

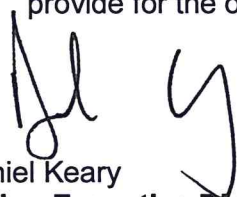
# Development consent

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

As delegate of the Minister of Planning, under delegation dated 10 November 2014, 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.



Daniel Keary  
**Acting Executive Director**  
**Key Sites and Industry Assessments**

Sydney 16<sup>th</sup> OCTOBER 2015

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### SCHEDULE 1

<b>Application No.:</b>	SSD 6831
<b>Applicant:</b>	Lend Lease (Haymarket) Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	International Convention Centre Hotel (ICC Hotel), Sydney International Convention, Exhibition and Entertainment Precinct, Darling Harbour  (Lot 1010 DP1147364)
<b>Development:</b>	Development at the ICC Hotel including: <ul style="list-style-type: none"><li>• installation of illuminated lighting to part of the external façade;</li><li>• fit out of the ICC Hotel as a 5 star hotel; and</li><li>• subdivision of the site to facilitate separate leasehold title of the hotel.</li></ul>

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## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
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
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Secretary	Secretary of the Department of Planning and Environment
Department's approval, agreement, endorsement or satisfaction	A written approval from the Secretary (or nominee/delegate)
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated May 2015
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, 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 prepared by JBA Urban Planning Consultants Pty Ltd, dated 3 September 2015, with accompanying appendices.
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.
Residential use	The use of residential housing for owner occupied residential use or leasing subject to the Residential Tenancies Act.
RMS	Roads and Maritime Services Division, Transport for NSW
SHFA	Sydney Harbour Foreshore Authority
Site / Subject Site	Land referred to in Schedule 1
SSDA8	Land referred to in Schedule 1
TfNSW	Transport for NSW

## 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.

#### Development in Accordance with Plans and Documentation

A3 The applicant shall carry out the project in accordance with the following documents and plans:

- a) SSD consent for the ICC Hotel granted by the Minister's delegate, dated 15 June 2014 (SSD 6116) (as modified);
- b) SSD Application 6831;
- c) EIS prepared by JBA Urban Planning Consultants Pty Ltd, dated May 2015;
- d) RtS prepared by JBA Urban Planning Consultants Pty Ltd, dated 3 September 2015, and accompanying appendices;
- e) the conditions of this consent; and
- f) the following drawings, except for:
  - i) any modifications which are Exempt or Complying Development;
  - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Lend Lease Design / fjmt			
Drawing No.	Revision	Name of Plan	Date
DA000	K	TITLE SHEET	10/04/15
DA001	K	LOCATION PLAN	10/04/15
DA002	K	SITE CONTEXT PLAN	10/04/15
DA003	K	BUILDING WORKS BOUNDARY PLAN	10/04/15
DA004	K	GROUND PLANE WITH IMMEDIATE CONTEXT	10/04/15
DA090	K	BASEMENT PLAN	10/04/15
DA100	K	GROUND FLOOR PLAN	10/04/15
DA101	K	MEZZANINE FLOOR PLAN	10/04/15
DA102	K	PODIUM LEVEL 1 PLAN	10/04/15
DA103	L	PODIUM LEVEL 1B PLAN	10/09/15
DA104	K	PODIUM LEVEL 2 PLAN	10/04/15
DA105	K	PODIUM LEVEL 3 PLAN	10/04/15
DA106	K	PODIUM LEVEL 3B PLAN	10/04/15
DA107	K	PODIUM LEVEL 4 PLAN	10/04/15
DA110	K	TOWER LEVELS FLOOR PLAN STANDARD HOTEL ROOMS LEVELS 5 – 12	10/04/15
DA111	K	TOWER LEVELS FLOOR PLAN STANDARD HOTEL ROOMS LEVELS 15 – 23	10/04/15

DA112	K	TOWER LEVEL FLOOR PLAN STANDARD ROOMS W JUNIOR SUITES LEVEL 24	10/04/15
DA113	K	TOWER LEVELS FLOOR PLAN STANDARD ROOMS W JUNIOR SUITES LEVEL 25 – 27	10/04/15
DA114	K	TOWER LEVELS FLOOR PLAN STANDARD ROOMS W EXEC SUITES LEVEL 28 – 33	10/04/15
DA115	K	TOWER LEVEL FLOOR PLAN STANDARD ROOMS W DELUXE SUITES LEVEL34	10/04/15
DA120	K	LEVEL 35 FLOOR PLAN CLUB LOUNGE LEVEL	10/04/15
DA125	K	LEVEL 36 FLOOR PLAN PLANT ROOM LEVEL	10/04/15
DA130	K	LEVEL 37 FLOOR PLAN ROOF TOP PLANT LEVEL	10/04/15
DA135	K	LEVEL 37B FLOOR PLAN STAIR PRESSURISATION PLANT	10/04/15
DA140	K	INDICATIVE ROOF PLAN	10/04/15
DA200	K	SECTION AA	10/04/15
DA201	K	SECTION BB	10/04/15
<b>DRAFT Subdivision Drawings</b>			
<b>Drawing No.</b>	<b>Name of Plan</b>		<b>Date</b>
Sheet 1 of 2	DRAFT PLAN OF SUBDIVISION OF LOT 1010 D.P.1147364		13/04/15
Sheet 2 of 2	DRAFT PLAN OF SUBDIVISION OF LOT 1010 D.P.1147364		13/04/15

#### **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 its helpline on 13 1441.

#### **Legal Notices**

A8 Any advice or notice to the consent authority shall be served on the Department.

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## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

- B1. Details shall be provided to the satisfaction of the Principal Certifying Authority (PCA), with the application for the relevant Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of consent under Clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the Building Code of Australia (BCA).
- B2. The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – 2004 *Design, Construction and Fitout of Food Premises*.
- B3. 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 comply with:
- the relevant clauses of the BCA
  - the relevant project approvals; and
  - the relevant Australian Standards.

Note: If Construction Certificates are issued on a level by level basis, structural drawings addressing the matters outlined above must be provided for each level the subject of the Construction Certificate.

- B4. Sanitary facilities shall comply with the deemed-to-satisfy provisions of the BCA or an alternative building solution, in accordance with Part A0 of the BCA, must be prepared by a suitably qualified and accredited person and be submitted to PCA demonstrating how the relevant performance requirements of the BCA are to be satisfied.

### Outdoor Lighting

- B5. 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 PCA prior to the issue of the relevant Construction Certificate.

### Access for People with Disabilities

- B6. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the issue of a Construction Certificate, a certificate from an appropriately qualified person confirming compliance with this condition shall be provided to the PCA. A copy of the report is to be forwarded to the Secretary and Council.
- B7. Accessible sanitary facilities for people with disabilities shall be provided to comply with the requirements of F2.4 of the BCA. If compliance with the deemed-to-satisfy provisions of the BCA cannot be achieved, an alternative building solution, in accordance with Part A0 of the BCA, must be prepared by a suitably qualified and accredited person and submitted to the PCA demonstrating how the relevant performance requirements of the BCA are to be satisfied.

### Mechanical Ventilation

- B8. The premises shall be ventilated in accordance with Part F4.5 of the BCA and shall comply with Australian Standards AS1668.1, 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 of mechanical ventilation and/or air conditioning systems complying with these shall be

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prepared by a suitably certified person and submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for above ground works.

