

Development consent

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

As delegate of the Minister for Planning, the Planning Assessment Commission grants consent to the development application, 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.

Member of the Commission

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Sydney

2017

SCHEDULE 1

Application No.:

SSD 7056

Applicant:

Tallawoladah Pty Ltd

Consent Authority:

Minister for Planning

Land:

7-27 Circular Quay West, The Rocks (Lots 3-5, 8-9 and 12 DP 264534; Lot 6 DP 804776; Lot 4-5 and 7 DP 800881; Lot 12 DP 788130; Lots 1-2 DP 1172586; and Lot 11 DP 1172592)

Development:

Alterations and additions to Campbell's Stores, The Rocks, including:

- conservation and remediation works to the Campbell's Stores, upgrades to the existing stormwater infrastructure and regrading of the outdoor dining area;
- external and internal building works to facilitate the adaptive re-use of the Campbell's Stores; and
- reconfiguration of the existing outdoor covered dining area to the east of Campbell's Stores and construction of a new outdoor dining area to the west of Campbell's Stores;
- construction of a new outdoor dining area to the north of Campbell's Stores with basement storage, public amenities and plant; and
- public domain, landscaping and footpath works along Hickson Road.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Tallawoladah Pty Ltd
Application	The development application and the accompanying drawings plans and documentation described in Condition A2
BCA	Building Code of Australia
Construction Council	Any works, including earth and building works City of Sydney Council
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works under section 109R of the EP&A Act
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 or its successors
Evening	The period from 6pm to 10pm
Environmental Impact Statement (EIS)	Environmental Impact Statement entitled ' <i>SSD 7056: Campbell's Stores, The Rocks</i> ', prepared by Urbis Pty Ltd dated October 2015
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
NSW Heritage Minister	Heritage Council of NSW Minister for Planning, or nominee
NCC	National Construction Code 2016
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, or its successor
PCA	Principal Certifying Authority has the same meaning as in section 4 and Part 4A of the EP & A Act.
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
Response to Submissions (RTS)	Response to Submissions entitled ' <i>SSD 7056: Response to Submissions, Campbell's Stores, The Rocks</i> ', prepared by Urbis Pty Ltd dated May 2016, and Second Response to Submissions entitled ' <i>SSD 7056: Response to Submissions, Campbell's Stores, The Rocks</i> ', prepared by Urbis Pty Ltd dated October 2016
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
SHFA	Sydney Harbour Foreshore Authority
Subject Site	7-27 Circular Quay West, The Rocks (Lots 3-5, 8-9 and 12 DP 264534; Lot 6 DP 804776; Lot 4-5 and 7 DP 800881; Lot 12 DP 788130; Lots 1-2 DP 1172586; and Lot 11 DP 1172592)
TNSW	Transport for NSW (including Roads and Maritime Services)
TPZ	Tree Protection Zone

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Terms of Consent

- A1. Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule 1.
- A2. The Applicant shall carry out the development generally in accordance with the:
- a) Environmental Impact Statement entitled '*SSD 7056: Campbell's Stores, The Rocks*', prepared by Urbis Pty Ltd dated October 2015;
 - b) Response to Submissions entitled '*SSD 7056: Response to Submissions, Campbell's Stores, The Rocks*', prepared by Urbis Pty Ltd dated May 2016;
 - c) Second Response to Submissions entitled '*SSD 7056: Response to Submissions, Campbell's Stores, The Rocks*', prepared by Urbis Pty Ltd dated October 2016;
 - d) Campbell's Stores Design Statement prepared by Johnson Pilton Walker dated October 2015;
 - e) Campbell's Stores Design Statement prepared by Johnson Pilton Walker dated May 2016;
 - f) Campbell's Stores Design Statement prepared by Johnson Pilton Walker dated October 2016;
 - g) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development, and
 - ii) as otherwise provided by the conditions of this consent, and
 - h) conditions of this consent.

