

Development consent

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

As delegate of the Minister for Planning, in accordance with the delegations signed 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 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.



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 18 May

2017

SCHEDULE 1

Application No.:	SSD 7021
Applicant:	Lend Lease (The Haymarket) Pty Ltd
Consent Authority:	Minister for Planning
Land:	Darling Square (formerly referred to as 'The Haymarket'), North Plot (Lot 1 DP827982)
Approved Development:	Development of the North Plot for mixed use development including: • construction of a six storey plus mezzanine building (known as the Darling Exchange building), to be used for: • retail uses (such as Market Hall, food and beverage and restaurant/bar); and • community uses (such as library, including IQ Hub space, and child care). • Public domain improvements, including: • creation of a new public open space (the Square); • provision of a timber canopy extending from the Darling Exchange building along the western edge of the Square;

-
- creation of Little Hay Street, a new pedestrian only laneway between the North-East Plot and South-East Plot; and
 - general interface works to connect new and existing public domain.
 - signage zones;
 - remediation (as required); and
 - extension and augmentation of physical infrastructure/utilities (as required).

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.
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	City of Sydney Council
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Darling Exchange building	The six storey plus mezzanine building containing retail and community uses
Department	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 6 pm to 10 pm
EIS	Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated March 2016
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
NCC	National Construction Code
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am 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
PNSW	Property NSW, Place Management (formerly Sydney Harbour Foreshore Authority)
RtS	Response to Submissions report titled Response to Submissions and Amendments to Proposed Development prepared by JBA Urban Planning Consultants Pty Ltd, dated December 2016
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
RMS	Roads and Maritime Services Division, Transport for NSW
Secretary	Secretary of the Department of Planning and Environment
SICEEP	Sydney International Convention, Exhibition and Entertainment Precinct
Site	Land referred to in Schedule 1
SSDA10	Land referred to in Schedule 1
TfNSW	Transport for NSW
The Square	The public open space located south of the Darling Exchange building

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Development Description

- A2 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule 1 and condition A3.
- A3 The Applicant, in acting on this consent, must carry out the development:
- (a) generally in accordance with the Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated March 2016;
 - (b) generally in accordance with the Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd, dated January 2017;
 - (c) in compliance with the conditions of this consent; and
 - (d) the following drawings:

Architectural Drawings prepared by Kengo Kuma & Associates			
Drawing No.	Revision	Name of Plan	Date
ADPS01	D	DRAWING LIST AND CONTEXT PLAN	21 Nov 2016
ADPS02	D	SITE PLAN	21 Nov 2016
ADP01	D	FLOOR PLAN GROUND	21 Nov 2016
ADP02	D	FLOOR PLAN MEZZANINE	21 Nov 2016
ADP03	D	FLOOR PLAN LEVEL 01	21 Nov 2016
ADP04	D	FLOOR PLAN LEVEL 02	21 Nov 2016
ADP05	D	FLOOR PLAN LEVEL 03	21 Nov 2016
ADP06	D	FLOOR PLAN LEVEL 04	21 Nov 2016
ADP07	D	FLOOR PLAN LEVEL 05	21 Nov 2016
ADP08	D	FLOOR PLAN ROOF	21 Nov 2016
ADP09	D	FLOOR PLAN CANOPY	21 Nov 2016
ADE01	D	ELEVATION SOUTH	21 Nov 2016
ADE02	D	ELEVATION NORTH	21 Nov 2016
ADE03	D	ELEVATION EAST	21 Nov 2016
ADE04	D	ELEVATION WEST	21 Nov 2016
ADE05	D	ELEVATION SIGNAGE	21 Nov 2016
ADE06	D	ELEVATION CANOPY	21 Nov 2016
ADS01	D	SECTION NORTH/SOUTH	21 Nov 2016
ADS02	D	SECTION EAST/WEST	21 Nov 2016
ADDS01	D	SECTION TYPICAL DETAIL	21 Nov 2016