### **Construction Management Plan**

- B9. Prior to the issue of a Construction Certificate, a site specific Construction Management Plan (CMP) shall be submitted to the relevant PCA for approval. The CMP shall be informed by the ICC Hotel Construction Management Plan (Rev C dated April 2015) provided at Appendix H of the EIS and the ICC Hotel Construction Management Plan and the ICC Hotel Noise and Vibration Report (approved pursuant to SSD 6116), and 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 arrangements, in consultation with SHFA, Council, TfNSW and RMS, including proposals to ensure nearby pedestrian safety;
  - d) construction noise and vibration management, prepared by a suitably qualified person;
  - e) management of construction waste;
  - f) construction noise and vibration impacts on nearby sensitive receivers;
  - g) management of dust to protect the amenity of the neighbourhood;
  - h) erosion and sediment control;
  - i) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site;
  - j) external lighting in compliance with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*;
  - k) flora and fauna management;
  - l) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works; and
  - m) incorporation of all acoustic management and treatments.

The CMP must not include works that have not been explicitly approved for the ICC Hotel. In the event of any inconsistency between the consent and the CMP, the consent shall prevail. The CMP shall be certified by the Contractor's Traffic Manager and subject to road safety audits by the Contractor.

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

- B10. 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 PCA, prior to the issue of the relevant Construction Certificate being issued for above ground works.

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

- B11. 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 PCA, prior to issue of the relevant Construction Certificate for services and finishes works.

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

- B12. 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).
- B13. 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 PCA, prior to the issue of the relevant Construction Certificate being issued for above ground works.

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## **Environmental Performance**

B14. The works approved under this development consent must not affect the base building, as approved under SSD 6116 (as modified), achieving a 4 star NABERS Energy rating. The applicant is to provide documentation, prepared by a suitably qualified consultant, to the PCA demonstrating compliance with this requirement prior to the issue of the relevant Construction Certificate.

## **Operational Waste Management Plan**

B15. Prior to the issue of the relevant Construction Certificate, the operational Waste Management Plan (referred to in the Waste Management Summary at Appendix N of the EIS) shall be submitted to the relevant PCA for approval. The plan shall be developed in consultation with SHFA, and have regard to Council's *Policy for Waste Minimisation in New Developments 2005*. The building plans and specifications accompanying the application for a relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers, with sufficient capacity to handle all waste and recyclable material generated by this premises.

## **Internal Lighting System**

B16. The 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. Details of the internal lighting system must be submitted to and approved by the PCA prior to the relevant Construction Certificate being issued.

## **Compliance Report**

B17. Prior to the issue of a Construction Certificate, the applicant shall submit a report addressing compliance with all relevant conditions of this consent to the Department.

## **Swimming pool waste and overflow**

B18. The swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for the relevant Construction Certificate to the satisfaction of the PCA, in consultation with Council.

## **Cool rooms**

B19. Cool room(s), refrigerated chambers and strong-rooms are to be constructed in accordance with G1.2 of the BCA:

- (a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
- (b) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (c) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (d) A door which can be opened at all times from inside without a key.
- (e) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound

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pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.

### **Grease traps**

B20. A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. The grease trap room must have a piped connection to the boundary so that it can be emptied.

Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.

### **Waterless woks**

B21. Where one or more commercial wok stove(s) are to be installed as part of the development only the use of air-cooled (waterless) wok stove(s) are permitted.

### **Sanitary facilities for food premises**

B22. The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the BCA, Part F 3.1, 4.8 and 4.9.

### **Waste rooms for food premises**

B23. To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – *Design, Construction and Fitout of Food Premises*, and must be:

- (i) provided with a hose tap connected to the water supply;
- (ii) paved with impervious floor materials;
- (iii) coved at the intersection of the floor and walls;
- (iv) graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
- (v) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act 1997*;
- (vi) fitted with appropriate interventions to meet fire safety standards in accordance with the BCA.

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

### **Certified Plans**

- C1. Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the PCA and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

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

- C2. The PCA and SHFA shall be given written notice, at least 48 hours prior to the commencement of the works on the site.

### **Contact Telephone Number**

- C3. Prior to the commencement of works, the applicant shall forward to Council a 24 hour telephone number to be operated for the duration of the construction works.

### **Construction Management Plan**

- C4. A copy of the Construction Management Plan, prepared pursuant to condition B9 of this consent, must be submitted to the PCA, RMS, Council and the Department prior to the commencement of works.