Architectural (or Design) Drawings prepared by <i>Johnson Pilton Walker Pty Ltd</i> :			
Draw No.	Revision	Name of Plan	Date
EA-A-0002	C	Site Plan Proposed	21/10/16
EA-A-1001	C	Ground Floor	21/10/16
EA-A-1002	C	Hickson Road Level 01 Plan	21/10/16
EA-A-1003	C	Level 02 Plan	21/10/16
EA-A-1004	C	Level 02 Plan	21/10/16
EA-A-1005	C	Level 04 Plan	21/10/16
EA-A-1006	C	Roof Plan	21/10/16
EA-A-2000	C	Elevations	21/10/16
EA-A-3002	C	Section – Bay 2	21/10/16
EA-A-3003	C	Section – Bay 3	21/10/16
EA-A-3006	B	Section – Bay 6	10/05/16
EA-A-3009	C	Section – Bay 9	21/10/16
EA-A-3010	C	Section – Bay 10	21/10/16
EA-A-3011	C	Section – Bay 11	21/10/16
EA-A-3013	C	Longitudinal Section	21/10/16
EA-A-4012	B	Detail Section 01 – Bay 12	21/10/16
EA-A-4013	B	Detail Section 02 – Bay 12	21/10/16
EA-A-4015	B	Bay 12 Detailed Plans	21/10/16

EA-A-4016	B	Bay 12 Detailed Elevations	21/10/16
EA-A-4100	A	Hickson Road (West) Elevation Door Comparison	10/05/16
EA-A-4101	A	Hickson Road Entry Bay 3 Door Detail	10/05/16
EA-A-4102	A	Hickson Road Entry Bay 6 Door Detail	10/05/16
EA-A-4103	A	Hickson Road Entry Bay 9 Door Detail	10/05/16
EA-A-4900	A	Base Building Services Fitout Principals	10/05/16
EA-A-4901	A	Base Building Services Fitout Typical Bay Detail 01	10/05/16
EA-A-4902	A	Base Building Services Fitout Typical Bay Detail 02	10/05/16
EA-A-4903	A	Base Building Services Fitout Typical Ground Level RCP	10/05/16
EA-A-4905	A	Indicative Tenancy Fitout Principals Typical Bay - Restaurant	10/05/16
EA-A-4906	A	Indicative Tenancy Fitout – Restaurant Typical Bay Detail 01	10/05/16
EA-A-4907	A	Indicative Tenancy Fitout – Restaurant Typical Bay Detail 02	10/05/16
EA-A-4908	A	Indicative Tenancy Fitout Detail Typical Ground Level RCP	10/05/16
EA-A-4910	A	Indicative Tenancy Fitout Principles Typical Bay-Kitchen	10/05/16
EA-A-4911	A	Indicative Tenancy Fitout – Kitchen Typical Bay Detail 01	10/05/16
EA-A-4912	A	Indicative Tenancy Fitout – Kitchen Typical Bay Detail 02	10/05/16
EA-A-4913	A	Indicative Tenancy Fitout – Kitchen Typical Bay Ground Level Plan	10/05/16
EA-A-4914	A	Indicative Tenancy Fitout – Kitchen Typical Ground Level RCP	10/05/16
EA-L-1001	C	Landscape Plan	21/10/16
EA-L-4101	A	Landscape Details	10/05/16
-	C	Material Board	21/10/16

- A3. 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 consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.
- A4. The Applicant must comply with any reasonable requirements of the Secretary arising from the Department's assessment of:
- any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; and
 - the implementation of any actions or measures contained in these documents.

Limits on Consent

- A5. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.
- A6. This consent in no way implies or grants approval for the following:
- fitout or use of any of the tenant areas within the building;
 - subdivision of the site or building;
 - hours of operation of any tenant areas or outdoor dining areas;
 - patron capacity of any tenant areas or outdoor dining areas;
 - shade structures in the outdoor dining area along Hickson Road;
 - drop down blinds attached to any awnings or umbrellas;
 - amplified music in outdoor dining areas; and

h) signage.

