractor.
 - e. The type and quantity of material to be removed from site.
 - f. Location and method of waste disposal and recycling.
 - g. Proposed truck routes, in accordance with this development consent.
 - h. Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding Roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - i. Measures to control noise emissions from the site.
 - j. Measures to suppress odours.
 - k. Enclosing and making the site safe.
 - l. Induction training for on-site personnel.
 - m. Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
 - n. An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
 - o. Disconnection of utilities.
 - p. Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - q. Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - r. Waterproofing of any exposed surfaces of adjoining buildings.
 - s. Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
 - t. Working hours, in accordance with this development consent.
 - u. Any Work Cover Authority requirements.
- (3) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.
- (4) The above Plan must be prepared in accordance with the recommendation in the hazardous materials report titled "Hazardous Materials Reinspection Report for 155 George Street, Sydney NSW 2000" (Ref No. S6184) dated April 2010 and prepared by HIBBS & Associates Pty Ltd.

End of Section C

PART D- DURING CONSTRUCTION

D1 APPROVED PLANS TO BE ON-SITE

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

D2 HERITAGE PRACTITIONER

The heritage practitioner required to be appointed under Condition C2 is to be engaged for the duration of the works. The heritage practitioner is to ensure that the works to the building's heritage fabric are minimised, and any directions or instructions given by the heritage practitioner throughout the works must be followed and adopted by the applicant.

D3 SITE NOTICE

- (a) 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.
- (b) 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;
 - 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

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.

D4 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 2436-1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Note: 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 96 of the *Environmental Planning and Assessment Act 1979*.

D5 PROTECTION OF BUILDING FABRIC

Significant building fabric and elements are to be protected during the works from potential damage. The proposed works are to be carried out in a manner that minimises any demolition, alteration, new penetrations/fixing or irreversible damage to the significant fabric of the heritage buildings on the site. Protection systems must ensure historic fabric is not damaged or removed.

D6 INSTALLATION OF NEW FIXINGS AND SERVICES

The installation of new fixings and services shall be carried out in such a manner as to

minimise damage to or removal of historic fabric and shall not obscure historic features.

D7 SUPERVISION- QUALIFIED HERITAGE CONSULTANT

All work to heritage fabric shall be supervised by a qualified heritage consultant to ensure that the impact of the works on the heritage significance of the building is minimised.

D8 ARCHAEOLOGICAL DEPOSITS

The Applicant must ensure that if any substantial intact archaeological deposits and/or State Significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of New South Wales must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based in the nature of the Discovery.

D9 ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, Workcover 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 is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and Workcover document entitled 'How to Safely Remove Asbestos', Code of Practice and the City of Sydney Asbestos Policy.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
- (e) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.
- (f) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (g) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (h) 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.

D10 COMPLIANCE WITH CONSTRUCTION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted and approved Construction Management Plan.
- (b) Where all such control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedances with the council's noise 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.
Such periods should where possible be set and agreed with the Council and be given at times high noise levels are, or are likely, to cause most offence.

D11 COVERING OF LOADS

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.

D12 LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

(a) All loading and unloading associated with construction activity must be accommodated on site.

(b) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at for any adjustment necessitated by the progress of the construction activities.

D13 NO OBSTRUCTION OF PUBLIC WAY

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

D14 PROTECTION OF TREES

No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.

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

D15 VIBRATION CRITERIA

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) These limits apply unless otherwise outlined in the CEMP.

D16 HOARDING REQUIREMENTS

The following hoarding requirements shall be complied with:

- d) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
- e) 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.

D17 WORK COVER REQUIREMENTS

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

End of Section D

PART E- PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

E1 UPON COMPLETION OF THE DEVELOPMENT

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

E2 FIRE SAFETY CERTIFICATE

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the PCA.

E3 MECHANICAL VENTILATION

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:

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

E4 STRUCTURAL INSPECTION CERTIFICATE

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

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

E5 NOISE - GENERAL

- a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
 - (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW EPA Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.
- b) An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$

noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that;

- (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
- (ii) The $L_{Aeq, 15 \text{ minute}}$ noise level and the $L_{A90, 15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
- (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the *NSW EPA Industrial Noise Policy* and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
- (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
- (v) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

End of Section E

PART F- POST OCCUPATION

F1 LOADING AND UNLOADING

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

F2 PUBLIC WAY TO BE UNOBSTRUCTED

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

F3 SIGNAGE

- a) The approved signage must remain consistent with the signage details illustrated in the plans prepared by PMDL Architects dated 20 February 2015 titled "DFS T Galleria Sydney, PMDL Dept. of Planning Responses" and referenced in Schedule 2 condition A2 of this consent. Any change to the signage must be subject to separate approval, as relevant.
- b) The signage must not have or use flashing lights or a method of illumination that distracts or dazzles.
- c) All illumination is to comply with *AS4282-1997 for the Control of Obtrusive Effects of Outdoor Lighting*.

End of Section E

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 council 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 from the council 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.

SITE CONTAMINATION ISSUES DURING CONSTRUCTION

AN6 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 Department.

COMPLIANCE WITH BCA

AN7 The applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

STRUCTURAL CAPABILITY FOR STRUCTURES

AN8 The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

USE OF MOBILE CRANES

AN9 The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works

NOISE GENERATION

AN10 Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

DISABILITY DISCRIMINATION ACT

AN11 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 provide the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.