

Development consent [Urban]

Section 89E of the Environmental Planning and Assessment Act 1979

The Planning Assessment Commission of New South Wales as delegate for the Minister for Planning and Infrastructure dated 14 September 2011 grants consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Member of the Commission

Sydney

2013

SCHEDULE 1

Application No.:

SSD-4972

Applicant:

GL Investments Co Pty Ltd

Consent Authority:

Minister for Planning and Infrastructure

Land:

161 Sussex Street Sydney, Lots 101 and 102 DP 1009697

Development:

Redevelopment of the Four Points by Sheraton Hotel, including:

- Construction of a 25 storey tower, comprising 231 hotel rooms and approximately 5,775m² of commercial floorspace and approximately 4,810m² of convention, exhibition and function space;
- Extension of the existing podium space to provide new convention and exhibition space;
- External and internal demolition works;
- Upgrades to the port cochere, building entries on Sussex Street, the hotel lobby and reception areas and other internal alterations;
- Public domain works on Slip Street; and
- Realignment of an existing pedestrian link through the site.

[note: the above is the development as approved, not as lodged]

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DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	GL Investment Co Pty Ltd, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	City of Sydney Council
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Department	Department of Planning and Infrastructure or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate
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 Applicant to respond in writing will be added to the one month period.
EEC	Endangered ecological community
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated August 2012
EPA	Environment Protection Authority, or its successor
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning and Infrastructure, or nominee
NOW	NSW Office of Water, or its successor
OEH	Office of the Environment and Heritage, or its successor
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RMS	Roads and Maritime Services Division, Department of Transport or its successor
RTS	Response to Submissions report titled Further Information and Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd, dated February 2013
Subject Site	161 Sussex Street Sydney (Lot 101 and 102 DP 1009697)
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 2

A ADMINISTRATIVE AND DEVELOPMENT CONTRIBUTIONS CONDITIONS

Development Description

- A1 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Condition A2.
- A2 The Applicant shall carry out the project generally in accordance with the:
- a) Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated August 2012;
 - b) Further Information and Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd, dated February 2013;
 - c) Supplementary information provided by JBA Urban Planning Consultants Pty Ltd dated 27 March 2013 and 16 May 2013; and
 - d) following drawings, except for:
 - i) any modifications which are Exempt' or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Cox Architects Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
A-DA-0003	D	Public Domain - Lower Ground Level Plan	15/5/2013
A-DA-0004	C	Public Domain - Ground Level Plan	22/3/2013
A-DA-0010	B	Lower Ground Level - Demolition Plan	19/6/2012
A-DA-0011	B	Ground Level - Demolition Plan	19/6/2012
A-DA-0012	B	Mezzanine Level - