

City of Sydney

ABN 22 636 550 790

GPO Box 1591 Sydney NSW 2001 Australia

Town Hall House 456 Kent Street Sydney NSW 2000 Australia

Phone +61 2 9265 9333 Fax +61 2 9265 9222

council@cityofsydney.nsw.gov.au www.cityofsydney.nsw.gov.au



24 September 2012

File No: 2012/299265

Our Ref: R/2010/542-02

Your Ref: MP 10_0166

Heather Warton
Director, Metropolitan and Regional Projects North
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Megan Fu

Email: megan.fu@planning.nsw.gov.au

Dear Megan,

North West Precinct Redevelopment - Royal Prince Alfred Hospital, 67-73 Missenden Road, Camperdown

I refer to your letter of 16 August 2012 about the Environmental Assessment (EA) submitted for the North West Precinct Redevelopment.

The City is generally supportive of the proposal subject to the comments and issues provided below and the recommended conditions are included at **Attachment A**.

Street activation

A key design concern of the proposed development is street activation. The Lucas Street facade should be visually interesting and of high design quality and allow for activation of the street edge.

The proposed facade to Lucas Street requires more modulation considering that it currently forms a continuous built 'street wall' of approximately 75-80 metres. Locating the car park on the ground floor further exacerbates the 'defensive' character of this elevation preventing the achievement of a sufficiently activated streetscape. The relationship of solid to void needs to be further explored and implemented.

It is also recommended that the building entry address Lucas Street. Building entries provide a public presence and interface within the public domain, thereby contributing to the identity of the development. It is good practice to design entries as a clearly identifiable element of the building on the street, in order to contribute positively to the streetscape and the building facade design and to help orient visitors.

The proposed primary entry is located well within the covered forecourt area at the front of the building, is not clearly identifiable from Lucas Street and may rely too heavily on signage. Improved design and the incorporation of a secondary entry facing Lucas Street will eliminate this issue and improve the activation of the streetscape.

It is also recommended that the ground and first floor section of Brodie Street (underneath the cantilever) be designed with greater transparency to provide increased casual surveillance to Brodie Street.

The development should be redesigned to consider CPTED and private activation of the public domain at street level. The proposal, as currently designed, would result in a lack of

street activation. This creates a poor public domain outcome, and safety concerns for users of these surrounding public domain areas and private roads.

Traffic

Concern is raised regarding the traffic and loading arrangements for the proposed development and these are discussed further.

(a) Loading

The proposed loading arrangements require manoeuvres that are considered to be unsafe. Specifically, the swept paths show that:

- (i) vehicles entering and exiting the loading area will be required to perform u-turns and reverse through the intersection of Brodie and Hospital Road; and
- (ii) vehicles entering the loading area will also need to reverse through the proposed shared zone on Brodie Street.

Both movements requiring manoeuvring and reversing through an intersection zone and vehicles entering the loading area also need to reverse in to a shared pedestrian zone. Both movements are considered unsuitable for a new development and it is recommended that the loading arrangements be reviewed and redesigned.

(b) Pedestrian Safety

A shared zone is proposed for the private road, Brodie Street. Loading, including garbage, patient drop off and ambulance vehicles will use this shared zone to access the site, and as discussed above, accessing the loading area will require reversing through the shared zone.

Brodie Street is identified as an important pedestrian connection through the site. Concern is raised that the design will create conflict between vehicles and pedestrians resulting in safety issues and it is recommended that the area be redesigned (possibly with a separated footway of sufficient width be provided).

Aside from these issues regarding the proposed traffic conditions, the City provides recommended traffic conditions in **Attachment A**. Additionally, the application proposes to convert Brodie Street in to a shared zone and this will require regulatory signage be installed and as such referral to the Local Pedestrian, Cycling and Traffic Calming Committee is required for their endorsement. A separate application will need to be made to Council for this. A recommended condition has also been included to address this and is also included in **Attachment A**.

Public Domain Improvements

Issues regarding street activation and impacts of the proposed traffic and shared zone on the public domain have been discussed, above. Additional issues and requirements are also discussed further in this section and relevant recommended conditions of consent have been included in **Attachment A**.

(a) No Encroachment into the Public Domain

No encroachment in to the surrounding public domain will be acceptable including encroachment of soft landscaping, ramps, stairs, tactile indicators, service doors or other. The following encroachments are noted:

- (i) Climbers and plantings are proposed along the building frontage to Lucas Street, however no building or basement car park setback has been provided for this landscape area within the private development site boundary.

- (ii) Service doors are also shown to encroach into the public domain of Lucas Street.