Landscape Drawings prepared by Junglefy			
Drawing No.	Revision	Name of Plan	Date
J_001	2	PROPOSED LANDSCAPE ROOF PLAN	Undated
Landscape Drawings prepared by Aspect Studios			
Drawing No.	Revision	Name of Plan	Date
14076-SSDA10 (RTS)-01	A	SITE PLAN	November 2016
14076-SSDA10 (RTS)-02	A	LANDSCAPE PLAN	November 2016
14076-SSDA10 (RTS)-03	A	SECTION 1 – THE DARLING SQUARE	November 2016
14076-SSDA10 (RTS)-04	A	SECTION 2 – TUMBALONG BOULEVARD	November 2016
14076-SSDA10 (RTS)-05	A	SECTION 3 – THE MARKET SQUARE	November 2016
14076-SSDA10 (RTS)-06	A	SECTION 4 – THE GREEN	November 2016
14076-SSDA10 (RTS)-07	A	SECTION 5 – THE GROVE	November 2016
14076-SSDA10 (RTS)-08	A	SECTION 6 – LITTLE HAY STREET	November 2016
14076-SSDA10 (RTS)-09	A	MATERIALS + FINISHES PLAN	November 2016
14076-SSDA10 (RTS)-10	A	ACCESS AND LEVELS	November 2016
14076-SSDA10 (RTS)-11	A	PLANTING STRATEGY	November 2016
14076-SSDA10 (RTS)-12	A	FURNITURE PLAN	November 2016
14076-SSDA10 (RTS)-16	A	OPERATIONS PLAN – FIXTURES	November 2016
14076-SSDA10 (RTS)-17	A	OPPORTUNITIES FOR HERITAGE INTERPRETATION	November 2016
14076-SSDA10 (RTS)-18	A	PUBLIC ART STRATEGY	November 2016
14076-SSDA10 (RTS)-AREAS	B	Area Plan	December 2016
Civil Drawings prepared by Hyder			
Drawing No.	Revision	Name of Plan	Date
PD-CI-5005	02	GENERAL NOTES SHEET 1	05/06/2016
PD-CI-5006	02	GENERAL NOTES SHEET 2	05/06/2016
PD-CI-5011	02	GENERAL ARRANGEMENT PLAN	05/06/2016
PD-CI-5021	02	SURVEY AND EXISTING SERVICES PLAN (DBYD)	05/06/2016
PD-CI-5022	02	SURVEY AND EXISTING SERVICES PLAN ROBERT BIRD GROUP	05/06/2016

PD-CI-5151	08	BULK EARTHWORKS PLAN	07/12/2016
PD-CI-5201	08	SEDIMENT AND EROSION CONTROL PLAN	07/12/2016
PD-CI-5221	02	SEDIMENT AND EROSION CONTROLS DETAILS	05/06/2016
PD-CI-5301	08	CIVIL WORKS AND STORMWATER PLAN	07/12/2016
PD-CI-5516	06	STORMWATER DRAINAGE PIT SCHEDULE	07/12/2016
PD-CI-5521	06	STORMWATER DRAINAGE LONGITUDINAL SECTIONS SHEET 1	07/12/2016
PD-CI-5522	06	STORMWATER DRAINAGE LONGITUDINAL SECTIONS SHEET 2	07/12/2016
PD-CI-5571	06	SEWER DRAINAGE PLAN	07/12/2016
PD-CI-5572	06	SEWER DRAINAGE LONGITUDINAL SECTIONS SHEET 1	07/12/2016
PD-CI-553	06	SEWER DRAINAGE PIT SCHEDULE	07/12/2016
PD-CI-5581	06	WATER SENSITIVE URBAN DESIGN STRATEGY PLAN	07/12/2016
PD-CI-5901	02	COMBINED SERVICES PLAN (DBYD)	05/06/2016
PD-CI-5902	08	COMBINED SERVICES PLAN (ROBERT BIRD GROUP)	07/12/2016

Inconsistency Between Documents

- A4 If there is any inconsistency between the documents in condition A3 the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

IQ Hub Space

- A5 The library shall include an IQ Hub space that shall be no less than 200 m² in size. The IQ Hub space may be flexibly used for other ancillary community uses when it is not required for its primary use as an IQ Hub space.

Limits on Consent

- A6 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.
- A7 This consent does not grant any approval for use of the Square for events.

Prescribed Conditions

- A8 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Long Service Levy

- A9 A Long Service Levy is required to be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal Notices

- A10 Any advice or notice to the consent authority shall be served on the Department.

