

# Project Approval Part 3A

## Section 75J of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation dated 27 February 2013, I approve the Project Application referred to in schedule 1, subject to the conditions in schedules 2 and the Statement of Commitments in Schedule 3.



Chris Wilson  
Executive Director  
Development Assessment Systems & Approvals

Sydney **4 Jun** 2013

### SCHEDULE 1

<b>Application No.:</b>	MP11_0091
<b>Proponent:</b>	Frasers Broadway Pty Ltd
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Blocks 6 & 7, Central Park, Chippendale (former Carlton United Brewery site)
<b>Project:</b>	<ul style="list-style-type: none"><li>• Demolition of structures at No. 14 and construction of 1 x 2 storey building for retail use on the ground floor and restaurant on the first floor;</li><li>• Demolition of structures at No. 42 - 44 to construct a 1 storey building and a pocket park fronting Kensington Street;</li><li>• Heritage conservation and upgrade works to reinstate, reconstruct and upgrade internal and external building fabric of existing buildings to be retained;</li><li>• Additional two floors above existing warehouse building at No. 2 - 10 including outdoor terraces on Levels 2 and 3;</li><li>• Upgrade works and new glazed addition to rear of No.46 - 48 and an enclosed outdoor courtyard;</li><li>• New single storey building built along the eastern boundary;</li><li>• Erection of a glazed entry walkway between Nos. 20-22 and 28-30, to provide access from Kensington Street to rear courtyards;</li><li>• Landscaping works to pocket park, rear courtyard areas and rear of existing terraces;</li><li>• Use of tenancies within the precinct for retail, commercial office and food and drink premises;</li><li>• Provision of bicycle parking spaces, lockers and end-of-journey facilities within Nos. 2 - 10, 14 and 42 - 44; and</li><li>• Subdivision and consolidation of existing lots to create four lots.</li></ul>

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## DEFINITIONS

Advisory notes	Means advisory information relating to the approved development but does not form part of this approval.
BCA	Building Code of Australia
Construction Council	Any works, including earth and building works City of Sydney Council
Certifying Authority	Has the same meaning as Part 4A of the Act.
Department	Department of Planning and Infrastructure or its successors.
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee.
Director General's approval, agreement or satisfaction	A written approval from the Director - General (or nominee/delegate). Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the proponent to respond in writing will be added to the one month period.
EA	Environmental Assessment prepared by JBA Planning Consultants Pty Ltd and dated November 2012.
RtS	Response to Submissions prepared by JBP Planning Consultants Pty Ltd and dated 16 May 2013.
EP&A Act	Means the Environmental Planning and Assessment Act, 1979 (as amended).
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning and Infrastructure, or nominee
Proponent	Means Frasers Broadway Pty Ltd or any party acting upon this approval.
RMS	Roads and Maritime Services Division, Department of Transport or its successor.
Subject Site	Kensington Street, Chippendale (Lots 1,2,3 & 5 DP 33953, Lot 1 DP 185787 and Lot 1 DP 709452).
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.

# SCHEDULE 1

## PART A - ADMINISTRATIVE CONDITIONS

### A1. Development Description

Development approval is granted only to carrying out the development described in detail below:

- Demolition of structures at No. 14 and construction of 1 x 2 storey building for retail use on the ground floor and restaurant on the first floor;
- Demolition of structures at No. 42 - 44 to construct a 1 storey building and a pocket park fronting Kensington Street;
- Heritage conservation and upgrade works to reinstate, reconstruct and upgrade internal and external building fabric of existing buildings to be retained;
- Additional two floors above existing warehouse building at No. 2 - 10 including outdoor terraces on Levels 2 and 3;
- Upgrade works and new glazed addition to rear of No. 46 - 48 and an enclosed outdoor courtyard;
- New single storey building built along the eastern boundary;
- Erection of a glazed entry walkway between Nos. 20-22 and 28-30, to provide access from Kensington Street to rear courtyards;
- Landscaping works to pocket park, rear courtyard areas and rear of existing terraces;
- Use of tenancies within the precinct for retail, commercial office and food and drink premises;
- Provision of bicycle parking spaces, lockers and end-of-journey facilities within Nos. 2 - 10, 14 and 42 - 44; and
- Subdivision and consolidation of existing lots to create four lots.

### A2. Terms of Approval

The proponent shall carry out the project in accordance with the following documentation:

- a) Environmental Assessment and supporting documents prepared by JBA Planning dated November 2012;
- b) Response to Submissions and supporting documents prepared by JBA Planning dated 16 May 2013; and
- c) following drawings, except for:
  - i. any modifications which are Exempt' or Complying Development;
  - ii. otherwise provided by the conditions of this approval.