(b) Public Domain Upgrade

- (i) The proposal will result in an increased demand on the surrounding public domain infrastructure; therefore the development is required to upgrade the public domain along the entire frontage to the development. This includes the frontage to Lucas Street.
- (ii) The public domain with frontages to the future car park (east of the site) including Lucas Street and Missenden Road should also be upgraded, as this area visually and functionally forms part of the proposed development.
- (iii) Where driveways and private roads cross the footway of the public domain, pedestrian priority is to be given over vehicles, with footway continuations.
- (iv) The public domain works are to be undertaken in accordance with the City's Public Domain Manual and Sydney Streets Design Code. Details are to be submitted to the City for approval prior to CC, and constructed prior to OC or the use commencing whichever is earlier.

(c) Landscaping of the Site – Private Roads

Private roadways and footways are to be visually different from the surrounding public domain to ensure private ownership is highlighted by the landscape treatment/finish.

ESD

The application proposes a target of minimum 4-star Green Star rating and is supported by an ESD statement prepared by ARUP, dated July 2012, which indicates that the development is capable of achieving the equivalent of this rating.

Recommended conditions of consent has been included in Attachment A requiring the achievement of the 4-star Green Star rating.

Contamination

The Environmental Site Assessment (ESA) submitted with the application recommends that if redevelopment of the site is to be undertaken for either continued use or for a more sensitive land use that requires the demolition of existing buildings and/or excavation/earth works, that a phase two ESA be undertaken and, if required, a remediation strategy be implemented. Recommended conditions of consent have been included in **Attachment A**.

Section 94 Contributions

The applicant has sought exemption from Section 94 contributions under Section 2.14 of the City's Development Contributions Plan 2006 ("Plan"). The City supports the exemption as the development meets the criteria set out in the Plan to warrant an exemption as the development will facilitate delivery of health services and is associated with the RPA Hospital which would provide a 'distinct community benefit' to the local and wider Sydney region.

If you need any further information regarding the North West Precinct Redevelopment, please contact Emma Burke, Specialist Planner, by phone 9265 9900 or email at eburke@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'GJahn', written in a cursive style.

Graham Jahn AM
Director
City Planning | Development | Transport

ATTACHMENT A

RECOMMENDED CONDITIONS

(1) HERITAGE CONDITIONS

- (a) Prior to demolition, an archival photographic recording of Buildings 11 and 21, as well as the remnant brick wall on the southern side of the car park shall be lodged with the RPA Hospital Archives. The recording shall be in accordance with the NSW Heritage Office guidelines.
- (b) The remnant brick wall on the southern side of the car park as well as the sandstone kerbing and guttering along Lucas and Brodie Street boundaries of the site is to be carefully salvaged and reused as part of the landscaping of the development site.

(2) REGULATORY TRAFFIC SIGNAGE

Any regulatory Traffic signage within the private roads (such as Shared Zones or One Way) requires negotiation with the City Infrastructure and Traffic Operations Unit and the endorsement by the Local Pedestrian, Cycling and Traffic Calming Committee prior to installation.

(3) 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".

(4) CAR PARKING SPACES AND DIMENSIONS

A maximum of 38 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(5) COST OF SIGNPOSTING

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

(6) LOADING WITHIN SITE

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

(7) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

(8) SIGNS AT EGRESS

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

- (a) Compelling drivers to stop before proceeding onto the public way
- (b) Compelling drivers to “Give Way to Pedestrians” before crossing the footway; or compelling drivers to “Give Way to Pedestrians and Bicycles” before crossing a footway on an existing or identified shared path route.

(9) TRAFFIC WORKS

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

(10) VEHICLES ACCESS

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

(11) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

(12) 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.

(13) BICYCLE PARKING AND FACILITIES

The number, class and location of bicycle parking spaces and end trip facilities must comply with the minimum standards set out in the *NSW Planning Guidelines for Walking and Cycling*. The details must be submitted to and approved by the PCA prior to the Construction Certificate being issued.

(14) 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 construction 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.

(15) 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.

(16) 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 special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from 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.

(17) 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".

(18) FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee calculated on the basis of lineal metres of the asphalt footway and sandstone kerb and gutter site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to issue of a Construction Certificate.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

(19) ALIGNMENT LEVELS

- (a) Prior to a Construction Certificate being issued, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.
- (c) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently with the submission of a Public Domain Plan.

(20) PUBLIC DOMAIN PLAN

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition or shoring work.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

Note: A Public Domain Works Guarantee deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(21) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for a new building work, excluding approved preparatory, demolition and shoring work, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.
- (b) Completion and handover of the constructed public domain works is to be undertaken in accordance with the City's Public Domain Manual,

including requirements for as-built documentation, certification and defects liability period.

(22) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

On-site detention, treatment and re-use is encouraged.