### **Community Consultation**

- C5. A Community Consultation and Engagement Plan shall be prepared prior to the commencement of construction works which includes details of how surrounding residents will be notified of the works and complaints will be managed.

### **Structural Details**

- C6. Prior to the commencement of structural works, 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 relevant Construction Certificate.

### **Connection to Sydney Water sewers**

- C7. Waste water arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

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## **PART D DURING CONSTRUCTION**

### **Road Occupancy Licence**

D1. A Road Occupancy Licence must be obtained from the Transport Management Centre (TMC) for any activity likely to impact on the operational efficiency of the road network. This licence allows the applicant to use a specified road space at approved times, provided certain conditions are met.

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

### **Hours of Work**

D2. 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 7am and 7pm, Mondays to Fridays inclusive;
- b) between 7am and 5pm, Saturdays;
- c) no audible 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 Department.

### **Waste Disposal**

D3. All waste generated on site must be classified and disposed of in accordance with DECCW's *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* and disposed of to a facility that may lawfully accept waste.

### **Approved Plans to be On-Site**

D4. 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, SHFA or the PCA.

### **Site Notice**

D5. 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. Any notice 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
- 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.

### **Contact Telephone Number**

D6. The applicant shall ensure that the 24 hour contact telephone number is attended by a person with authority over the works throughout the duration of the development.

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## Construction Noise Management

- D7. 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 Management Plan and the ICC Hotel Noise and Vibration Report (approved pursuant to SSD 6116).
- D8. 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.
- D9. 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 site.
- D10. 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*.

## Vibration Criteria

- D11. Vibration caused by construction at any residence or structure outside the site must be limited to:
- for structural damage vibration, German Standard DIN 4150 Part 3 *Structural Vibration in Buildings*. Effects on Structures; and
  - 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).
  - vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
  - These limits apply unless otherwise outlined in the CMP.

## Vehicle Cleansing

- D12. 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.

## Loading and Unloading During Construction

- D13. The following requirements apply:
- All loading and unloading associated with construction must be accommodated on site.
  - 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.
  - 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.

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- d) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by SHFA.
  - e) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

### **Use of Mobile Cranes**

D14. 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.

### **Heritage Interpretation**

D15. The internal fit out must be carried out in accordance with the *ICC Hotel Heritage Interpretation Plan* and the key heritage interpretation themes set out in the *SICEEP Heritage Interpretation Plan*, submitted to the Department in the applicant's Response to Submissions (SSD 6831).

### **No obstruction of public way**

D16. 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.

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## PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### Occupation Certificate to be Submitted

- E1. An Occupation Certificate must be obtained from the PCA and a copy submitted to the Department 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.

### Fire Safety Certificate to be Submitted

- E2. A Fire Safety Certificate shall be submitted to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to the issue of any Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to SHFA, if it is not the PCA.

### Mechanical Ventilation

- E3. 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:
- the BCA;
  - Australian Standard AS1668 and other relevant codes;
  - the development consent and any relevant modifications; and,
  - any dispensation granted by the New South Wales Fire Brigade.

### Environmental Performance

- E4. Prior to the issue of the final Occupation Certificate, the applicant is to provide to the PCA, documentation certifying the design is capable of being operated in accordance with the principles of a 4 star NABERS Energy rating.

### Road Damage

- E5. 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.

### Water Authority Compliance

- E6. 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 a Subdivision Certificate, in the case of subdivision, whichever certificate is issued first.

### Waste and Recycling Management

- E7. Prior to a relevant Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant shall provide evidence to the PCA that the waste handling works have been completed in accordance with the operational Waste Management Plan and that a contract has been made with a licensed contractor for the removal of waste. The contract must detail that 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.

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

- E8. 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 are to be submitted for the consent of the PCA, prior to a relevant Occupation Certificate being issued.