Future Development Applications

A11 The following shall be subject of separate Development Application/s under Part 4 of the Act (except where exempt and complying development applies):

- stratum / strata subdivision;
- events within the Square;
- signage (excluding Building Identification Signage);
- fit-out of retail (including Market Hall and food and beverage), restaurant/bar, library (including IQ Hub space) and childcare centre; and
- ground level retail shopfronts.

PART B REMEDIATION CONDITIONS

- B1 The Applicant shall remediate the site in accordance with the approved Remedial Action Plan (RAP) prepared by Coffey Environments and dated 13 January 2014 (ref: and ENAURHOD04498AA). Amendments to the approved RAP required as a result of further investigations must be prepared by a suitably qualified and experienced expert and approved by the site auditor.
- B2 Prior to the commencement of remediation works, the RAP must be endorsed by an accredited site auditor.
- B3 Upon completion of the remediation works on the Site, the Applicant shall procure a site audit report and a site audit statement prepared by an accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the PCA and PNSW prior to the issue of the Occupation Certificate.

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

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

PART C PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No Works Prior to Construction Certificate

- C1 Work must not commence until a relevant Construction Certificate has been issued.

Retail Pods within the Square

- C2 Prior to the issue of the relevant Construction Certificate, amended plans shall be submitted to the satisfaction of the PCA showing the deletion of the retail pods located south of the Darling Exchange building and along the western boundary of the Square.

Transparency of Perforated Stair Risers

- C3 The stair risers of the curved stair located on the western side of the Darling Exchange building connecting the Boulevard to the first floor library shall be 39% pattern perforated in accordance with Option 2 included in letter prepared by JBA Urban Planning Consultants dated 22 March 2017.

Furniture within the Public Domain

- C4 Prior to the issue of the relevant Construction Certificate, amended plans shall be submitted to the satisfaction of the PCA confirming the furniture within the public domain has been designed in accordance with the Furniture Design Principles included in letter from JBA Urban Planning Consultants dated 3 March 2017.

Compliance with the National Construction Code (NCC)

- C5 Details shall be provided to the satisfaction of the 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 Regulation in relation to the requirements of the NCC.

Reflectivity

- C6 Prior to issue of the relevant above ground works Construction Certificate, the PCA is to ensure that the visible light reflectivity from building materials used on the façade of the building does not exceed 20%.

Outdoor Lighting

- C7 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 for above ground works.

Access for People with Disabilities

- C8 The Darling Exchange building and the public domain (where relevant and as it relates to access to the building) must be designed and constructed to provide access and facilities for people with a disability in accordance with the NCC. The PCA must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the relevant Construction Certificate drawings.

Erosion and Sediment Control

- C9 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by

Landcom. Details are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for below ground works.

Pre-Construction Dilapidation Reports

- C10 The Applicant is to engage a suitably qualified consultant to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings, above ground infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for below ground works. A copy of the report is to be forwarded to PNSW and each of the affected property owners.

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

Noise Mitigation Measures

- C11 Details of noise mitigation measures recommended in the Acoustic Assessment prepared by Renzo Tonin & Associates dated 23 February 2016 (as amended by Addendum Report dated 12 December 2016) are to be detailed on the Construction Certificate drawings (except for mitigation measures relating to operation of the retail (including Market Hall and food and beverage), restaurant/bar, library (including IQ Hub space) and childcare centre which will be subject to separate development applications in accordance with Condition A11).

Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of *State Environmental Planning Policy (Infrastructure) 2007* and other guidelines applicable to the development is required to be submitted to the PCA prior to the issue of the relevant Construction Certificate.

Bicycle Facilities

- C12 A minimum of 20 visitor bicycle parking spaces must be provided within the public domain on site.
- C13 The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of *Australian Standard AS 2890.3 – 2015 Parking Facilities Part 3: Bicycle Parking Facilities* except that all bicycle parking for visitors of any land uses must be Class C bicycle rails.

Structural Details

- C14 Prior to the issue of a relevant Construction Certificate, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:
- a) the relevant clauses of the NCC; and
 - b) the development consent.

Mechanical Ventilation

- C15 All mechanical ventilation systems shall be installed in accordance the NCC and shall comply with Australian Standards *AS1668.2 The use of ventilation and air-conditioning in buildings - Ventilation design for indoor air contaminant control* and *AS3666 Air handling and water systems of buildings – Microbial control*. Details shall be submitted to the

satisfaction of the PCA prior to the issue of the relevant Construction Certificate for above ground works.