Separate development application(s) must be lodged and consent obtained from the relevant consent authority for the above works and uses.

Future Tenants and Tenancies

- A7. The Applicant shall ensure the use and operation of all future tenancies in the Campbell's Store building complies with the following plans and is incorporated into any leasing arrangements:
- a) Tenancy Fitout Guide (refer to Condition B16); and
 - b) Noise Management Plan (refer to Condition E5); and
 - c) Air Management Plan (refer to Condition E6).

Tree Removal and Retention

- A8. This consent provides for the removal of one *Celtis sinensis* (Common Hackberry) located on the northern side of Campbell's Stores.
- A9. The *Ficus microcarpa* var. *Hillii* (Hills Weeping Fig) located on the northern corner of Campbell's Stores is to be retained and protected throughout the proposed development.

Fig Tree Café Umbrella

- A10. This consent provides for a maximum of eight table umbrella's to be used in the Fig Tree Café.
- A11. The display and placement of the table umbrellas is limited to the hours of operation of the Fig Tree Café, approved as part of the future development application for the fit-out and operation of the Fig Tree Café.

Development Expenses

- A12. It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

Obligation to Minimise Harm to the Environment

- A13. 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.

Environmental Management Measures

- A14. The Applicant shall implement all environmental management measures at the relevant parts in this consent as detailed in Section 6 of the Second Response to Submissions entitled '*SSD 7056: Response to Submissions, Campbell's Stores, The Rocks*', prepared by Urbis Pty Ltd dated October 2016 (except as amended by the conditions of this consent).

Prescribed Conditions

- A15. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Long Service Levy

A16. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal Notices

A17. Any advice or notice to the consent authority shall be served on the Secretary.

Mediation

A18. Where this approval requires further consent/approval from Council or another authority, the parties shall not act unreasonably preventing an agreement from being reached. In the event that an agreement is unable to be reached within 3 months or a timeframe otherwise agreed to by the Secretary, the matter is to be referred to the Secretary for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

END OF PART A

PART B PRIOR TO ISSUE OF THE RELEVANT CONSTRUCTION CERTIFICATE

No Works Prior to Construction Certificate

- B1. Work must not commence until a relevant Construction Certificate has been issued.

Compliance with the National Construction Code and Australian Standards

- B2. Details shall be provided to the satisfaction of the Certifying Authority, with each application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of approval under clause 98 of the EP&A Regulation in relation to the requirements of the NCC.
- B3. Any non-deemed to satisfy compliance issues are to be included as alternative solutions in the final design to the satisfaction of the Certifying Authority prior to the issue of a relevant Construction Certificate. A copy shall be provided to the Secretary.
- B4. All works must be compliant with *Australian Standard AS1428.1: 2009 Design for Access and Mobility*.

Structural Details

- B5. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the NCC; and
 - b) the development consent.

Retractable Vertical Wind Screens

- B6. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Secretary, detailed design drawings for all retractable vertical wind screens.

Stone Wall on Hickson Road

- B7. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Secretary, detailed design drawings for all works to the stone wall on Hickson Road. The detailed design drawings are to be prepared in consultation with the Heritage Council of NSW.

Detailed Design of Fig Tree Café Umbrella

- B8. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Secretary, detailed design drawings for the table umbrellas to be used in the Fig Tree Café.

Mechanical Ventilation

- B9. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Secretary, detailed design drawings for all mechanical ventilation openings in Bay 11 that illustrate the equipment does not protrude above any part of the roof.

Future Rail Corridor

- B10. Prior to the issue of any Construction Certificate, the Applicant shall consult with TfNSW and Sydney Trains and submit to the satisfaction of TfNSW and Sydney Train, all relevant design documentation including architectural plans and supporting expert consultant reports.