Architectural (or Design) Drawings prepared by <i>Tonkin Zulaikha Greer</i>			
Drawing No.	Revision	Name of Plan	Date
A-200	A	1:200 Plans	9 May 2013
A-201	A	1:200 Plans	9 May 2013
A-202	A	Ground Floor Plan 1/2	9 May 2013
A-203	A	Ground Floor Plan 2/2	9 May 2013
A-204	A	Level 1 Floor Plan 1/2	9 May 2013
A-205	A	Level 1 Floor Plan 2/2	10 May 2013
A-206		Level 2 Floor Plan 1/2	November 2012
A-207	A	Level 2 Floor Plan 2/2	9 May 2013
A-208	A	Level 3 Floor Plan	9 May 2013
A-209		Level 4 & Roof Plan	November 2012
A-300		North Elevation	November 2012
A-301		West Elevation 1/2	November 2012

Architectural (or Design) Drawings prepared by <i>Tonkin Zulaikha Greer</i>			
A-302		West Elevation 2/2	November 2012
A-303	A	East Elevation 1/2	9 May 2013
A-304		East Elevation 2/2	November 2012
A-401		Section 1-No.2-10(1/2)	November 2012
A-402		Section 1-No.2-10 (2/2)	November 2012
A-403		Section 2 No.12	November 2012
A-404		Section 3 + South Elevation No. 14	November 2012
A-405	A	Section 4 Lantern	10 May 2013
A-406		Section 5 No. 42-44	November 2012
A-407		Section 6 No. 48	November 2012
A-503		Material Schedule	November 2012
Landscape Design Report and Drawings prepared by <i>Jeppe Aagaard Andersen and Turf Design Studio</i> dated November 2013			
Survey Drawings prepared by <i>Degotardi, Smith and Partners</i>			
30826A39.DWG	B	Sheet 1	15 November 2012
Stormwater Concept Drawings prepared by <i>Mott MacDonald</i>			
MMD-300830-S-DR-CD-0104	P1	Concept Stormwater Plan	13 November 2013

### **A3. Inconsistency between documents**

In the event of any inconsistency between the plans and documentation referred to above, including the proponent's Statement of Commitments, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

### **A4. Prescribed Conditions**

The proponent shall comply with the prescribed conditions of approval under Clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the Building Code of Australia (BCA).

### **A5. Construction Certificate**

Prior to commencement of any construction works associated with the approved development (including excavation and building construction, it is necessary to obtain a Construction Certificate for relevant works. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the relevant Construction Certificate are to be amended to satisfy all relevant conditions of this development approval.

### **A6. Subdivision Certificate**

A separate application is to be made to Council to obtain the approval of the final Plan of Subdivision and issue of the Subdivision Certificate under Part 4A of the *Environmental Planning and Assessment Act 1979*.

### **A7. Limits of approval**

This approval will lapse five years from the date of approval unless the building works associated with the project have physically commenced.

### **A8. Further approvals**

This approval does not permit the following, which are required to obtain separate approval (except where exempt and complying development applies):

- a) Any details relating to retail fit-out, including plans of mechanical extraction/ventilation;
- b) Any advertising signage;

- c) Any external lighting;
- d) The design and location of the awnings and pergolas to the rear of the retail and commercial tenancies; and
- e) The construction of any vehicle crossings or the removal of any existing redundant vehicle crossings.

#### **A9. Use – Separate DA required**

A separate development application for the fit out and use of each individual tenancy for commercial use must be submitted to and approved by Council prior to that fit-out or use commencing.

#### **A10. No Access to Roof Garden**

No public access is permitted to the roof garden above the single storey building situated along the eastern boundary of the Kensington Precinct. Access to the roof garden is to be restricted to maintenance personnel only.

#### **A11. External Lighting**

The design and implementation of external lighting within the precinct is to be in accordance with the approved Safety Management Strategy and Safety Management Plan, as amended by **Condition B5**.

#### **A12. Traffic Impact Assessment**

- a) A Traffic Impact Assessment incorporating the details of surveys of existing retail, food and beverage precincts within inner Sydney is to be provided to Council prior to the issue of an Occupation Certificate to confirm the number of private vehicles and taxis likely to visit the approved development.
- b) The Traffic Impact Assessment is to incorporate recommendations for the location of a taxi drop off zone in Kensington Street. The proponent is required to adopt the recommendations of the Traffic Impact Assessment, to the satisfaction of Council prior to the issue of an Occupation Certificate.

#### **A13. Responsibility for other approvals/agreements**

The proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

#### **A14. Staging of Construction Certificates**

Staging of demolition and construction – Notwithstanding any other condition of this approval, the approval permits separate Construction Certificates and Occupation Certificates to be issued for the works approved as part of this Project Application in stages, provided that all conditions of consent relevant to the works incorporated within the relevant stage have been complied with prior to the release of the Construction Certificate or Occupation Certificate for that stage.

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**End of Section**



## SCHEDULE 2

### PERFORMANCE CONDITIONS

#### PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

**B1. Compliance with the Building Code of Australia (BCA)**

Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of approval under Clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the Building Code of Australia (BCA).

**B2. Schedule of External Materials and Finishes**

Details of the proposed finish to the aluminium to be used for the aluminium framed glazing shown on the drawings is to be submitted to and approved by Council, prior to the issue of the relevant Construction Certificate.

**B3. External and Internal Colour Scheme (Houses) Non Standard**

Both the external and internal colour scheme is to comprise predominantly earthy tones in keeping with the overall Victorian character of the buildings. A schedule of colours is to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate. In this regard, it is recommended that reference be made to the book "Colour Schemes for Old Australian Houses" by Ian Evans, Clive Lucas and Ian Stapleton.

**B4. Details of proposed gate/doors to restrict access to rear laneway in Lots 2, 3 and 4**

Amended drawings illustrating the proposed location and design details of the gates and/or doors to be installed to restrict public access to the rear laneway, are to be submitted to and approved by Council, prior to the issue of the relevant Construction Certificate and prior to the creation of a documentary Right of Public Access and registration on the Titles of Lots 2, 3 and 4.