- C16 The mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements in accordance with relevant Australia Standards. Any exhaust system servicing a food and beverage tenancy where food is being cooked must discharge exhaust air at roof level.

Warm Water Systems and Cooling Systems

- C17 The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 *Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease*.

Storage and Handling of Waste

- C18 The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area(s) will be provided within the premises or within the North East Plot for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Recommendations of the Waste Management Report prepared by Waste Audit and Consultancy Services, dated May 2016 (as amended by Waste Management Plan dated November 2016) shall be met to the satisfaction of the PCA.

Sydney Water

- C19 An application shall be made to the relevant water authority for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to the issue the relevant Construction Certificate.
- C20 Prior to the issue of the relevant Construction Certificate, the Applicant shall consult with the relevant Water Authority about any proposed new stormwater and flooding infrastructure or amendment(s) to existing stormwater infrastructure.

Following consultation with the relevant Water Authority and finalisation of any amendments or designs, the Applicant shall submit to the Department, and the relevant Water Authority, a copy of the final design of stormwater infrastructure.

Installation of Water Efficient Fixtures and Fittings (Non-Residential Uses)

- C21 All toilets installed within the non-residential components of the development must be of water efficient dual-flush capacity with at least 4-star rating under the 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.
- C22 All taps and shower heads installed within the non-residential components of the development must be water efficient with at least a 3-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.
- C23 New urinal suites, urinals and urinal flushing control mechanisms installed within the non-residential components of the development must demonstrate that products have been selected with at least a 4-star rating under the WELS.

-
- C24 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.

Internal Lighting System

- C25 The proposed internal lighting system for the base building must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off outside peak periods. Details of the internal lighting system must be submitted to and approved by the PCA prior to the relevant Construction Certificate being issued.

Safer by Design

- C26 To minimise the opportunity for crime and in accordance with 'Crime Prevention Through Environmental Design' (CPTED) principles, the recommended mitigation measures within the CPTED Report prepared by Harris Crime Prevention Services, dated 3 February 2016 are to be demonstrated on the architectural plans prior to the issue of the relevant Construction Certificate.

Environmental Performance

- C27 The Applicant is to provide documentation, prepared by a suitably qualified consultant, indicating that the development has been designed in accordance with the principles of a minimum 5 star Green Star rating under Green Star – Design & As Built v1.1. Evidence of the project's consistency with Green Star principles shall be provided to the PCA prior to the relevant Construction Certificate.

Flooding, Groundwater, Drainage, Seepage and Water Quality

- C28 Prior to the issue of the relevant Construction Certificate, details are to be submitted to the PCA for approval demonstrating that the development has been designed in accordance with the conclusions and mitigation measures of the Flooding Stormwater and Water Sensitive Urban Design Report prepared by Hyder Consulting, dated 2 February 2016.
- C29 Prior to issue of the relevant Construction Certificate, details are to be submitted to the PCA for approval demonstrating that all areas of the building below the standing groundwater level are appropriately waterproofed.
- C30 Prior to issue of the relevant Construction Certificate, details are to be submitted to the PCA for approval demonstrating how water discharged from the site to stormwater or surrounding waterways will be of sufficient quality to comply with Section 120 of the *Protection of the Environment Operations Act 1997*.
- C31 Appropriate soil and water management measures that are consistent with the guidelines of the *Managing Urban Stormwater – Soils and Construction* publications (including Volume 1 – Blue Book and Volume 2A – Installation of Services) shall be implemented during construction.
- C32 Any seepage or rainwater collected on-site during construction, must be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless it is consistent with the document *Managing Urban Stormwater – Soils and Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.
- C33 Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the relevant Authority's asset standards and requirements.

Paving Materials and Tactile Ground Surface Indicators and Handrails

- C34 The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with *AS/NZS 4586:2013 Slip resistance classification of new pedestrian surface materials*.