- (a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (e) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(23) PRESERVATION OF SURVEY MARKS

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

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

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

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

(24) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by

Council prior to the issue of a Construction Certificate. The plan must include:

- (i) Location of existing and proposed structures on the site including existing trees (if applicable), ramps and stairs;
- (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);

The minimum soil depth for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for turf and grasses, over and above all drainage materials. Reduced planter depth may be acceptable pending approval of the planter bed width, depth, irrigation and species selection by Council.

- (iii) Location, numbers and type of plant species;
- (iv) Details of planting procedure and maintenance;
- (v) Details of drainage and watering systems.
- (vi) Details of the New Hospital Road and Broadie Street hard and soft landscape design.
- (vii) Details of the pedestrian paths (material, widths and the like) through and around the site

- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.**PAVING MATERIALS**

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

(26) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs and gutter on the Lucas Street frontage of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during construction and / or excavation works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (ie. those that are in good condition as agreed by City officers) must be re-installed in accordance with the City's standard details and specifications after the construction and / or excavation works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath and road access until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to the City's satisfaction or as otherwise advised by City officers.

- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.

(27) LIGHTING

The lighting of all areas to be used by the public must comply with AS/NZS 1158.3.1.

Lighting is to be designed in accordance with the City of Sydney policies including the 'Public Domain Manual', 'Sydney Streets Design Code', and the 'Sydney Lights Design Code' and must be submitted to Council for approval prior to works commencing on site.

(28) NO ENCROACHMENT INTO THE PUBLIC DOMAIN

All doors, access stair and ramps related to the development shall be set out such that no part (including tactile indicators and handrails) shall encroach onto the footpath or other parts of the public domain.

Planting at the base of the building along the Lucas Street frontage must not encroach into the public domain.

These adjustments shall be indicated clearly in the Public Domain Plan and Landscaping of the Site Submission. No installations on the public domain will be approved by Council.

(29) PRIVATE ROADS AND DRIVEWAYS

The private roads and driveways shall be detailed to be visually different from the City's standard streets and footways.

Pedestrian movement along Lucas Street is to take priority over vehicles entering and exiting the site, with the City's standard driveway cross over detail to be used at the street edge.

(30) LAND CONTAMINATION / SEPP 55 REQUIREMENTS

Subsequent to the recommendations of *Royal Prince Alfred Hospital – North West Precinct: Phase 1 Environmental Site Assessment* by E3 Consulting Pty Ltd dated 25 October 2010, a Phase 2 Environmental Site Assessment is to be prepared in accordance with the NSW EPA - *Guidelines for Consultants reporting on Contaminated Sites*, and Planning NSW Guidelines - *Managing Land Contamination Planning Guidelines* and City of Sydney's *Development Control Plan Contaminated Land 2004*.

The phase two report should be forwarded to City of Sydney *City Planning, Development and Transport* division for written approval. This report should conclude that the site is suitable for the proposed works, or that the site can be made suitable for the proposed use, subject to a satisfactory remediation action plan or environmental management plan (EMP) being prepared.

Where the phase two site assessment states the site is suitable for the proposed use, it is to be peer reviewed by a NSW EPA accredited site auditor,

and a Site Audit Statement (SAS) shall be submitted to Council certifying that the site is suitable for the proposed use prior to any above ground works commencing.

Where the phase two site assessment states that a RAP is to be undertaken, the RAP must be peer reviewed by a NSW EPA accredited site Auditor and include a statement certifying that the RAP is practical and the site will be suitable after remediation for the proposed use prior to Construction Certificate. The site is to be remediated or managed in accordance with the RAP or EMP that is approved by City of Sydney in writing. Any variations to the original approved RAP shall be approved in writing by the NSW EPA Accredited Site Auditor and City of Sydney prior to the commencement of such work.

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 and the Principal Certifying Authority.

(31) SITE AUDIT STATEMENT

Prior to the commencement of any above ground building works associated with the built form of the development (excluding building work directly related to remediation), a Site Audit Statement from a NSW EPA accredited Site Auditor must be submitted to Council clearly indicating that the site is suitable for the proposed use.

Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these should be discussed with Council before the Site Audit Statement is issued.

(32) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE MANAGEMENT PLAN

All works conducted on site in the decommission/ demolition phase and main work phase, and which form part of this development must be carried out in accordance with the Demolition, Excavation and Construction Management Plan that was submitted to Council, entitled *Noise and Vibration Management Plan* by Acoustic Studio, July 2012. In particular, the development should ensure the following is undertaken.