### **Plan of Management**

- E9. A Plan of Management for any licenced areas shall be submitted to and approved by the PCA, in consultation with Council and NSW Police, prior to the issue of an Occupation Certificate for that area.

### **Compliance with acoustic criteria**

- E10. Prior to the issue of an Occupation Certificate, an Acoustic Verification Report shall be prepared by a suitably qualified acoustic consultant, in consultation with Council, and submitted for the satisfaction of the PCA demonstrating that the development is capable of complying with the requirements of the Conditions G21 – G25 (entertainment venue noise) and G26 – G27 (general noise).

Note: Suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

### **Swimming Pool**

- E11. To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool area, the design and construction of the swimming pool and associated equipment and fencing must comply with the following requirements:
- a) The *Swimming Pools Act 1992* and Regulations;
  - b) The swimming pool must have safety barriers installed in accordance with the requirements of AS1926.1 - 2007 *Safety barriers for swimming pools* and AS1926.2 - 2007 *Location of safety barriers for swimming pools*;
  - c) Australian Standards 1926.3 - *Water Recirculation and Filtration*; and
  - d) *Protection of the Environment Operations Act 1997*.
- E12. Swimming and/or spa pool/s and pool surrounds must be maintained in accordance with the *Public Health (General) Regulation 2012*. Note: Guidance may also be obtained from the NSW Health Department's *Public Swimming Pool and Spa Pool Guidelines*.

### **Registration of food premises - health database**

- E13. The business is to be registered with Council's Health and Building Unit prior to the issue of an Occupation Certificate.

### **Cooking equipment and ventilation**

- E14. Cooking shall not commence until an air handling system, in accordance with Part F4.12 of the BCA is approved, installed and operational. Cooking is defined as the process of changing any food from raw to cooked by applying heat, and also includes the preparation of food by heating it. This definition does not include heating food in a microwave, a sandwich press, a toaster or similar, unless the kW or MJ combined or separate exceed that specified in the BCA, or if the use of such equipment generates excessive heat, condensation or grease. Cooking equipment that requires an air handling system is specified in AS1668.2 and BCA F4.12.

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**Mechanical ventilation required – discharge**

E15. The cooking appliances that require an approved air handling system shall be designed and installed in accordance with AS1668.1-1998 and AS1668.2-1991 or AS1668.2 – 2012 or an alternative solution satisfying the performance objectives of the BCA. No approval is granted for the burning of charcoal and solid fuel.

**Personal lockers**

E16. Clothing lockers or change rooms for male and female staff must be provided in the premises or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas.

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## **PART F      PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

### **Subdivision Certificate**

- F1. Prior to the registration of a final subdivision plan with the Registrar-General at the NSW Land and Property Information, a Subdivision Certificate shall be obtained under section 109D(1)(d) of the EP&A Act.

### **Creation of Easements**

- F2. Easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveying Act 1919*.

### **Registration of Easements**

- F3. Prior to the issue of the final Subdivision Certificate, the applicant shall provide to the PCA evidence that all matters required to be registered on title, including easements noted on the draft subdivision plans listed in Part A, approvals and other consents have been lodged for registration or registered at the NSW Land and Property Information.

### **Encroaching and/or shared services**

- F4. Any pipes, service lines or the like servicing each lot shall be contained within their respective lots or, if service lines encroach upon adjoining lots within the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to Section 88B of the *Conveyancing Act 1919*, over the service lines where any such encroachment occurs.

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## PART G POST OCCUPATION

### External Lighting

- G1. 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 PCA evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.
- G2. External lighting shall only be permitted during the following times and with the following lighting colours and settings:
- a) Sunday to Thursday: dusk to midnight, with a monochromic, subtle colour and movement setting;
  - b) Friday to Saturday: dusk to midnight, with a dynamic colour and movement setting; and
  - c) Special event days: dusk to 1am.

Special event days are limited to 20 days within any calendar year, and may include public holidays, school holidays and lighting festivals, such as Vivid.

- G3. The display of commercial or corporate imagery or advertising is not permitted.