Hickson Road Works

- B11. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of Council's Local Pedestrian, Cycling and Traffic Calming Committee and Council's Central Sydney Traffic and Transport Committee, detailed design drawings for works along Hickson Road.

Note: Refer to Advisory Note AN2.

Construction Environmental Management Plan

- B12. Prior to the issue of the relevant Construction Certificate, the Applicant shall prepare a **Construction Environmental Management Plan (CEMP)** and submit to the Certifying Authority. 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) construction traffic management;
- d) the preparation of a **Construction Noise and Vibration Management Plan (CNVMP)**, prepared by a suitably qualified person, which addresses the relevant provisions of *Australian Standard 2436: 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites*, and the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009);
- e) the preparation of a **Construction Air Quality Management Plan (CAQMP)**, prepared by a suitable qualified person, which includes the monitoring and management of air quality and dust to protect the amenity of the neighbourhood; and
- f) erosion and sediment control to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site.

Note: 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.

Construction Traffic and Pedestrian Management Plan

- B13. Prior to the issue of the relevant construction certificate, the Applicant shall prepare **Construction Pedestrian and Traffic Management Plan (CPTMP)** in consultation with the CBD Coordination Office within TfNSW and Sydney Light Rail Team. The CPTMP needs to specify, but not limited to, the following:

- a) location of the proposed work zone;
- b) the proposed crane location;
- c) haulage routes;
- d) construction vehicle access arrangements;
- e) proposed construction hours;
- f) estimated number of construction vehicle movements;
- g) construction program;
- h) consultation strategy for liaison with surrounding stakeholders;
- i) 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;
- j) cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and

- k) 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 plan to the Coordinator General, CBD Coordination Office for approval, prior to the commencement of any work.

Waste Management Plan

B14. Prior to the issue of the relevant Construction Certificate, the Applicant shall prepare a **Waste Management Plan** (WMP) and submit to the Certifying Authority. The WMP shall:

- a) demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works; and
- b) provide details demonstrating compliance with the relevant legislation, the SOH Asbestos Risk Management Plan and the SOH Hazardous Materials Action Plan, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air.

Sydney Water Notice of Requirements

B15. An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to the commencement of any works.

Tenancy Fitout Guide

B16. Prior to the issue of the relevant Construction Certificate, the Applicant shall prepare a site specific Tenancy Fitout Guide (TFG). The guide should be informed by the endorsed Conservation Management Plan and the overarching SHFA Tenancy Fit out Guidelines. The TFG shall be prepared to the satisfaction of the Heritage Council of NSW, and be prepared in consultation with SHFA and Council. A copy of the final TFG shall be provided to the Secretary for information.

Interpretation Plan

B17. An Interpretation Strategy and Plan shall be prepared by an experienced interpretation specialist and submitted to the NSW Heritage for comment in two stages:

- a) Stage 1: Interpretation Strategy prior to the issue of a Construction Certificate. The Strategy is to include the display of industrial equipment as noted in the endorsed CMP (2014), and its applicable interpretation policies, and qualifying provision for archaeological discovery and uncovered heritage items during construction that are identified and can be utilised for interpretation.
- b) Stage 2: Interpretation Plan developed in consultation between the applicant's interpretation specialist and the Heritage Council, during the construction period incorporating any archaeology discovery or uncovered heritage items. The Interpretation Plan is to be submitted to NSW Heritage for information before the issue of the Final Occupation Certificate.

END OF PART B

PART C PRIOR TO COMMENCEMENT OF WORKS

Demolition

- C1. 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 Certifying Authority prior to the commencement of works.

Notice of Commencement of Works

- C2. The Certifying Authority, Council and the Department shall be given written notice, at least 48 hours prior to the commencement of building work on the Subject Site.

Certified Plans

- C3. Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to the commencement of each stage of the works and should include details as required by any of the following conditions.

Contamination

- C4. Prior to the commencement of any works, a hazardous material survey should be undertaken. The survey should detail any unexpected finds and appropriate management measures.