**B5. Safety Management Strategy and Safety Management Plan**

An amended Safety Management Strategy and Safety Management Plan are to be prepared and submitted concurrently with the additional drawings referred to in **Condition B4**, to the satisfaction of Council, prior to the issue of the relevant Construction Certificate.

**B6. Bicycle Spaces & Facilities**

- a) A minimum of 41 bicycle parking spaces must be provided for the site for employees, customers and visitors to the site.
- b) Amended drawings showing the relation and distribution of 16 bicycle parking spaces from the pocket park to alternative locations, are to be submitted to and approved by Council, prior to the issue of the relevant Construction Certificate.
- c) The layout, design and security of bicycle facilities shall be installed in accordance with the specification of the JOSTA system, or equivalent.
- d) Bicycle facilities rooms must be provided close to staff/employee bicycle parking in accordance with Section 3.11.3 of the Sydney Development Control Plan 2012.

**B7. Access for People with Disabilities**

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the relevant Construction Certificate drawings.

**B8. Erosion and Sedimentation Control**

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater-Soils & Construction Volume 1 (2004)* by Landcom, the Stormwater Report dated 15

November 2012, and plans dated 13 November 2012 prepared by Mott Macdonald. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

#### **B9. Schedule of Conservation Works and Implementation**

To conserve the heritage significance of the existing buildings the following is to apply:

- a) A Schedule of Conservation Works, based on the outline schedules of conservation works within the Specific Element Conservation Management Plan For The Former Carlton United Brewery Rum Store And The Kensington Street Terraces Block 6 & 7, Central Park Commercial And Retail Adaptive Reuse Prepared For Frasers Broadway Pty Ltd by Paul Davies Pty Ltd Nov 12, is to be submitted to Council's own Heritage Specialist for approval prior to the issue of the relevant Construction Certificate. The Schedule is to include comprehensive conservation works to all fabric and elements high or moderate.
- b) The submission of the Schedule is to be supported by key drawings, detail drawings and specifications, and is to incorporate the principles of the Australian ICOMOS Burra Charter.
- c) Materials for making good, are to match the original materials in terms of colours, finishes, sizes, profile and materials.
- d) The schedule should also include proposed insertions into the terraces including light fittings and door and window hardware which should enhance the character of the interiors.
- e) The approved Schedule of Conservation Works is to be implemented to the satisfaction of the Conservation Architect engaged by the proponent and the Council's own Heritage Specialist prior to the Occupation Certificate, by means of site inspections staged at intervals to suit the programme of works.

#### **B10. Pre-Construction Dilapidation Reports**

The proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. A copy of the report is to be forwarded to Council.

#### **B11. Salvaged Materials to be retained on Site**

All surviving early fabric displaced by the works such as bricks and stone is to be labelled and stored on site to facilitate future reinstatement into the works wither for repair or for inclusion into the landscape planning where practical. An inventory of stored items, the proposed storage location and the proposed method of reinstatement or reuse on the site must be submitted to and approved prior to the issue of the relevant Construction Certificate.

#### **B12. Loading and service bays**

The loading spaces within the basements of Blocks 2, 5A, 5B and 5C shall be made available (in a shared arrangement with other users) for the ongoing use of retail and commercial tenancies of Blocks 6 and 7. Evidence of a mechanism to ensure this ongoing use must be provided to Council, prior to the issue of the relevant Construction Certificate.

#### **B13. Mechanical ventilation systems**

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

#### **B14. Storage and Handling of Waste**

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Requirements of City of Sydney DCP shall be met, including:

- a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) Include provision for the separation and storage in appropriate categories of material suitable for recycling; and
- c) And include provision for separate storage and collection of organic/food waste.

The Certifying Authority must ensure that the building plans and specifications submitted by the proponent,

referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

#### **B15. Sydney Water Notice of Requirements**

- a) An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue of a Construction Certificate. The Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance.
- b) Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

#### **B16. Compliance Report**

Prior to the issue of a Construction Certificate, the proponent shall submit to Council a report addressing compliance with all relevant conditions of this approval.

#### **B17. Stormwater and Drainage – Major Development**

- 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.

#### **B18. Stormwater Quality Management**

- a) Stormwater quality objectives for this development shall comply with the modification of Major Project Approval (MP06\_0171) approval dated 24 July 2012 and the subsequent final Stormwater Management Plan dated June 2012 by Mott MacDonald Hughes Trueman.
- b) Detailed design documentation to implement best practice urban stormwater management using WSUD principles shall be submitted to Council for approval prior to the relevant construction certificate being issued if the proposed assets are within public domain and to be maintained by Council in the future.
- c) A design certification report for the proposed stormwater quality management shall be prepared by an appropriately qualified engineer and shall be submitted to the PCA prior to the issue of the relevant Construction Certificate.

This condition is considered to be satisfied if it has been resolved as part of another Project Application for the subject site, which specifically identified the works under this approval.

#### **B19. 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).

## **B20. 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 the relevant Construction Certificate. The plan must include:
- Location of existing and proposed structures on the site including existing trees (if applicable);
  - Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
  - Location, numbers and type of plant species;
  - Details of planting procedure and maintenance; and
  - Details of drainage and watering systems.
- b) The Pocket Park design should be developed further and consider if it should be clearly identifiable as a separate space from the surrounding pedestrian circulation areas. The design should address the following:
- Fixed seating and other furnishings;
  - Additional soft landscape or tree planting; and
  - Lighting for pedestrian and access.
- c) A minimum of 10% of the Pocket Park should be comprise soft landscaping.
- d) Prior to the issue of the relevant 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.
- e) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

## **B21. 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".

## **B22. Footpath Damage Bank Guarantee**

A Footpath Damage Bank Guarantee calculated on the total lineal metres of the public frontage of the site frontage must be lodged with Council in accordance with Council'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.