### Annual Fire Safety Certification

- G4. The owner of the building shall certify to Council and SHFA 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.

### Loading and Unloading

- G5. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out within the loading dock within the building.

### Storage and Handling of Waste

- G6. The storage and handling of waste shall be undertaken in accordance with the Waste Management Plan required pursuant to condition B17 of this consent. No waste shall be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

### NABERS Rating

- G7. Within twelve months of the issue of the final Occupation Certificate, a copy of the documents certifying that the application achieves a 4 star NABERS Energy rating, as specified in the Ecologically Sustainable Design Report prepared by Lend Lease and dated 30 April 2015, shall be provided to the Secretary.

### Use of Roof Terrace, Gym and Lounge Bar

- G8. Use of the hotel podium roof terrace, Level 4 gym and Level 35 club lounge is restricted to hotel guests and their visitors only. Noise levels on the roof terrace shall be managed in accordance with the recommendations of the Noise and Vibration Report, approved pursuant to SSD 6116.

### Storage of Hazardous or Toxic Material

- G9. 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.

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## **Plan of Management**

G10. Licenced areas shall be managed in accordance with the Plan of Management approved pursuant to Condition E9.

## **Copies of consents**

G11. A full and current copy of all current development consents for the operation of the licenced premises, and the Plan of Management, must be kept on-site and made available for inspection by the Department, SHFA, PCA, Police, Council Officers or Special Investigators upon request.

## **Recording and notification of incidents**

G12. The hotel operator/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

## **CCTV surveillance cameras**

G13. CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:

- a) principal entrance/s and exits;
- b) all areas within the premise occupied by the public (excluding toilets);
- c) staircases in multilevel premises; and
- d) the area within a 10m radius external to the public entrance(s) to the premise.

G14. Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".

G15. All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.

G16. CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.

G17. All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.

G18. All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.

G19. The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.

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G20. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

### Noise from entertainment venues

G21. The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between 7am and midnight when assessed at the boundary of any affected residence.

G22. The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between midnight and 7am when assessed at the boundary of any affected residence.

G23. Notwithstanding compliance with (G21) and (G22) above, noise from the use when assessed as an  $L_{A10, 15 \text{ minute}}$  enters any residential use through an internal to internal transmission path is not to exceed the existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between 7am and midnight. Where the  $L_{A10, 15 \text{ minute}}$  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.

G24. Notwithstanding compliance with (G21), (G22) and (G23) above, the noise from the use must not be audible within any habitable room in any residential use between midnight and 7am.

G25. The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

Note: The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 *Acoustics – Description and measurement of environmental noise*. The background noise level  $L_{A90, 15 \text{ minute}}$  is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment  $L_{A90}$  / rating  $L_{A90}$  methodology in complete accordance with the process listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of AS1055.1997.

### General noise

G26. 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:

- a) 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*.
- b) 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*.

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c) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.

G27. 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 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that:

- a) 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.
- b) 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.
- c) 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*.
- d) 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.
- e) 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.

### **Neighbourhood amenity**

G28. Signs must be placed in clearly visible positions within the licenced premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage shall be in bold letters not less than 25mm in height on a contrasting background.

G29. The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

### **Music / noise amplification outside**

G30. Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises, except at the porte cochere where ambient background music complies with conditions G21 to G25. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

### **No ‘spruiking’**

G31. No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

### **Noise from glass crushing and removal**

G32. Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

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- G33. All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located within the premises) prior to the removal of such waste from the premises.
- G34. Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises (except from any approved bottle shop area) or approved outdoor dining area included in the boundaries of the licensed premises.

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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).

### Compliance with BCA

AN2 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.

### Other Approvals and Permits

AN3 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

AN4 The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### Disability Discrimination Act

AN5 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 BCA 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.

### Movement of Trucks

AN6 The applicant shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site and bringing materials onto the site, prior to the commencement of any transport movements.

### Site Contamination Issues During Construction

AN7 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.