Hoarding

- C5. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road and such application is to include:
- a) architectural, construction and structural details of the design as well as proposed artwork; and
 - b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

Road Occupancy Licence

- C6. A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

Tree Protection Zone

- C7. Prior to the commencement of works, a Tree Protection Zone(s) (TPZ) must be established around all tree(s) to be retained not less than the distance indicated in the TPZ schedule below. Tree protection must be installed and maintained in accordance with the *Australian Standard 4970: Protection of Trees on Development Sites*.

TPZ schedule:

Tree No	Species Name	Location	Radius (m) From Trunk
1	Ficus microcarpa var. Hillii (Hills Weeping Fig)	Northern corner of Campbell's Stores	12.8 metres

C8. Each TPZ must be:

- a) enclosed with a 1.8m high fully supported chainmesh protective fencing. The fencing must be secure and fastened to prevent movement. The fencing must have a lockable opening for access. Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing;
- b) kept free of weed and grass for the duration of works;
- c) have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place throughout all work on site; and
- d) Tree Protection Fencing shall not be relocated unless approved by the site Arborist.

C9. The following works must be excluded from within any TPZs (unless approved by and under the direct supervision of the Project Arborist):

- a) soil cut or fill including excavation and trenching;
- b) soil cultivation, disturbance or compaction;
- c) stockpiling, storage or mixing of materials;
- d) the parking, storing, washing and repairing of tools, equipment and machinery;
- e) the disposal of liquids and refuelling;
- f) the disposal of building materials;
- g) the siting of offices or sheds; and
- h) any action leading to the impact on tree health or structure.

C10. All work undertaken within or above the TPZ must be:

- a) supervised by a qualified Consultant Arborist, who holds a Diploma in Horticulture (Arboriculture) Level 5 under the Australia Qualification Framework; and
- b) undertaken in accordance with all directions given by the Site Arborist and/or Council.

Services Works Within and Adjacent to TPZs

- C11. Any trenching works for services / hydraulics / drainage etc must not be undertaken within a TPZ, and be referred to the Project Arborist with regard to tree protection, prior to commencement of any works.
- C12. Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40 mm diameter are encountered during the installation of any services adjacent to the specified TPZ.

Tree Pruning (Private Property)

- C13. Pruning of the Hills Weeping Fig tree shall be limited to removal of 15% canopy in order to allow appropriate clearance for construction of the new building
- C14. All pruning work must be undertaken in accordance with *Australian Standard 4373: 2007, Pruning of Amenity Trees*.
- C15. All pruning works must be carried out by a qualified Arborist, with a minimum Australian Qualification Framework (AQF) of Level 3 in arboriculture.

Site Supervision and Reporting

- C16. A Project Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the TPZ in accordance with *Australian Standard AS4970: Protection of Trees on Development Sites*. The Arborist must certify compliance with each key milestone detailed below to the Director of City Planning, Development and Transport:
- a) the installation of tree protection measures prior to the issuing of a Construction Certificate;
 - b) during demolition of any ground surface materials within the Tree Protection Zone;
 - c) during removal of the sandstone wall on the western side of the Hills Weeping Fig tree;
 - d) during removal of the sandstone flagging on the western side of the Hills Weeping Fig tree;
 - e) during installation of the stormwater pipes on the western side of the Hills Weeping Fig tree; AND
 - f) during any excavation and trenching within the TPZ.
- C17. A monthly compliance report shall be submitted to the Director of City Planning, Development and Transport which provides details on the health and structure of tree(s) to be retained and protected and must include:
- a) certification of compliance with each key milestone;
 - b) details of any other works undertaken on any tree to be retained or within TPZ/s; and
 - c) documentary evidence of compliance with tree protection and measures (including photographs and site notes).

END OF PART C

PART D DURING CONSTRUCTION

Hours of Work

- D1. The hours of construction, including the delivery of materials to and from the Site, shall be restricted as follows:
- a) between 7 am and 6 pm, Mondays to Fridays inclusive;
 - b) between 8 am and 1 pm, Saturdays; and
 - c) no work on Sundays and public holidays; or
 - d) work may be undertaken outside these hours where:
 - i) the delivery of materials is required outside these hours by the Police or occasional works are required outside these hours by other authorities; or
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - iii) variation is approved in advance in writing by the Department.

Noise and Vibration Management

- D2. 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 CNVMP, approved as part of the CEMP.
- D3. 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.
- D4. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;
 - b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*; and
 - c) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6841- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment.

Site Protection and Works

- D5. Significant building fabric and building elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.
- D6. The installation of new services shall be carried out in such a manner as to minimise damage to, or removal of, significant fabric.

Waste Classification

- D7. The Applicant must ensure that all waste generated by the development is classified in accordance with the EPA's *Waste Classification Guidelines 2009* and disposed of at a facility that may lawfully accept that waste.

Archaeology

- D8. All archaeological works shall be in accordance with the approved research design and methodology outlined in Austral Archaeology report dated 27 September 2016 (Appendix C of the Second Response to Submissions Report).
- D9. The nominated excavation director must be able to meet the Heritage Council's Excavation Director Criteria for excavation of State significant archaeology.
- D10. The Applicant must ensure that the approved Excavation Director or an appropriate specialist, cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance and is responsible for the safe-keeping of all relics recovered from the site.
- D11. The Applicant must ensure that if archaeology is left in situ, a suitably qualified conservator is contacted for advice regarding appropriate preservation methods to ensure the long term survival of the relics left in the ground.
- D12. The Applicant must ensure that at the completion of archaeological works, the results of the archaeological programme are interpreted within the completed redevelopment of the site. This interpretation should help the public understand the history and significance of the site.

Impacts of Below Ground (Sub Surface) Works – Non-Aboriginal Objects

- D13. If during the course of construction the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately and consulted with regard to the recommencement of works.

Impacts of Below Ground (Sub Surface) Works – Aboriginal Objects

- D14. If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and OEH informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from OEH is received by the Applicant.

Asbestos and Hazardous Waste Removal

- D15. Any existing filling on the site shall be assessed for the presence of asbestos materials during construction. All materials requiring removal from the site shall be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant shall ensure that demolition works are undertaken so that cross-contamination of the site does not occur.
- D16. Removal of asbestos and other hazardous building materials shall be undertaken by a suitably licensed contractor and an asbestos clearance certificate shall be provided before waste classification, disposal or site validation is undertaken.

Site Contamination Issues During Construction

- D17. 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 Department must be immediately notified and works must cease. Works must not recommence on site until consultation is made with the Department.

Approved Plans to be On-Site

- D18. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

Site Notice

- D19. A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- a) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - 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 Subject Site is not permitted.

Work Cover Requirements

- D20. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Hoarding/Fencing Requirements

- D21. 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 hoarding/fencing or the like within the construction area within 48 hours of its application.

END OF PART D

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Conservation Program

- E1. A Conservation Program, including a maintenance plan, should be prepared to ensure that the property is appropriately conserved and maintained by the new tenants after occupation. The conservation program is a follow on document after the completion of 'catch-up works' during construction as implemented by the required Schedule of Conservation Works. The conservation program is to incorporate a detailed ongoing maintenance schedule for the building as a whole. The Conservation Program shall be prepared in consultation with SHFA and the Heritage Council of NSW. A copy of the final Conservation Program shall be provided to the Secretary for information before the issue of the Final Occupation Certificate.

Road Damage

- E2. The cost of repairing any damage caused to Council's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to the occupation of the building.

Fire Safety Certification

- E3. Prior to the use of the building, a **Fire Safety Certificate** shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

Structural Inspection Certificate

- E4. A **Structural Inspection Certificate** must be submitted to the satisfaction of the Certifying Authority prior to the use of the building. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority after:
- a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Noise Management

- E5. Prior to the issues of an Occupation Certificate, the Applicant shall prepare a **Noise Management Plan**. The Plan must establish noise management levels and outline management and mitigation measures to minimise noise impacts on nearby receivers. The Plan must be prepared in consultation with SHFA and submitted to the satisfaction of the Secretary prior to the use of the building.

Air Quality

- E6. Prior to the issues of an Occupation Certificate, the Applicant shall prepare an **Air Quality Management Plan** outlining management and mitigation measures to minimise odour impacts on nearby receivers. The Plan must be prepared in consultation with SHFA and submitted to the satisfaction of the Secretary prior to the use of the building.

Plan of Management

- E7. Prior to the issue of an Occupation Certificate, the Applicant shall submit to the satisfaction of the Secretary, a final **Plan of Management** addressing the management of all future tenancies across the site.

Archaeology

- E8. The Applicant must ensure that a proposal for on-site display of artefacts recovered from the site is submitted to the Heritage Council of NSW for approval within 18 months of the completion of the excavation programme.
- E9. The Applicant must ensure that a final excavation report is written by the approved Excavation Director to publication standard, within one (1) year of the completion of the field based archaeological activity.

Signage Strategy

- E10. Prior to the issue of an Occupation Certificate, the Applicant shall submit to the satisfaction of the Secretary, a Signage Strategy to identify the potential future locations and potential future types of signage for the building, including any building identification signage and business identification signage. The Signage Strategy shall be used to guide the future applications for signage on the building associated with the fit-out and operation of the tenancies. The Signage Strategy shall be prepared in consultation with the Heritage Council of NSW and SHFA.

END OF SECTION E

PART F POST OCCUPATION

Ecologically Sustainable Development

- F1. The operation of the building shall implement the ESD principles and design measures outlined within the EIS.

Annual Fire Safety Certificate

- F2. An annual **Fire Safety Statement** must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure 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.

Noise Control – Plant and Machinery

- F3. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- a) transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
 - b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; and
 - c) notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

Odour Requirements

- F4. The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- F5. Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act, 1997* and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

External Lighting

- F6. 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.

Loading and Unloading

- F7. 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

- F8. The storage and handling of waste shall be undertaken in accordance with the Waste Management Plan required pursuant to condition B14 of this consent. No waste shall be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

END OF SECTION F

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 NSW Heritage for any approvals under the *Heritage Act 1977* (if required), and the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

Responsibility for other consents / agreements

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

AN4. The existing liquor licences that apply to the Campbell's Stores include:

- a) Licence No. 498426, dated 19 October 1979 (Waterfront Restaurant) and the following hours of operation:
 - i) Monday to Saturday: 6:00 am to 2:00 am;
 - ii) Sunday: 10:00 am to 12:00 am.
- b) Licence No. 24007441, dated 30 March 1999 (Italian Village Restaurant) and the following hours of operation:
 - i) Monday to Saturday: 6:00 am to 2:00 am;
 - ii) Sunday: 10:00 am to 10:00 pm.
- c) Licence No. 401325, dated 26 January 1988 (Imperial Peking Harbourside Restaurant) and the following hours of operation:
 - i) Monday to Saturday: 5:00 am to 12:00 am;
 - ii) Sunday: 10:00 am to 10:00 pm.
- d) Licence No. LIQO624004022, dated 1 December 1992 (Wolfie's Grill) and the following hours of operation:
 - i) Monday to Saturday: 6:00 am to 2:00 am;
 - ii) Sunday: 06:00 am to 12:00 am.

Temporary Structures

AN5.

- a) An approval under *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the bca.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under *State Environmental Planning Policy (Miscellaneous Consent Provisions) 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 EP&A Act. 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.

- a) 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.
- b) This application has been assessed in accordance with the New South Wales EP&A Act. 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

AN8. 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

AN9. 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.

END OF ADVISORY NOTES