- (a) Community consultation in accordance with 4.5 Control Elements.
- (b) Complaints handling in accordance with 4.9 Communication and complaints, and 4.10 Noise Monitoring.
- (c) The Noise report mentions Noise monitoring shall be undertaken upon receipt of a complaint. Please note that as the report contains no noise modelling, noise monitoring should be undertaken in the first instance, and continued until an adequate amount of data is received in order to make assumptions about future noise levels.

(33) 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 (e.g. 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 noise criteria contained within the *City of Sydney Construction hours/noise Code 1992* and Australian Standard 2436 -2010 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (c) All reasonable and feasible steps must be taken to ensure that noise levels from activities conducted on site are kept to a minimum including the adoption of less noise intrusive plant and equipment or technologies.

(34) ASBESTOS REMOVAL

All demolition works involving the removal and disposal of asbestos cement, or Asbestos Containing Materials (ACMs) 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 National Occupational Health and Safety Commission (NOHSC): "Code of Practice for the Safe Removal of Asbestos".

In accordance with Occupational Health and Safety legislation, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.

Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.

All relevant properties should be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email address.

No asbestos products are to be reused on the site (ie. packing pieces, spacers, formwork or fill etc).

(35) WASTE

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

Prior to the exportation of waste 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 (April 2008). 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.

(36) NOISE - USE

The emission of noise associated with the use of the proposed premises including the operation of any mechanical plant and equipment shall comply with the following criteria:

- i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
- ii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with *Australian Standard AS 1055.1-1997-Description and measurement of environmental noise*.
- iii) The LAeq,15minute noise level shall be adjusted to account for any applicable modifying factors in accordance with Part 4 of the EPA NSW Industrial Noise Policy.
- iv) In this clause, the term “noise level emitted from the use” means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq, 15minute when the use is not in operation.
- v) In circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15minute noise level measured in the absence of all noise from the site.

(37) NOISE CONTROL VERIFICATION

An acoustic verification report must be submitted to the Principal Certifying Authority (PCA) prior to Occupation of the building from an accredited acoustic consultant 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 outlining all central services mechanical plant and equipment installed within the development.

The report must also confirm that resultant operational noise levels from the mechanical plant and equipment is in compliance with the noise criteria stated within the “*Noise Use*” criteria when operating to maximum capacity at the most noise sensitive time of the day.

(38) MICROBIAL CONTROL

Where cooling towers and warm water systems are utilised by the development for air-handling or other purposes, the following requirements are applied.

- (a) All cooling towers and cooling and warm water systems must be operated and maintained in accordance with AS 3666.2:2011, (or AS 3666.3:2011) subject to prior notification to Council) the *Public Health Act 2010*, and *Public Health Regulation 2012*.
- (b) A true copy of the annual certificate as stipulated in clause 10 of the *Public Health Regulation 2012* which certifies the effectiveness of the process of disinfection used for the water cooling system, must be submitted to Council prior to the period ending 30 June each year.
- (c) Prior to commencement of the use the owner or occupier of the premises must apply to Council for the registration of water cooling systems warm water systems installed on the premises in accordance with the *Public Health Regulation 2012*.

(39) MECHANICAL VENTILATION

The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.

(40) 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.

(41) ENERGY EFFICIENCY OF BUILDINGS

The design of the building and its services must achieve a rating of 4 stars under the NSW Department of Environment, Climate Change and Water's National Australian Built Environment Rating System (NABERS Energy). This can be demonstrated by:

- (a) Entering into a Commitment Agreement⁽ⁱ⁾ with DECCW, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting) or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement with their Construction Certificate application; and
- (b) Providing a copy of the independent energy assessment report to DECCW and submitted with the Construction Certificate application, that follows the current DECCW guidelines. This report must be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to in clause 1(a) above:

- (c) *Commitment Agreement* means an agreement that is set out in accordance with DECCW's Australian Building Greenhouse Rating Commitment Agreement, which is made/signed between DECCW and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
 - (i) *Star rating* refers to the benchmarking system applied by DECCW for measuring the energy efficiency of a building, and known as NABERS the National Australian Built Environment Rating System.
 - (ii) *Base building* means central services and common areas of a building.
 - (iii) *Tenancies* means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services.
- (d) Whole building means all of the building, being the fabric of the building itself and all services and fit-outs.

(42) INSTALLATION OF DUAL-FLUSH TOILETS

All toilets installed within the development must be of water efficient dual-flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Certifying Authority, prior to a Construction Certificate being issued.

(43) INSTALLATION OF WATER EFFICIENT TAPS

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details

are to be submitted for the approval of the Certifying Authority, prior to an Occupation Certificate being issued.

(44) INSTALLATION OF WATER EFFICIENT URINALS

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include “smart controls” to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to a Construction Certificate being issued.

(45) INTERNAL LIGHTING SYSTEM

The proposed internal lighting system for the commercial office spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.