

8 May 2020

File No: 2020/186459  
Our Ref: R/2017/25/B  
Your Ref: SSD-8924 & SSD-8925

Rodger Roppolo  
Planning Officer – Key Sites Assessments  
Department of Planning, Industry and Environment

via Planning Portal

Dear Rodger

### **The new Sydney Fish Markets – Concept and Stage 1 (SSD-8924) and Stage 2 (SSD-8925) – Supplementary Response to Submissions**

Thank you for your correspondence of 4 March 2020 inviting the City's comments on the applicant's supplementary Response to Submissions (RtS) for the proposed Concept and Stage 1 and Stage 2 redevelopment for the new Sydney Fish Markets (SFM). In this submission, the Sydney Fish Markets is referred to as future 'privately leased and operated land' as distinct from the public nature of road reserves, foreshore promenades and parks.

The City has reviewed the response, and while accepting some comments provided in the applicant's response, design aspects of the development that have been raised as a concern by the City are said to be worked on in more detail during the detailed design phase. It is understood that the two applications that are currently being assessed are the concept application and the detailed design application. The applicant's attempt to address these issues during the "detailed design phase" should have already been considered and included in the Stage 2 application prior to being lodged for assessment.

The City recommends any aspect of the development raised as an area of concern and noted as an aspect of the design to be explored further is completed prior to the determination of the Stage 2 application. Alternatively, it is recommended that a deferred commencement consent be granted to ensure all outstanding issues be addressed prior to the commencement of the consent.

In addition to comments provided in previous correspondence dated 26 November 2019 and 6 April 2020, the following comments are made for consideration. Recommended conditions of consent are also provided in Attachment A.

#### **1 Environmental Sustainability Performance**

The City has consistently recommended that benchmark environmental performance commitments be made by the proponent. The proponent's response notes that there needs to be flexibility in how sustainability and environmental performance benchmarks are met and does not provide a commitment to meet any benchmarks. There is concern that if a commitment is not made, sustainability measures are likely to be abandoned as the development progresses and costs re-evaluated. There is a great expectation for

this development to deliver not only a better commercial and tourist facility but also set a benchmark for environmental performance for a NSW Government funded project.

## **2 Transport and Bridge Road works**

The City welcomes discussions with the Proponent and other State agencies about the design and function of Bridge Road and the future cycleway. A condition is recommended requiring the redesign in consultation with Council prior to the issue of any Construction Certificate.

## **3 Tree Management**

The supplementary response provided by the applicant is satisfactory. Subject to conditions, the City has no further comments regarding the trees within Wentworth Park.

## **4 Ecology and Biodiversity**

The City supports the submission of an aquatic biodiversity management plan prior to the issue of a Construction Certificate for review and endorsement. However, the proponent's response does not adequately address the site's biodiversity values as identified by the Department's Biodiversity Map, noted in the City's correspondence of 6 April 2020. Appropriate consideration of biodiversity issues may require further design changes or mitigation measures to avoid further eroding of biodiversity values.

Overall, the proposal still presents outstanding issues that require consideration prior to the commencement of works. This must be done prior to the determination of the application or by way of granting a deferred commencement consent.

Should you wish to speak with a Council officer about the above, please contact Marie Burge, Planner, on 9265 9333 or at [mburge@cityofsydney.nsw.gov.au](mailto:mburge@cityofsydney.nsw.gov.au).

Yours sincerely,



**Graham Jahn AM**  
**Director**  
City Planning | Development | Transport

## **Attachment A – Recommended Conditions of Consent**

The below conditions are relating to various aspects of the development including transport and access, public domain, tree management, waste management and urban design. The conditions are in Councils standard condition format. Further, it is not an exhaustive list and will require amending. Some aspects of the proposal are not covered by these conditions (e.g. ESD benchmarks, liquor licensing or operational security) but I trust this will be addressed when you are compiling your own conditions. I ask that once you have composed your draft conditions for Stage 1 and 2 applications that they are sent back for final review by Council.

### **STAGE 1**

#### **Transport and Access**

##### **(1) CYCLEWAY DESIGN**

The proposed design for Bridge Road is not approved as part of this consent. Proposed “shared paths” will not be accepted. A revised design of Bridge Road that incorporates the following must be approved prior to the commencement of works:

- (a) Separated cycling facility which provides separation of bicycle movements from people walking and vehicles driving or parking on Bridge Road;
- (b) Appropriate level of coach and point to point drop off and pick up spaces; and
- (c) Space for people alighting from vehicles at the kerb side to wait adjacent to their vehicles.

The design must be undertaken in consultation with the City of Sydney, DPIE and TfNSW.

The detailed design of the alternative cycle ways in consultation with the Council must be submitted and accepted by the City’s Director City Planning Development and Transport prior to any approval of the New Sydney Fish Market redevelopment application is granted.

All intersection treatments and the relevant signage plans are to be included as part of the detailed design documentation.

#### **Design Excellence**

##### **(2) DESIGN INTEGRITY**

To ensure design continuity and excellence of the preferred design team’s approved scheme is maintained throughout the development process, as a minimum the preferred design team is to:

- (a) Prepare the design drawings for a construction certificate;
- (b) Prepare the design drawings for the contract documentation;

- (c) Maintain continuity of consultants and design integrity during tender and the construction phases through to completion of the project;
- (d) Provide any documentation required by the Consent Authority verifying the design intent has been achieved at completion; and
- (e) Attend all meetings that pertain to design issues with the community, authorities and other stakeholders, as required.

## **Survey and Subdivision**

### **(3) LAND SUBDIVISION – SUBDIVISION CERTIFICATE**

A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979*.

### **(4) SYDNEY WATER CERTIFICATE - SUBDIVISION**

**Prior to the issue of a Subdivision Certificate**, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to a Subdivision Certificate being issued.

### **(5) ADDITIONAL EASEMENTS**

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

### **(6) STREET ADDRESSES OF LOTS**

In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2017, the street addresses for each lot must be shown on the final plan of subdivision. An application should be made to Council to obtain the correct street address for each lot.

## STAGE 2

### Site Remediation

#### (7) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the written approved Remedial Action Plan and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor [insert name] dated [insert date] and reference [insert reference]. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Area Planning Manager, the Site Auditor and the Principal Certifier.

Any variations to the approved Remediation Action Plan shall be approved in writing by the Site Auditor and Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the commencement of such work.

#### (8) SITE AUDIT STATEMENT

Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:

[hbapplications@cityofsydney.nsw.gov.au](mailto:hbapplications@cityofsydney.nsw.gov.au)

The Site Audit Statement must confirm that the site has been remediated in accordance with the written approved Remedial Action Plan and clearly state that site is suitable for the proposed use.

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.
- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).
- (c) **No Occupation Certificate is to be issued** by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

**(9) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN**

All recommendations contained in the Acid Sulphate Soils Management Plan prepared by JBS & G Australia Pty Ltd, 4<sup>th</sup> April 2019, reference 5416/1138696 (rev 2) Trim 2019/520381 must be implemented.

**(10) DISCHARGE OF CONTAMINATED GROUNDWATER**

Contaminated groundwater shall not be discharged into the City's stormwater drainage system.

Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**(11) IMPORTED FILL MATERIALS**

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

**(12) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to Council's Area Planning Manager and the Principal Certifier.

**(13) STOCKPILES**

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

## Public Domain

*Prior to the issue of a Construction Certificate*

### **(14) STORMWATER DRAINAGE DESIGN**

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professionals demonstrating compliance with Section 3.7.2 Drainage and Stormwater Management of Sydney DCP 2012 must be submitted to and approved by the City. A stormwater infrastructure design certification shall be required stating that the proposed design complies with:

- (d) City's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (e) Standard Drawings;
- (f) City's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction, and;
- (g) All relevant standards.

Certification is also required of all hydraulic and structural design elements. Structural certification is not required for City of Sydney standard drawings.

The above certification shall accompany information that address the requirements of Section 4.5 Data Requirements, Part A4 Drainage Design of City's Sydney Streets Technical Specifications.

Sydney Water Requirements - The requirements of Sydney Water with regard to the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of Sydney Water approval must be submitted to the City prior to any Construction Certificate other than demolition.

Note: A Deed of Agreement for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate for the development and can take up to three months.

### **(15) STORMWATER WATER QUALITY**

The stormwater quality assessment MUSIC link report dated [insert date] approved with this development application must be complied with.

Prior to issue of any Construction Certificate, a design certification report prepared by a suitably qualified practitioner engineer (NPER), for stormwater quality improvement devices, structural integrity, treatment train and their treatment properties demonstrating compliance of the approved MUSIC link reports above shall be submitted to and approved by the Principal Certifying Authority. The approval report shall be provided to the City of Sydney prior to the commencement of the work.

## **(16) PUBLIC DOMAIN LEVELS AND GRADIENTS**

Prior to any Construction Certificate for the development being issued, alignment levels for the building and site frontages must be submitted to and approved by the City. The submission, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed *Levels and Gradients Approval Application*. Information on how to complete the submission can be downloaded from the City's website.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publically accessible space must be resolved inside the site boundary.

Note: Levels and Gradient plans will be included with the completed construction level Public Domain Plan documentation and the stamped plans will be issued with the s138 approval.

## **(17) NEW ROAD DESIGN**

*Liaison with other authorities* - Preparation of the detailed design and construction documentation for the proposed public road system shall include all necessary liaison with, and requirements of, all relevant public utility authorities, Roads and Maritime Services, the City of Sydney, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance. Written evidence of approval from relevant authorities must be submitted to the City with the road design submission.

*Design package and accompanying documentation* – A design package shall be prepared based on the requirements outlined in the *Public Domain Manual*. A design report for the road works must be prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, standards and specifications and those of all other relevant authorities as applicable. All engineering plans and calculations shall be checked, signed and certified by a suitably qualified practicing professional engineer and included in the report. The design package and report shall be submitted to and approved by the Public Domain Manager prior to the construction of the road.

## **(18) FLOOD PLANNING LEVELS**

The development shall be constructed to comply with the recommended flood planning levels indicated in Table 3-4 of the report Flooding and Water Quality Assessment Report, prepared by Cardno dated 1 October 2019.

Details shall be submitted to the Principal Certifying authority demonstrating that the development will comply with the recommended flood planning levels prior to issue of a Construction Certificate.

All building structures are to be designed to ensure structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the 100 year flood level plus 0.5meter or Probable Maximum Flood level, whichever is the greater.



*Prior to Construction of the Public Domain*

**(19) DRAINAGE CONNECTION**

For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to the issue of a Construction Certificate for the public domain.

**(20) SERVICE AND DRAINAGE PIT LIDS**

All existing or proposed utility service pit lids throughout the public domain shall be heel guard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by the Public Domain Officer. Private pits are not allowed in public domain. The details must be shown on the public domain plan and must be approved by the Council prior to the issue of a construction Certificate for the public domain works.

*Prior to any OC for the building*

**(21) STORMWATER COMPLETION DEED OF AGREEMENT & POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate:

- (h) The Owner is required to enter into a Deed of Agreement with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system.
- (i) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

**(22) CONSTRUCTED FLOOR LEVELS**

A certification report prepared by a qualified Civil Engineer shall be submitted to the Principal Certifying Authority prior to issue of any Occupation certificate stating that the development has been constructed in accordance with the recommendations of the report Flooding and Water Quality Assessment Report, prepared by Cardno dated 1 October 2019.

**Transport and Access**

**(23) LOADING DOCK AND SERVICE MANAGEMENT PLAN**

Prior to the issue of an Occupation Certificate, a Loading Dock and Servicing Management Plan (LDSMP) shall be prepared in consultation with TfNSW and submitted to the Certifying authority to ensure safe and efficient operation of the proposed loading area and minimise conflicts with pedestrian movements.

**(24) EVENT TRAFFIC AND TRANSPORT COORDINATION MANAGEMENT PLAN**

Prior to the issue of an Occupation Certificate, an Event Traffic and Transport Co-ordination Management for seasonal peaks in consultation with the Sydney Coordination Office within TfNSW shall be prepared, maintained and implemented.

**(25) TRAVEL PLAN**

Prior to the issue of an Occupation Certificate, a Green Travel Plan (GTP) shall be prepared in consultation with TfNSW Sydney Coordination Office, maintained and implemented within the site. The GTP shall include:

- (a) Strategies to reduce the proportion of single-occupant car travel and increase the mode share of public transport and active transport for workers and visitors of the development.
- (b) Clear and time bound targets, actions and measurements and monitoring framework.
- (c) A mechanism for a minimum five yearly review in consultation with TfNSW and Council.

**(26) ALLOCATION OF CAR PARKING**

Car parking spaces are to be provided in accordance with the table below. Details confirming the quantity and allocations of car parking spaces is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Type	Number
Office and business car parking	56
Accessible office and business car parking	4
Retail car parking	176
Flexible Retail car parking (SRV parking capable)	181
Sub Total	417
Small Rigid Vehicle loading dock(s)	3
Medium Rigid Vehicle loading dock(s)	13
Articulated Vehicle loading dock(s)	5
<b>Total</b>	<b>438</b>

**(27) CAR PARKING DESIGN**

The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities is to satisfy the *Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking* and *Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities* and *Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities*. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

**(28) BICYCLE PARKING AND END OF TRIP FACILITIES**

The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below.

User	Number of bicycles to be accommodated	Requirements
Staff / Employee	60	Class B bicycle parking facility in accordance with AS2890.3
Customer		Class C bicycle parking facility in accordance with AS2890.3
End of Trip Facility Type	Number	
Showers with change area	6	
Personal lockers	60	

The layout, design and security of bicycle facilities must comply with *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*. The details must be submitted to and approved by the Certifying Authority confirming prior to the Construction Certificate being issued.

**(29) CHANGES TO KERB SIDE CAR PARKING RESTRICTIONS**

A separate submission must be made for any changes to kerbside parking arrangements. There is no guarantee kerbside parking will be changed or that any change will remain in place for the duration of the development/use.

All costs associated with any parking changes would be borne by the developer.

Note: The applicant is to contact the Area Traffic Engineer to discuss the proposal before making a submission.

If new parking signage is installed, the developer is to immediately notify the City's Public Domain team.

**(30) COST OF SIGNPOSTING**

All costs associated with signposting of any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

**(31) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

**(32) INTERCOM FOR VISITORS**

Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom at the car park entry and at least 4m clear of the property boundary, wired to all units. The intercom must comply with *Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23*.

**(33) ON-SITE LOADING OPERATION**

All loading and unloading associated with the site must be carried out within the site at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

**(34) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must not exceed 19 m.

**(35) VEHICLES ACCESS**

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

**(36) DELIVERY VEHICLES**

Deliveries associated with the site that involve the movement of vehicles, must only occur between the hours of [insert hours] and [insert hours].

**(37) SIGNAL SYSTEM**

A system of traffic lights and/or mirrors must be installed at the ends of any ramp(s) and /or where necessary, to indicate traffic movement on the ramp(s). This system must be detailed in the application for a construction certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

**(38) SIGNS AT EGRESS**

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

- (a) Compelling "Give Way to Pedestrians and Bicycles" before crossing a footpath on an existing or identified shared path route.

The signs/ are to be erected prior to issue of an Occupation Certificate and must be maintained in good order at all times by the owners of the building.

**(39) TRAFFIC WORKS**

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

**(40) BICYCLE DIRECTIONAL SIGNAGE AND WAYFINDING PLAN**

Directional signage to the bicycle parking facility is to be installed from the street level, between the vehicle entry point at the site boundary (if any) and the entry point to the End of Trip facilities. Signage is to be generally in accordance with image (a) (Direction sign) shown in Figure 2.5 of Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. Signage is to be installed before the issue of any Occupation Certificate.

**(41) CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN**

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

Construction Traffic and Pedestrian Management Plans are to be prepared in accordance with Standard Requirements for Construction Traffic Management Plan on the City's website

<http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>

**(42) CONSTRUCTION ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

**(43) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

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

- (b) 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 Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

#### **(44) NO OBSTRUCTION OF PUBLIC WAY**

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

#### **(45) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For operations warranting the on-street use of mobile cranes (such as delivery of materials, hoisting of plant/equipment, erection and dismantling of onsite tower cranes, etc), permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council 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 Council, will create significant traffic disruptions.
- (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 7.30am without the prior approval of Council.

## Tree Management and Landscaping

### (46) TREE SELECTION AND MANAGEMENT

- (b) Tree species for the proposed replanting within the site should be selected in consideration of 'Section 3.5.2 Urban vegetation' of the Sydney Development Control Plan 2012.
- (c) The tree species for the replanting proposed for the northern side of Bridge Road must be *Lophostemon confertus* (Brush Box) in accordance with the City of Sydney Street Tree Master Plan: Part C – Precinct Plans.
- (d) Soil improvements must be provided for the replanting proposed for the northern side of Bridge Road in accordance with the City of Sydney Street Tree Master Plan: Part D – Technical Guidelines.
- (e) All new trees must have a minimum container size of 400L at the time of planting.
- (f) All new trees must be grown in accordance with the Australian Standard 'AS2303:2018 Tree stock for landscape use'.
- (g) An appropriately qualified Consultant Arborist (AQF Level 5 minimum) must provide a secondary pruning specification, at the completion of the road elevation works, to ensure canopy clearance compliance along the Wentworth Park length of Bridge Road. The Consultant Arborist must produce a Pruning Specification Report which specifies the required pruning in accordance with the Australian Standard 'AS4373:2007 Pruning of amenity trees'. The Pruning Specification Report must be provided to the City for consideration. All tree pruning must be undertaken by the City's contractors.
- (h) All recommended tree protections outlined within the Arboricultural Impact Assessment prepared by "Tree IQ" dated 26 June 2019 must be undertaken for the duration of the works.

### (47) LANDSCAPE DESIGN AMENDMENTS REQUIRING APPROVAL

- (a) Prior to the issue of any Construction Certificate, amended plans and details drawn to scale, and technical specification, by a registered landscape architect shall be submitted to the Planning Secretary for approval. Amended plans to include:
  - (i) Revise tree species in the Urban Park and waterfront promenade to medium to large shade tree species, selected to provide a landscape and visual connection to Wentworth Park. The chosen trees species must have a minimum height of 12 metres with a canopy spread of 8 metres at maturity.
  - (ii) Submit plans with levels and details to confirm the Bridge Road works mitigate any impacts on existing heritage trees and park wall.
  - (iii) Amended plans and sections for Bridge Road "Green Promenade" design to demonstrate integration of a separated cycleway,

rationalised pedestrian dwelling areas, furniture and movements between vehicle drop off and SFM, and rationalise street lights to provide a row of new street trees.

- (iv) All new trees to be minimum 400L pot size at installation. Submit details for trees on slab details with the soil depth and soil volume compliant with the Sydney Landscape Code.
- (b) Prior to the issue of any Construction Certificate, a detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect must be submitted to the Planning Secretary for approval. These documents must include:
- (i) Location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, on structure and in free standing pots.
  - (ii) Location and details of existing and proposed surface finishes on the site including, but not limited to paved areas, harbour deck event space, waterfront promenade, boardwalks, ferry wharf, overland flow mesh deck, shared path, public art, interfaces, edges, infill pit lids.
  - (iii) Location and details of existing structures on the site including, but not limited to, water play, custom furniture, vehicle mitigation barriers, fixed and removable bollards, walls, east and west promenade steps, bike racks, light poles, signage, WSUD devices in the public domain, drainage, services, shade structures (if applicable), other fixtures, and all associated footings.
  - (iv) Coordinated services plan including location and approximate depth of all existing and proposed pits, services (electricity, gas, sewer, potable water), proposed urban plaza and local park drainage, lights and GPO if applicable, fence footings, sign posts etc.
  - (v) Detailed grading plan with existing and proposed levels, falls, and pits
  - (vi) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers. Soil volume for trees on slab to comply with Sydney Landscape Code.
  - (vii) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity
  - (viii) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
  - (ix) Details of WSUD, drainage, waterproofing and watering systems.



## Design Excellence

### (48) DESIGN INTEGRITY

To ensure design continuity and excellence of the preferred design team's approved scheme is maintained throughout the development process, as a minimum the preferred design team is to:

- (a) Prepare the design drawings for a construction certificate;
- (b) Prepare the design drawings for the contract documentation;
- (c) Maintain consultant continuity and design integrity during the tender and construction phases through to completion of the project;
- (d) Provide any documentation required by the Consent Authority verifying the design intent has been achieved at completion; and
- (e) Attend all meetings that pertain to design issues with the community, authorities and other stakeholders, as required.

## Acoustics

### (49) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfl\)](#) unless agreed to by the City's Area Planning Manager. Further:
  - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfl unless otherwise agreed by the City's Area Planning Manager.
  - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An  $L_{Aeq,15 \text{ minute}}$  (noise level) emitted from the development must not exceed the  $L_{A90, 15 \text{ minute}}$  (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
  - (i) The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
  - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- (c) Corrections in [Fact Sheet C](#) of the NPfl are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

**(50) NOISE - ENTERTAINMENT**

- (a) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an  $L_{A10, 15 \text{ minute}}$  enters any residential use through an internal to internal transmission path is not to exceed the existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the  $L_{A10, 15 \text{ minute}}$  noise level is below the threshold of hearing,  $T_f$  at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of  $T_f$  corresponding to that Octave Band Centre Frequency shall be used instead.
- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

Note: The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level  $L_{A90, 15 \text{ minute}}$  is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfl unless otherwise agreed by the City's Area Planning Manager.

**(51) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES**

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by [enter name of Consultant], dated [insert], ref [enter Consultant's Report reference and revision number], titled [enter Consultant's Report title], must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be

assessed and reported to be in accordance with the requirements of the Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant\* (see definition below). This work will be to the satisfaction of the accredited certifier.

- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant\* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

## **(52) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

A site-specific noise management plan shall be submitted for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.

- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) Any course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

**(53) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted and written approved Demolition, Excavation and Construction Management Plan.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

**(54) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT**

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of:

9:00am -12:00pm and 1:00 pm– 5:00pm Mondays to Friday

9:00am – 1:00pm on Saturdays

- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the

*City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436- 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.*

**(55) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

**Waste**

**(56) WASTE AND RECYCLING MANAGEMENT**

- (a) A Waste and Recycling Management Plan is to be approved by the Principal Certifier prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Building Waste and Recycling Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

- (b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

**(57) CLASSIFICATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

**(58) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to any Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

**(59) HAZARDOUS AND INDUSTRIAL WASTE**

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the

requirements of 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 2005*
- (c) *Waste Avoidance and Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2017.*

## **Heritage**

### **(60) MARITIME ARCHAEOLOGY**

All works must be carried out in accordance with the recommended mitigation measures and archaeological test excavation strategy in Section 7 of the Maritime Heritage Impact Statement (Revision 1) prepared by Comber Consultants dated 27 March 2019.

### **(61) HERITAGE INTERPRETATION PLAN**

- (a) An interpretation plan for the site, including maritime heritage must be prepared and approved prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (d) Prior to the issue of any Occupation Certificate the approved interpretation plan must be implemented to the satisfaction of Council.

### **(62) HERITAGE – MITIGATION MEASURES**

All works must be carried out in accordance with mitigation measures outlined in Section 11 of the Heritage Impact Statement (Revision 5) prepared by City Plan Heritage dated 26 March 2019 particularly regarding the following:

- (a) Engagement of a built heritage specialist
- (b) Heritage listed stormwater channel
- (c) Preparation of a physical archive
- (d) Archival Photographic Recording of the coal loader and office/weighbridge prior to commencement of works on site

- (e) Salvage Methodology
- (f) Archaeology

## Dewatering

### (63) DEWATERING

If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water under the provisions of Part V of the Water Act 1912. The NSW Office of Water licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

*NOTE: The Department's instructions to Council are that they will not endorse the extraction of groundwater in perpetuity i.e. permanent dewatering around a development site, because it considers such development to be unsuitable. For this reason, any proposed basement or other area that requires dewatering on an on-going basis may need to be fully tanked.*

## Construction Management

### (64) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and prior to a Construction Certificate being issued. The plan must be prepared in consultation with Council.

### (65) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:
  - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
  - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
  - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
  - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (v) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

Note: Temporary structures, including hoardings and scaffolding, proposed for erection on City-owned and controlled land (footways and roadways), must comply with the City's *Guidelines for Hoardings and*

*Scaffolding* and be approved by Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Policy for Waste Minimisation in New Developments 2005*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
  - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
  - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
  - (iv) The name and address of the transport contractor.
  - (v) The type and quantity of material to be removed from site.
  - (vi) Location and method of waste disposal and recycling.
  - (vii) Proposed truck routes, in accordance with this development consent.
  - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
  - (ix) Measures to control noise emissions from the site.
  - (x) Measures to suppress odours.
  - (xi) Enclosing and making the site safe.
  - (xii) Induction training for on-site personnel.
  - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
  - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.



- (xv) Disconnection of utilities.
  - (xvi) Fire Fighting. (Firefighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
  - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
  - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
  - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
  - (xx) Working hours, in accordance with this development consent.
  - (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

**(66) VEHICLE CLEANSING**

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.

**(67) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifier.

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
  - (i) existing site contours;
  - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
  - (iii) location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

**(68) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework

NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 - 1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30-point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

**(69) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of onsite tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**Urban Design**

**(70) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT**

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by the Planning Secretary in consultation with the Design Review Panel prior to a Construction Certificate being issued. The materials and samples board must:

- (a) Include evidence regarding warranties, durability, methodology and evidence of prior successful use in proximity to seawater (where relevant)

- (b) not include generic material or colour descriptions or use terminology such as 'or similar' and must be prepared in consultation with the Council.

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the approved materials schedule and sample board.

#### **(71) DESIGN DETAILS**

- (a) Detailed drawings of the roof cassettes including operability are to be submitted to and approved by the Planning Secretary in consultation with the Design Review Panel prior to any Construction Certificate being issued.
- (b) Detailed drawings of street level carpark entries, access ramps, service and waste management areas are to be submitted to and approved by the Planning Secretary in consultation with the Design Review Panel prior to any Construction Certificate being issued, to ensure that all surfaces to these areas are treated in material quality equal to the standard of the principle building façade to achieve a high quality interface with the public domain.
- (c) Detailed drawings incorporating the wind mitigation measures identified in the Pedestrian Wind Environment Study by Windtech, May 2019, are to be submitted to and approved by the Planning Secretary in consultation with the Design Review Panel prior to the issue of any Construction Certificate to ensure that the design excellence is achieved.
- (d) Prior to the issue of any Construction Certificate an updated Accessibility Compliance Report is to be provided certifying that all proposed works including any performance-based solutions address relevant accessibility standards.

#### **(72) WIND ASSESSMENT**

- (a) Detailed drawings incorporating the wind mitigation measures identified in the Pedestrian Wind Environment Study by Windtech, May 2019, (any alternative solutions approved by Windtech where required), are to be submitted to and approved by the Planning Secretary in consultation with the Design Review Panel prior to the issue of any Construction Certificate to ensure that the design excellence is achieved.
- (b) Where alternative solutions are proposed to maintain the design integrity and achieve design excellence, these are to be reviewed and approved by Windtech.

#### **(73) SECURITY RISK ASSESSMENT**

A Security Risk Assessment based on the final detailed drawings is to be submitted to and approved by the Planning Secretary prior to the issue of any construction certificate.

**(74) REFLECTIVITY REPORT**

A reflectivity report demonstrating that the building materials do not lead to hazardous, undesirable or uncomfortable glare to pedestrians, motorists or occupants of surrounding buildings must be submitted to and approved by the Planning Secretary prior to any Construction Certificate being issued.

**(75) SIGNAGE AND WAYFINDING STRATEGY**

A detailed signage and wayfinding strategy must be submitted and approved prior to the issue of a Construction Certificate. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of all business identification signs and wayfinding structures appropriate for the building and surrounding outdoor promenade areas and is to be prepared in consultation with Council.

**(76) EXHIBITION STRATEGY**

A detailed exhibition space strategy must be submitted and approved prior to the issue of a Construction Certificate. The strategy must include information regarding the different uses of each space located on the ground floor of the building facing Bridge Road, Blackwattle Bay and Eastern Promenade and is to be prepared in consultation with Council.

**(77) SIGNS - SEPARATE DA REQUIRED**

A separate development application for any signs (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

**Survey and Subdivision****(78) LAND SUBDIVISION – SUBDIVISION CERTIFICATE**

A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979*.

**(79) SYDNEY WATER CERTIFICATE - SUBDIVISION**

**Prior to the issue of a Subdivision Certificate**, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to a Subdivision Certificate being issued.

**(80) RESTRICTION ON THE USE OF LAND - AIRSPACE LOTS**

A documentary Restriction on the Use of Land is to be created over Lots 1005, 1006 and 1007, to the satisfaction of Council, pursuant to Section 88B of the Conveyancing Act 1919, in terms prohibiting the erection of any future improvements or the carrying out of any uses within Lots 1005, 1006 and 1007, subject to any other easements, covenants or restrictions required by this approval.

**(81) RIGHT OF PUBLIC ACCESS AND POSITIVE COVENANT**

- (a) Documentary Rights of Public Access, limited in stratum if so desired, are to be created over those parts of the development site required for access by the public. The Rights are to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction.
- (b) A documentary Positive Covenant is to be created over those lots in the subdivision plan affected by the above Right(s) of Public Access, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the above Right of Public Access and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

**(82) EASEMENTS FOR ACCESS**

Appropriate Easements for Access (or similar) are to be created over any required corridors, passages, traffic aisles, vehicular driveways, stairs and lifts, within the development, pursuant to Section 88B of the *Conveyancing Act 1919*. The Easements are to be reciprocal in nature (burdening one lot and benefitting the other in the subdivision), granting rights of access to persons and/or vehicles, and is to be created in appropriate terms acceptable to Council, with the Council being the authority to release, vary or modify the easement.

**(83) EASEMENT FOR USE OF LOADING DOCKS**

Appropriate Easements are to be created over any loading dock area, located within the site, pursuant to Section 88B of the *Conveyancing Act 1919*. The Easement is to burden the relevant lot and benefit the remaining lots (excluding air space lots) in the subdivision requiring use of the loading dock, granting rights of access to and the use of the loading dock area (including the loading and unloading of service vehicles, delivery vehicles and the like), and is to be created in appropriate terms acceptable to Council, with the Council being the authority to release, vary or modify the easement.

**(84) ADDITIONAL EASEMENTS**

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

**(85) STREET ADDRESSES OF LOTS**

In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2017, the street addresses for each lot must be shown on the final plan of subdivision. An application should be made to Council to obtain the correct street address for each lot.

**Public Art****(86) PUBLIC ART PLAN**

A Preliminary Public Art Plan must be prepared in consultation with Council's Public Art Advisory Panel and approved prior to the commencement of any work. The Plan must include:

- (a) Detailed historical analysis and future vision for the precinct to aid the preparation of artists briefs;
- (b) A methodology for the selection and commissioning of artists;
- (c) Indication of the appointment of a curator to guide the artist selection process and/or the appointment of an Indigenous curator to assist with the selection of Aboriginal and other artists;
- (d) An estimated budget for the proposed suite of artworks; and
- (e) A program for the development of artworks and inclusion of artists.

**Emissions and Ventilation****(87) EMISSIONS**

- (a) 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.
- (b) Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- (c) Uses that produce airborne particulate matter must incorporate an effective dust collection system.

**(88) CAR PARK VENTILATION**

The car park must be ventilated in accordance with the *Building Code of Australia* and, where necessary, Australian Standard AS1668, Parts 1 and 2.

Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

**(89) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**

Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with *AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and *AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings*.

**(90) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.
- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

**(91) COMPLIANCE WITH AIR QUALITY REPORT**

- (a) Prior to the issue of an Occupation Certificate written confirmation from a *Professional Engineer* (as defined in Volume One of the National Construction Code) must be submitted to the Principal Certifier confirming that all recommendations within the air quality report prepared by prepared by SLR, 'The New Sydney Fish Market, Stage 2 – Main Works (SSD 8925) Air Quality Assessment, reference: 610.17553 Version No: v3.0 April 2019 Trim 2019/520362 must have been incorporated into the development.

**Food premises fitout**

**(92) CONSTRUCTION AND FITOUT OF FOOD PREMISES**

The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and *AS 4674 – 2004 Design, Construction and Fitout of Food Premises*.



Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website [www.standards.com.au](http://www.standards.com.au).

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email [info@foodstandards.gov.au](mailto:info@foodstandards.gov.au) or by visiting the website [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

### **(93) COOLROOMS**

Coolrooms, refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the *Building Code of Australia*, and:(a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.

- (b) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (c) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (d) Must be fitted with a door that can be opened at all times from inside without a key.
- (e) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 dB(A) when measured 3 metres from a sounding device.

### **(94) GREASE AND LIQUID WASTE TRAPS**

- (a) A grease trap if required by Sydney Water must be installed in accordance with Sydney Water requirements and:
  - (i) Must be installed by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*;
  - (ii) The grease trap must be not be located in any kitchen, food preparation or food storage area;
  - (iii) Be suitably constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
  - (iv) Be suitably constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.
- (b) In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas and must be carried out by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*.

**(95) HOT WATER SERVICE**

The capacity of the hot water service must ensure that a constant supply of hot water is provided to the premises at all times for all sinks and basins including hand wash basin/s. The temperature of the hot water provided to the sinks must be in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code 3.2.2 - Food Safety Practices* and general requirements.

**(96) PERSONAL LOCKERS**

Clothing lockers or change rooms for male and female staff must be provided in the premises or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas, in accordance with *AS4674 - Design, Construction and Fit out of Food Premises*.

**(97) WASTE STORAGE AREA**

- (a) To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with *AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment* and comply with the *Council Policy for Waste Minimisation in New Developments*, and must be:
- (i) Provided with a hose tap connected to the water supply.
  - (ii) Paved with impervious floor materials.
  - (iii) Coved at the intersection of the floor and walls.
  - (iv) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
  - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the *Protection of the Environment Operations Act 1997* or a nuisance.
  - (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*.
  - (vii) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
  - (viii) Appropriately managed so that it does not attract pests or create litter.
- (b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate and must be

constructed in accordance with such plans and specifications prior to the issuance of any Occupation Certificate.