PART D PRIOR TO COMMENCEMENT OF WORKS

Certified Plans

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

Demolition

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

Notice of Commencement of Works

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

Construction Environmental Management Plan

- D4 Prior to the commencement of any works on the Site, a **Construction Environmental Management Plan** (CEMP) shall be submitted to the PCA. The CEMP shall be informed by the Construction Management Plan submitted with the EIS. The CEMP shall address, but not be limited to, the following matters where relevant:
- a) hours of work;
 - b) 24 hour contact details of site manager;
 - c) traffic management, in consultation with PNSW, Council, TfNSW and RMS;
 - d) construction noise and vibration management, prepared by a suitably qualified person;
 - e) management of dust to protect the amenity of the neighbourhood;
 - f) erosion and sediment control;
 - g) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site;
 - h) external lighting in compliance with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*;
 - i) flora and fauna management;
 - j) works in accordance with the Remedial Works Plan submitted with the EIS;
 - k) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works; and
 - l) incorporation of all acoustic management and treatments.

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

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

Construction Noise and Vibration

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

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

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

Waste Management Plan during construction

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

The Applicant shall submit a copy of the CWMP to the Department, PNSW and the Council, prior to commencement of work.

- D7 Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

Construction Traffic & Pedestrian Management Plan

- D8 Prior to the commencement of any works on the Site, the applicant shall prepare and submit to the PCA a **Construction Pedestrian and Traffic Management Plan** (CPTMP). The CPTMP must be prepared in consultation with the CBD Coordination Office, PNSW and the Sydney Light Rail Team within TfNSW and shall specify, but not be limited to, the following:
- a) locations of the proposed work zone;
 - b) haulage routes;
 - c) construction vehicle access arrangements;
 - d) proposed construction hours;
 - e) estimated number of construction vehicle movements;
 - f) construction program;

-
- g) consultation strategy for liaison with surrounding stakeholders; and
 - h) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
 - i) cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for development within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are management to minimise impacts on the road network; and
 - ii) should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

The Applicant shall submit a copy of the final CPTMP to the Coordinator General, CBD Coordinator Office and PNSW, prior to the commencement of work.

Acid Sulfate Soils

- D9 Prior to commencement of works (other than demolition), an **Acid Sulfate Soil Assessment and Management Plan** in accordance with Acid Sulfate Soils Manual (Stone et al. 1998), is to be submitted to the PCA. The Plan shall include laboratory testing of soil samples.

Community Consultation

- D10 A **Community Consultation and Engagement Plan** shall be prepared prior to commencement of works and implemented during construction. The Plan shall include how notification of residents and complaints associated with other elements of the SICEEP project (i.e. the PPP Core Facilities, North West Plot, North East Plot, South West Plot, South East Plot and Darling Drive Plot) will be managed.

Utility Services

- D11 Prior to the commencement of work the Applicant is to negotiate with the utility authorities in connection with the relocation and/or adjustment of the services affected by the construction that involves the relocation and/or adjustment of services. Costs for such works will be borne by the Applicant.
- D12 Prior to the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

Excavation Works

- D13 The PCA, PNSW and the Department shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the Subject Site.

Structural Details

- D14 Prior to the commencement of building construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- i) the relevant clauses of the NCC,
 - ii) the development consent, and
 - iii) drawings and specifications comprising the Construction Certificate.

Stormwater and Drainage Management

- D15 The existing stormwater management and drainage connections servicing the upper catchment areas are to be maintained at all times (during and after approved works). Where temporary or interim stormwater works are required, permission is to be sought from the relevant authority (Council or Sydney Water) prior to works commencing. If a drainage line is to be removed or altered, replacing drainage line must have similar or better capacity.

PART E DURING CONSTRUCTION

Road Occupancy Licence

- E1 A Road Occupancy Licence (ROL) must be obtained from the Transport Management Centre for any activity likely to impact on the operation efficiency of the road network. The ROL 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 ROL application.

Hours of Work

- E2 All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out:
- a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
 - b) between 7:00 am and 5:00 pm, Saturdays;
 - c) no work is to be undertaken on Sundays and public holidays; or
 - d) works may be undertaken outside these hours where:
 - i. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
 - ii. it is required by a works authorisation deed executed with the RMS and approved in advance in writing by the Department; or
 - iii. the delivery of materials is required outside these hours by the Police or occasional works are required outside these hours by other authorities and approved in advance in writing by the Department.

Waste Disposal

- E3 All waste generated on site must be classified and disposed of in accordance with the *Waste Classification Guidelines* (DECC 2008).