## **B23. Heritage Interpretation Plan – Non Standard**

- a) An interpretation plan for Blocks 6 & 7 must be submitted to and approved by Council's own Heritage Specialist prior to a Construction Certificate being issued.
- b) The interpretation plan must detail how information on the history and significance of Blocks 6 & 7 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) Prior to an Occupation Certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's own Heritage Specialist.

## **B24. Photographic Archival Documentation (Minor Works)**

Prior to a Construction Certificate being issued, an archival photographic recording of the subject buildings, both externally and internally, is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- b) The Development Application number must be noted on the front of the folder and in the report.
- c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- e) Include written confirmation, issued with the authority of both the proponent and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the proponent and the photographer must be included.
- f) A digital based recording is to include a CD or DVD containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.
- g) A film based recording is to include 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

## **B25. Use of Conservation Architect**

An experienced conservation architect is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the proponent to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms are to be provided to Council prior to commencement of work on site. The conservation architect must sign off the completed project prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

## **B26. 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, Architect/Public Domain Designer or suitably qualified person 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.

## **B27. Public Domain Plan**

The Public Domain Plan accompanying this Development Application has not been approved by this approval. The proponent is to address the following matters in preparation of the Public Domain Plan:

- a) Further resolution of the materials and levels to be used in the footway along Kensington Street is to be submitted for comment to Council prior to a Construction Certificate being issued for the Public Domain. These materials are to reference the adjacent treatment in Kensington Street and options provided for alternatives if required by the RMS.
- b) 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.

- c) 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 approval.

- d) 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.
- e) 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.

## **B28. Footway Pavement Design**

- a) A footway pavement design for all flexible and rigid pavements including all considerations, assumptions, sub grade test results, and calculations shall be submitted to Council for approval prior to the issue of the Construction Certificate for works above ground; and
- b) The footway pavement design shall be undertaken in accordance with Council's Development Specification for Civil Works, the Sydney Streets Design Code and the Public Domain Manual. Drawings shall clearly indicate the pavement structure, material types and layer thickness of the proposed pavement and surfacing.

## **B29. Subsurface Drainage**

Subsurface drainage systems shall be provided for all road formations, cuttings, and the base and sub base of pavement layers and throughout the entire base of the new public park. The design and construction of the subsurface drainage system shall be undertaken in accordance with Council's Development Specification for Civil Works. Detailed plans and construction specifications for the subsurface drainage systems shall be prepared and certified as complying with Council's specifications prior to the issue of a Construction Certificate. The plans shall include as a minimum the following information:

- a) The proposed location of all subsoil drains and sub-pavement drains, including the nominal width and depth of trenches, pipe diameters and materials, longitudinal design grades, and the locations of outlets and cleanouts;
- b) The location of public utility services shall also be included on the plans and cross sectional drawings;
- c) Specifications for the construction of all components of the system in accordance with Council's Development Specification for Civil Works; and
- d) All assumptions and/or calculations made in the determination of the need or otherwise for subsurface drainage in special circumstances shall be submitted to Council for approval with the documentation.

This condition is considered to be satisfied if it has been resolved as part of another Project Application for the subject site, which specifically identified the works under this approval.

## **B30. 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.

### **B31. Photographic Record / Dilapidation Report – Public Domain**

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- c) Each image is to be numbered and cross referenced to a site location plan;
- d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- e) Include written confirmation, issued with the authority of both the proponent and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the proponent and the photographer must be included.

### **B32. Environmental Performance**

The proponent is to provide documentation, prepared by a suitably qualified consultant, indicating that the development has been designed in accordance with the principles of a 5 star 'Green Star Building, consistent with Condition B12 of Concept Plan Approval MP06\_0171 as amended. Evidence of the project's ineligibility for an official Green Star rating and consistency with Green Star Principles shall be provided.

### **B33. Physical Models**

- a) Prior to an Occupation Certificate for above ground works being issued, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- b) Prior to an Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed, must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note: The models must be constructed in accordance with the Model Specifications available online at [www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp](http://www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp). Council's model maker must be consulted prior to construction of the model for Town Hall House. The Manager of Customs House must be contacted prior to the construction of the model for City Exhibition Space.

The models are to comply with all of the conditions of the Development Approval.

The models must be amended to reflect any further modifications to the approval (under section 96 of the Act that affect the external appearance of the building).

### **B34. Submission of Electronic Models prior to Construction Certificate and prior to Occupation Certificate**

- a) Prior to a Construction Certificate for above ground works being issued, an accurate 1:1 electronic model of the detailed construction certificate stage drawings must be submitted to Council for the electronic City Model;
- b) The data required to be submitted within the surveyed location must include and identify:
  - (i) Building design above and below ground in accordance with the development approval;
  - (ii) All underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) Property boundaries and the kerb lines adjacent to the site. The data is to be submitted as a DGN or DWG file on physical media (floppy disc or CD). All plans are to be referenced to the submitted Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map of Australia (MGA) spatially located in the initial Data Extraction file;

- (iv) Within the DGN or DWG file each identified structure, feature, utility or service must be distinguished by a combination of layering and/or symbology schema. The submitted plans must be accompanied by a comma delimited text file, detailing the layering and/or symbology scheme;
- c) The electronic model must be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available on line at: [www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.aspx](http://www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.aspx).  
Council's Design/Technical Support staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Approval; and
- d) Prior to an Occupation Certificate being issued, a second and updated "as built" 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic City Model.

Note: The submitted model/data must be amended to reflect any modifications to the approval that affect the location of any of the underground services or structures and/or external configuration of building above ground.

### **B35. Microbial Control in Water Systems**

- a) Prior to the issue of the relevant Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following:
  - i. Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.
  - ii. Prior to the issue of an Occupation Certificate or if non-applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Health and Building department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

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**End of Section**



## **PART C – PRIOR TO CONSTRUCTION**

### **C1. Demolition**

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by Australian Standard 2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

### **C2. Excavation Works**

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

### **C3. Construction Traffic Management Plan**

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

### **C4. Structural Details**

Prior to the commencement of construction, the proponent shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- a) The relevant clauses of the BCA;
- b) The development approval; and
- c) Drawings and specifications comprising the Construction Certificate.

### **C5. Construction Environmental Management Plan**

- a) Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters where relevant:
  - i. hours of work
  - ii. 24 hour contact details of site manager
  - iii. traffic management
  - iv. noise and vibration management, prepared by a suitably qualified person
  - v. management of dust to protect the amenity of the neighbourhood
  - vi. erosion and sediment control
  - vii. measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site
  - viii. external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting
- b) The CEMP must not include works that have not been explicitly approved in the development approval. In the event of any inconsistency between the approval and the CEMP, the approval shall prevail.
- c) The proponent shall submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.

### **C6. Waste Management Plan during construction**

- a) Prior to the commencement of any works on the subject site, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters:
  - i. Recycling of demolition materials including concrete; and
  - ii. Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials; and
- c) The proponent shall submit a copy of the Plan to the Department and to the Council, prior to commencement of work.

#### **C7. Traffic & Pedestrian Management Plan**

- a) Prior to the commencement of any works on the subject site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with the Council, and where required, the approval of the council's traffic committee obtained.
- b) The Plan shall address, but not be limited to, the following matters:
  - i. Ingress and egress of vehicles to the Subject Site,
  - ii. Loading and unloading, including construction zones,
  - iii. Predicted traffic volumes, types and routes, and
  - iv. Pedestrian and traffic management methods.
- c) The proponent shall submit a copy of the final Plan to the Council, prior to the commencement of work.

#### **C8. Utility Services**

Prior to the commencement of work the proponent is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structures.

#### **C9. Future Food Use – Mechanical Ventilation Provision**

The approved mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for all ground floor retail tenancies in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies are approved for future use by food premises or other uses which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

#### **C10. Road Opening Permit**

A separate Road Opening Permit under Section 138 of the *Roads Act 1993* shall be obtained from Council prior to the commencement of any:

- a) Excavation in or disturbance of a public way; or
- b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

#### **C11. Application for Hoardings and Scaffolding**

- a) A separate application under Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding in a public place and such application is to include:
  - i. Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
  - ii. Structural certification prepared and signed by an appropriately qualified practising structural engineer.

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

Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JC Decaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The proponent is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the proponent is responsible for meeting any revenue loss experienced by Council as a result of the removal of street furniture. Costing details will be provided by Council. The proponent must also seek permission from the telecommunications carrier (e.g. Telstra) for the removal of any public telephone.

- b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the proponent must relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the proponent. Further information and a map of the CCTV cameras are available by contacting Council's CCTV Unit on 9265 9232.
- c) The hoarding must comply with the Council's policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

#### **C12. Barricade Permit**

Where construction / building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

#### **C13. Contact Telephone Number**

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

#### **C14. 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.

#### **C15. 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 approved by the Sydney Traffic Committee prior to any work commencing on site.

#### **C16. Traffic Control Plan**

Where works are to occur on existing public roads a Traffic Control plan is to be prepared. Such plans shall be prepared in strict compliance with the requirements of the current version of Australian Standard 1742.3 (Traffic Control Device for works on Roads) as well as the current version of the RTA Traffic Control at Work Site manual. Any person preparing such Traffic Control plans shall have the relevant RTA accreditation, which must be stated on the submitted plans.

The Traffic Control Plan is to be prepared and submitted to Council prior to the relevant works being undertaken.

#### **C17. Demolition, excavation and construction noise management plan**

A site specific noise management plan shall be submitted to the Council for comment and approval prior to CC.

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 Mondays to Fridays and 7.00am to 5.00pm Saturdays. 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 (LA90, 15min) 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) The course of action that 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.

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**End of Section**

## **PART D - DURING CONSTRUCTION**

### **D1. Erosion and Sediment Control**

All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment. The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the PCA must be implemented in full during the construction period.

During the construction period:

- a) Erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- b) Erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- c) Building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

### **D2. Disposal of Seepage and Stormwater**

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

### **D3. Approved Plans to be On-site**

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

### **D4. Site Notice**

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

The notice(s) is to satisfy all but not be limited to, the following requirements:

- a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

### **D5. Hours of Work and Noise**

The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:

- a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
- b) between 7:00 am and 5:00 pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) Works may be undertaken outside these hours where:
  - i) the delivery of materials is required outside these hours by the Police or other authorities;
  - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
  - iii) variation is approved in advance in writing by the Director General or his nominee.