Erosion and Sediment Control

- E4 All soil erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Acid Sulfate Soils

- E5 All works during construction shall comply with the Acid Sulfate Soils Assessment and Management Plan. All water discharge is to comply with section 120 of the *Protection of Environment Operations Act 1997* as is appropriate.

Approved Plans to be On-Site

- E6 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of the agency, PNSW or the PCA.

Site Notice

- E7 A site notice(s) shall be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer.

-
- E8 The notice(s) is to satisfy all but not be limited to, the following requirements:
- a) the notice is to be able to be read by the general public;
 - b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Site is not permitted.

Utilities

- E9 The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.
- E10 The relocation of any TfNSW services or infrastructure are to be at the Applicant's cost and to TfNSW requirements and standards.
- E11 All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW or RMS.

Construction Noise Management

- E12 The development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan.
- E13 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.
- E14 The Applicant shall schedule any rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours and must include respite periods unless otherwise approved in the Construction Noise and Vibration Management Plan:
- a) 8.00 am to 12.00 pm, Monday to Friday;
 - b) 1 pm to 6.00 pm Monday to Friday; and
 - c) 8.00 am to 12.00 pm, Saturday; or
 - d) as required by a works authorisation deed executed with the RMS.
- E15 Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored and/or continuous flight auger piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- E16 Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Subject Site.
- E17 All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and AS 2436-1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Vibration Criteria

- E18 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*;
 - b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006);
 - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above; and
 - d) these limits apply unless otherwise outlined in the CEMP.

Hoarding Requirements

- E19 The following hoarding requirements shall be complied with:
- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
 - b) the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

Skips and Bins

- E20 No asbestos laden skips or bins are to be left in any public place without the consent of PNSW.

Covering of Loads

- E21 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.

Stockpiles

- E22 All stockpiles of:
- a) soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets;
 - b) soil or other materials likely to generate dust or odours shall be covered; and
 - c) contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

Vehicle Cleansing

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

Hazardous and Industrial Waste

- E24 Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Department of Environment and Conservation (DEC) and the NSW Work Cover Authority pursuant to the provisions of the following:
- a) *Protection of the Environment Operations Act 1997*;
 - b) *Protection of the Environment Operations (Waste) Regulation 1996*;
 - c) *Waste Avoidance and Recovery Act 2001*;
 - d) *New South Wales Occupational Health & Safety Act 2000*;

-
- e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J;*
 - f) *Construction Work Involving Asbestos or Asbestos Cement 1983);*
 - g) *The Occupational Health & Safety Regulation 2001; and*
 - h) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*

Loading and Unloading During Construction

E25 The following requirements apply:

- a) all loading and unloading associated with construction must be accommodated on site;
- b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to PNSW at least 8 weeks prior to commencement of work on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities;
- c) 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 PNSW; and
- d) in addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

Use of Mobile Cranes

E26 The following requirements apply:

- a) for special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from PNSW for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of PNSW 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 PNSW, 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; and
- 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 7.00 am without the prior consent of PNSW.

Archaeology

- E27 The Hydraulic Pump House must be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed
- E28 The Applicant must retain Dickson's Dam Wall and Mill buildings *in situ* and minimise all impacts from the project to these state significant archaeological items as much as possible.
- E29 An archaeological consultant shall be nominated for the works. The consultant shall have appropriate qualifications and experience commensurate with the scope of the Major Project works. The name and experience of these consultants shall be submitted to the Director-General for approval prior to commencement of works. These persons shall satisfy the Heritage Council of NSW Excavation Director Criteria at a level suited to the significance of the archaeological relics to be harmed.
- E30 All construction contractors, subcontractors and personnel are to be inducted and informed by the nominated archaeological consultant prior to commencing work on site as to their obligations and requirements in relation to historical archaeological sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW.

-
- E31 All affected historical archaeological 'relics' and/or deposits of Local significance are to be subject to professional archaeological excavation and/or recording before construction works commence which will impact those 'relics'. A Research Design including an Archaeological Excavation Methodology must be prepared in accordance with Heritage Council guidelines. Those documents should be prepared for the approval of the Secretary, Department of Planning & Environment upon receipt of advice from the Heritage Division.
- E32 After any archaeological works have been undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, the City of Sydney and the Department. The proponent shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations.
- E33 The information within the final excavation report shall be required to include the following:
- a) an executive summary of the archaeological programme;
 - b) due credit to the client paying for the excavation, on the title page;
 - c) an accurate site location and site plan (with scale and north arrow);
 - d) historical research, references, and bibliography;
 - e) detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
 - f) nominated repository for the items;
 - g) detailed response to research questions (at minimum those stated in the Department of Planning & Infrastructure approved Research Design);
 - h) conclusions from the archaeological programme. This information must include a reassessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the Sites within the North Plot of the Darling Square redevelopment and other Comparative Site Types and recommendations for the future management of the site (if any are relevant); and
 - i) details of how this information about the excavations have been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the sites).
- E34 The results of the archaeological fieldwork, the history of the site and other should be used to inform an Interpretation Plan to guide the future incorporation of the findings from the works in communicating the significance of the site to future visitors. The results of the archaeological investigations should be incorporated into the Interpretation Plan specific to this Precinct and contribute to the broader interpretation of the Darling Square site. The Interpretation Plan should be prepared in accordance with the Guidelines issued by the Heritage Council of NSW. The Interpretation Plan should be prepared for the approval of the Secretary upon receipt of advice from the Heritage Division.

Survey Marks and Infrastructure

- E35 All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

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

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

- E36 Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a 'Plan of Survey Information' must be lodged at the Land and Property Management Authority.

PART F PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificate to be Submitted

- F1 An Occupation Certificate must be obtained from the PCA and a copy submitted to the Department and PNSW 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.

CPTED

- F2 The CPTED mitigation works referred to in **condition C27** shall be completed prior to the issue of the relevant Occupation Certificate.

Green Travel Plan

- F3 To encourage travel modes other than private vehicle the Applicant shall prepare and implement a green travel plan and transport access guide for future employees and visitors. Details are to be submitted to the PCA prior to the issue of the final Occupation Certificate.

Public Domain Works

- F4 All public domain works and landscaping shall be completed prior to the issue of the final Occupation Certificate of the development.

Flooding, Stormwater, Drainage and Water Sensitive Urban Design

- F5 The flooding, stormwater, drainage and Water Sensitive Urban Design works referred to in **conditions C29 to C34** shall be completed prior to the issue of the final Occupation Certificate of the development.

Shared Facilities between the North East Plot and the North Plot and the Square

- F6 Prior to issue of the relevant Occupation Certificate, the following facilities, services and utilities shall be made available for the North Plot tenants (as relevant to its operation) within the North East Plot:
- a) Back of house;
 - b) Loading bays;
 - c) Fire Egress;
 - d) Public and Staff amenities;
 - e) A minimum of 14 bicycle racks, 14 lockers and shower facilities; and
 - f) Electricity substation.

Access and usage rights shall be registered on the title of the relevant stratum in the North East Plot prior to issue of the relevant Occupation Certificate for the North Plot.

Servicing Management

- F7 Prior to the issue of the relevant Occupation Certificate, a **Loading Dock / Service Vehicle Management Plan** (LDSVMP) shall be submitted to the PCA to promote safe and efficient operation of the proposed loading dock, transfer of goods between the North East and North Plots and to minimise disruption to traffic and residential amenity.

Alcove Lighting

- F8 All alcoves created by recessed egress doorways at ground floor level shall be fitted with a sensor-activated vandal proof security light. The light shall be maintained in good working order to PNSW's satisfaction.

Damage to Public Authority Assets

- F9 The cost of repairing any damage caused to Council, PNSW 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 the final Occupation Certificate.

Registration of Easements

- F10 Prior to the issue of the final Occupation Certificate, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

Vehicle Footway Crossing

- F11 All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of the final Occupation Certificate.
- F12 A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

Water Authority Compliance

- F13 The Section 73 Certificate must be submitted to the PCA prior to issue of the relevant Occupation Certificate in the case of buildings or works or issue of a Subdivision Certificate, in the case of subdivision.

Post-Construction Dilapidation Report

- F14 Prior to the issue of the final Occupation Certificate:
- a) the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads;
 - b) the report is to be submitted to the PCA and in ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions, and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and
 - c) a copy of this report is to be forwarded to the PNSW and each of the affected property owners.

Ventilation

- F15 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 relevant Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- a) the NCC;
 - b) Australian Standard AS1668 *The use of ventilation and air-conditioning in buildings - Ventilation design for indoor air contaminant control* and other relevant codes;
 - c) the development consent and any relevant modifications; and
 - d) any dispensation granted by the New South Wales Fire Brigade.

Waste and Recycling Management

- F16 Prior to a relevant Occupation Certificate being issued or the use commencing, whichever is earlier, the Applicant must obtain PNSW's consent of the waste and recycling management facilities provided in the development and that a contract has been made with a licensed contractor for the removal of waste. The contract must detail that no garbage is to be placed on the public way e.g. footpaths, roadways or reserves at any time.

Fire Safety Certificate to be Submitted

- F17 A Fire Safety Certificate must be submitted to the Principal PCA for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued. A copy of the Fire Safety Certificate must be submitted to PNSW if it is not the PCA.

Installation of Water Efficient Taps

- F18 All taps and shower heads installed must be water efficient with at least a 3-star rating under the WELS, where available. The details are to be submitted for the consent of the PCA, prior to a relevant Occupation Certificate being issued.

Numbering

- F19 Prior to the final Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

Noise

- F20 Prior to the issue of a relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the Acoustic Assessment, prepared by Renzo Tonin & Associates, dated 23 February 2016 (as amended by Addendum Report dated 12 December 2016).

Wind

- F21 Prior to the issue of a relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the Wind Report, prepared by Cermak Peterka Petersen, dated February 2016 and updated by letter dated 29 November 2016, including the installation of screens, folding glass, fencing/balustrading and awnings.

Building Identification Signage

- F22 Prior to the erection of the Building Identification Signage, the signage design proposed within the Building Identification Signage Zones, must be submitted to the Department for endorsement.

PART G POST OCCUPATION

Loading and Unloading

- G1 All servicing, loading and unloading operations associated with the Darling Exchange building must be carried out at all times within the confines of the North East Plot podium and Harbour Street and must not obstruct other properties/units or the public way. No servicing, loading or unloading for the Darling Exchange building shall occur within the Boulevard. All loading and unloading shall be undertaken in accordance with the approved LDSVMP (**Condition F6**).

Anti-Graffiti

- G2 Where possible all ground level building surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

Waste Management

- G3 Waste management shall be undertaken in accordance with the Waste Management Report, prepared by Waste Audit and Consultancy Services and **Condition C19** as may be updated by **Condition F16**.

Noise

- G4 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 AS 1055-1997 Acoustics – Description and measurement of environmental noise; and
 - c) modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.
- G5 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; and
- 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.

Storage of Hazardous or Toxic Material

- G6 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.

No Encroachments or Obstructions

- G7 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.
- G8 No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.
- G9 No portion of the proposed structure shall encroach onto the adjoining properties.

External Lighting

- G10 External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Annual Fire Safety Certification

- G11 The owner of the building shall certify to the Council and PNSW 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.

Environmental Performance

- G12 Within 24 months of the final occupation of the development, the Applicant must submit evidence to the Department that the development achieves a minimum 5 star Green Star Design & As Built v.1.1 tool rating as established by the Green Building Council of Australia.

Business and Building Identification Signage

- G13 Business and building identification signage shall comply with the following:-
- a) the approved signage shall be appropriately maintained at all times;
 - b) the signage shall be utilised as building and business identification signage only and shall not be adapted or altered to be third party advertising signage without the further consent;
 - c) the signage shall not:-
 - i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;
 - ii) include any apparatus to provide any sound;
 - iii) carry a message(s) which is offensive;
 - iv) give instructions to traffic by the use of the words 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
 - v) contain interchangeable or movable parts;

-
- vi) impair or distract the vision of a driver through the intensity of the illumination of the sign; and
 - vii) must not impede the ability of the occupants to exit the building under emergency conditions; and
 - d) the wording to the signage shall be primarily displayed in English but may include a translation in another language;

ADVISORY NOTES

Appeals

- AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (as amended).

Other approvals and permits

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

Responsibility for other consents / agreements

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

Temporary structures

- AN4 An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the NCC.
- AN5 Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

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

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- AN7 The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- AN8 This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos removal

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

Site contamination issues during construction

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