## **D6. Use of Intrusive Appliances – Time Restriction**

- a) The operation of high noise intrusive plant and 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 9am to 12pm and 2pm to 5pm Mondays to Fridays, 9am to 12pm and 2pm to 3.30pm 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'.

## **D7. Protection of Stone Kerbs**

- a) The existing stone kerbs on the Kensington 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 (i.e. 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.

## **D8. 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.

## **D9. Construction Noise Management**

The following requirements apply:

- a) The construction noise objective for the Project is to manage noise from construction activities (as measured by a  $L_{A10}$  (15minute) receiver) so it does not exceed the background  $L_{A90}$  noise level by:
  - i. For the first four weeks of the construction period, not more than 20dB(A);
  - ii. From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
  - iii. For construction periods greater than 26 weeks, not more than 5dB(A).
- b) Background noise levels are those identified in Environmental Impact Statement or otherwise identified. The proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- c) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with a Construction Noise and Vibration Management Plan, approved by Council.
- d) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.
- e) The proponent shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan.
  - i. 9.00 am to 12.00 pm, Monday to Friday;
  - ii. 2.00 pm to 5.00 pm Monday to Friday; and

iii. 9.00 am to 12.00 pm, Saturday

- f) Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan approved by Council.
- g) Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

#### **D10. Vibration Criteria**

Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:

- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6841- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
- c) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- d) These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by Council.

#### **D11. General Heritage**

- a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- b) New services are to be installed to minimise impact on heritage fabric.
- c) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- d) The new windows and doors must use timber joinery (other than identified contemporary interventions).
- e) The face brickwork/sandstone must not be rendered, painted or coated.
- f) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

#### **D12. Heritage Superintendent**

Works shall be superintended by a consultant(s) experienced in the conservation of similar heritage buildings.

#### **D13. Compliance Report**

The proponent, or any party acting upon this approval, shall, for the duration of construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of this approval.

#### **D14. Loading and Unloading During Construction**

The following requirements apply:

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

#### **D15. Covering of Loads**

All vehicles involved in the excavation and / or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

#### **D16. 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.

#### **D17. 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.

#### **D18. Noise – Mechanical Plant and Equipment**

Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

- a) Transmission “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.
- b) A sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

#### **D19. 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.

#### **D20. Compliance with Arborist’s Report**

All recommendations for tree removal contained in the Arborist’s Report prepared by Tree Wise Men Australia Pty Ltd, dated December 2012, must be implemented during construction of the development, including the following:

- a) All tree removal works are to comply with the WorkCover NSW Amenity Tree Industry Code of Practice (currently under review) 1998.
- b) Tree removal works should be undertaken by Arborists with minimum AGF Level 3 Arboricultural qualifications. Such Arborists will have the necessary competencies to dismantle trees safely and without damage to adjacent structures proposed to be retained. The structures to be retained should be identified to the contracting Arborist at the time of tender.

#### **D21. Asbestos Removal Works**

- a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- b) Five days prior to the commencement of licensed asbestos removal, Workcover 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 is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and Workcover document entitled How to Safely Remove Asbestos, Code of Practice and the City of Sydney Asbestos Policy.
- d) 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.
- e) 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.
- f) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).



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

## **D22. 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 (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.

## **D23. Archaeological Discovery during Excavation**

- a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the.

## **D24. 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.

## **D25. Associated Roadway Costs**

All costs associated with the construction of any new road works including kerb 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 Council's 'Development Specification for Civil Works Design and Construction'.

## **D26. Anti-Graffiti**

All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any unauthorised graffiti evident on the exterior facades and visible from a public place is to be removed within 24 hours.

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**End of Section**

## **PART E - PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS**

### **E1. Occupation Certificate to be Submitted**

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to the Department and Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

### **E2. Compliance with Acoustic Report**

All recommendations for acoustic insulation of the premises and mitigation of noise from plant and machinery and activities within the premises, which is contained within Sections 4 and 5 of the acoustic report prepared by WSP, dated November 2012; reference SYD1122100 must be fully implemented during construction and use of the premises.

### **E3. Noise Control Verification**

The Principal Certifying Authority (PCA) shall obtain a statement from appropriately qualified 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, certifying that the acoustic mitigation measures outlined in Acoustic report; WSP dated November 2012 reference SYD1122100 have been suitably incorporated into the development and that relevant noise amenity criteria set out within the Sydney Development Control Plan 2012 and AS 2107 have been satisfied prior to issue of Occupational Certificate.

The verification report must also include any mechanical services plant and equipment installed on the premises and confirm that the maximum operational noise levels from their use complies with the noise criteria set out within Condition F5.

### **E4. Mechanical Ventilation**

- a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-2012.
- b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.
- c) Prior to issue of an 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 A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

### **E5. Continued Performance of Mechanical Ventilation**

The required operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the proposed partitioning layout.

### **E6. 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 Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

### **E7. Positive Covenant**

Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Titles of Lots 2, 3 and 4, 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 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.

## **E8. Water Pollution**

- a) No waste water, chemicals or other substances harmful to the environment shall be permitted to discharge to Council's stormwater system. Only clean, unpolluted water is permitted to discharge into the stormwater system
- b) Communal garbage areas must be provided with a suitable waste water outlet which discharges directly to the sewer to allow for the discharge of waste water used in the process of washing down bins or the surrounding area.

## **E9. Additional Easements and Covenants**

Any Easements for Drainage, Services, or other shared facilities or structures, Rights of Way or the like, any Restrictive or Positive Covenants required as a consequence of the subdivision are to be created pursuant to Section 88B and/or Section 88BB of the *Conveyancing Act 1919* and to Council's satisfaction.

## **E10. 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.

## **E11. Road Damage**

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the proponent/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount; a separate invoice will be issued.

## **E12. Right of Public Access**

Prior to the issue of an Occupation Certificate for the development, a documentary Right of Public Access is to be created and registered on the Titles of Lots 2, 3 and 4. The Easement is to be defined over a strip of land at the rear of Lots 2, 3 and 4 together with smaller "lanes" extending to Kensington Street, and is 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 during the hours of operation only. For safety and security reasons, access to the "lanes" will be restricted to the public beyond the hours of operation in accordance with the Safety Management Strategy. The final size and location of the Easement shall also be to Council's satisfaction

## **E13. Registration of Easements**

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

## **E14. Post-construction Dilapidation Report**

- a) The proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- b) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
  - i. Compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
  - ii. Have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- c) A copy of this report is to be forwarded to the Department and Council.

## **E15. Heritage Asset Maintenance Plan**

A Heritage Asset Maintenance Plan must be prepared to guide the future maintenance on heritage fabric for the buildings, significant fabric and elements, the yard and the interpretation and submitted to Council's own Heritage Specialist for approval prior to the issue of an Occupation Certificate. The Maintenance Plan is to

be based on the NSW Heritage Branch Maintenance Series 1.1: 'Preparing a Maintenance Plan' and include all fabric identified as being of heritage significance, specification notes, and list of appropriate consultants and suppliers.

#### **E16. Fire Safety Certificate**

Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the PCA.

#### **E17. Safety Management Plan**

The recommendations of the final Safety Management Strategy and Plan and Draft Security Management Plan shall be implemented prior to the issue of the Occupation Certificate.

#### **E18. Public Art**

Public Art will be designed and implemented in consultation with the City of Sydney Council and the Department of Planning and Infrastructure and installed in accordance with the approved Public Art Strategy prior to the issue of the final Occupation Certificate.

#### **E19. Commemorative Plaque**

A commemorative plaque, recording the names of the developer, architect, approval authority and year of completion of construction must be installed on the building prior to occupation. The design, location and wording must be submitted to and approved by Council prior to an Occupation Certificate being issued.

#### **E20. Historic Marker**

A brass plaque relating to the history of the site must be installed on the facade of the building prior to occupation. The design, location and wording must be submitted for the approval of Council prior to an Occupation Certificate being issued.

#### **E21. Waste and Recycling Collection Contract**

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

#### **E22. Waste and Recycling Management**

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the PCA must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for waste collection by Council.

#### **E23. Vehicle Footway Crossing**

A separation application is to be made to an approved by, Council for the construction of any proposed vehicle footpath crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

#### **E24. Environmental Performance**

The Proponent is to provide documentation, prepared by a suitably qualified consultant, indicating that the development has been designed in accordance with the principles of a 5 star Green Star Building, consistent with Condition B12 of MP 06\_0171 (Concept Plan) as amended. Evidence of the projects ineligibility under the Green Star rating system and its consistency with Green Star Principles shall be provided prior to the issue of the final Occupation Certificate.

**End of Section**

## **PART F - DURING OPERATIONS**

### **F1. Annual Fire Safety Certification**

The owner of the building shall certify to the council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. The purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### **F2. Public Way to be Unobstructed**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### **F3. External Lighting**

External Lighting shall comply with Australian Standard 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the proponent shall submit to the approval authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

### **F4. Care of Building Surrounds**

In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building must ensure that the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

### **F5. Noise General**

- a) The emission of noise associated with the use, the operation of any mechanical plant and equipment shall comply with the following criteria:
- The emission of noise associated with the use, the operation of any mechanical plant and equipment shall comply with the following criteria:
  - 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.
  - The LAeq,15minute noise level shall be adjusted for modifying factors in accordance with Appendix 3 of the NSW Industrial Noise Policy.
  - 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.

#### For internal residential amenity only

- b) An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that:
- Where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 - Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
  - The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the affected residence closed;
  - The LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (excluding air-conditioning equipment) normally servicing the affected residence operating.

#### For commercial premises only

- c) An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any commercial premises provided that;
- The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the commercial premises closed;

- ii. The LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including air-conditioning equipment) normally servicing the commercial premises operating.
- iii. The use of the premises shall be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected residence.
- 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.

#### **F6. No Spruiking**

No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking generated within privately owned land must not be audible on Council's footpath adjoining the subject property.

No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking generated within privately owned land must not be audible on Council's footpath adjoining the subject property.

#### **F7. No Speakers or Music Outside**

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

#### **F8. Noise – Mechanical Plant and Equipment**

Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

- a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.
- b) A sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

Note: The method of measurement of vibration being carried out in accordance with "assessing Vibration; Technical Guidelines" – DEC (EPA) AS1055 for sound level measurements.

#### **F9. Air Conditioners**

The air conditioner/s must not:

- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - i. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - ii. before 7.00am and after 10.00pm on any other day.
- b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

#### **F10. Verandahs and Balconies**

The verandahs and balconies are not to be enclosed.

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**End of Section**

## ADVISORY NOTES

### AN1. Appeals

The proponent has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the *Environmental Planning and Assessment Regulation, 2000 (as amended)*.

### AN2. Other Approvals and Permits

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

### AN3. Responsibility for other approvals / agreements

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

### AN4. Movement of Trucks Transporting Waste Material

The proponent must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

### AN5. Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with the council's policy, prior to the occupation of the building(s) or commencement of the use. If street numbers or a change to street numbers is required, a separate application shall be made to the Council.

### AN6. Temporary Structures

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

### AN7. Disability Discrimination Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. Australian Standard 1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### AN8. Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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



#### **AN9. Site contamination issues during construction**

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

#### **AN10. Ongoing Archaeological Management**

Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and further advice sought from the archaeologist who undertook the original program of investigation of the site. In addition the Heritage Office of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.

Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and further advice sought from the archaeologist who undertook the original program of investigation of the site. In addition the NSW Department of the Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.

#### **AN11. Compliance Certificate, Water Supply Authority Act, 2000**

Prior to issuing a Subdivision Certificate, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- a) the certifying authority before release of the Construction Certificate,
- b) the approval authority before the release of the subdivision certificate, and
- c) the principal certifying authority prior to occupation.

#### **AN12. Requirements of Public Authorities for Connection to Services**

The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

#### **AN13. Compliance with Building Code of Australia**

The proponent is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting an application for a Construction Certificate.

#### **AN14. Structural Capability for Existing Structures**

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

#### **AN15. Construction Inspections**

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment— Quality of Construction Act, 2002* for each stage of construction, such as the following:

- a) Foundations,
- b) Footings,
- c) Damp proof courses and waterproofing installation,
- d) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- e) Structural beam and column framing,
- f) Timber wall and roof framing, and
- g) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

**AN16. Other Details required prior to Issue of Subdivision Certificate**

The proponent shall submit to the satisfaction of the approval authority or Council, the following information, prior to the issue of the Subdivision Certificate:

- a) Documentary evidence of a bank guarantee / security or the payment of the open space/ community facility/ transport and access contribution(s),
- b) Documentary evidence that the property has been developed in accordance with plans approved by this approval and of compliance (or a Compliance Certificate) with the conditions of that approval.

**AN17. Stormwater drainage works or effluent systems**

A Construction Certificate for works that involve any of the following:

- a) Water supply, sewerage and stormwater drainage work
- b) Management of waste as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

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**End of Section**

## SCHEDULE 3

### PROPONENT'S STATEMENT OF COMMITMENTS

No.	Issue	Commitment	Timing
1	Design	The proposed development will be constructed in accordance with the Architectural Plans prepared by TZG and dated November 2012 and documentation submitted with the Project Application.	Ongoing
2	ESD	The proposed development will be consistent with the recommendation of the ESD Strategy prepared by WSP Built Ecology and dated 9 November 2012.	Throughout construction works and during the occupation of the building
3	Construction Management	An updated Construction Management Plan will be prepared once a building contractor is appointed, in accordance with the preliminary Construction Management Plan prepared by Frasers Broadway Pty Ltd and dated 22 November 2012.	Prior to commencement of works
4	Accessibility	All publicly accessible areas of the building will be designed to equitable access for the mobility impaired (except where no access is specified) in accordance with the Access Report prepared by Accessibility Solutions (NSW) Pty Ltd dated 22 November 2012. The proposed development will comply with AS1428 and the City of Sydney Access DCP.	Prior to issue of the relevant Construction Certificate
5	Waste Management	Waste management will be undertaken in accordance with the Waste Management Statement prepared by ARUP and dated 16 November 2012.	Ongoing
6	Plan of Management	The Preliminary Operational Management Plan prepared by Frasers Broadway Pty Ltd and dated 22 November 2012 will be updated once an operator is appointed for the management of the site.	Prior to occupation of the building
7	Plan of Management	Mitigation measures outlined in the detailed Operational Management Plan will be implemented during the operation of the tenancies.	Prior to and during occupation
8	Safety and Security	Details and requirements outlined in the Safety Management Plan, prepared by Elton Consulting and dated 30 October 2012 will be implemented.	During construction and prior to occupation of the building

No.	Issue	Commitment	Timing
9	Fire Engineering	Fire Engineering Solutions will be developed in accordance with the recommendations of the Services Report prepared by WSP and dated 13 November 2012.	Prior to issue of a Construction Certificate.
10	Noise management	The plant selected for the building will be acoustically treated so as to meet the acoustic goals set in the Acoustic Report prepared by WSP Acoustics dated 9 November 2012.	Prior to occupation of the building.
11	Noise management	Window and facade treatments to mitigate against acoustic privacy impacts will be adopted in accordance with the recommendations Acoustic Report prepared by WSP Acoustics dated 9 November 2012.	Prior to the issue of the relevant Construction Certificate
12	Heritage	The proposed works will be carried out in accordance with the recommendations of the Heritage Impact Statement and Specific Element Conservation Management Plan prepared by Paul Davies Pty Ltd and dated November 2012.	Throughout the duration of the construction and operation of the building
13	Archaeology	Construction works will be overseen by a qualified historical archaeologist as part of an archaeological monitoring program.	As relevant
14	Public Art	Public Art will be designed in consultation with the City of Sydney Council and the Department of Planning and Infrastructure and installed in accordance with the approved Public Art Strategy.	Prior to the issue of a Final Occupation Certificate
15	Geotechnical	Works will be carried out in accordance with the Geotechnical Investigation prepared by JK Geotechnics and dated 15 November 2012.	Prior to the issue of a Construction Certificate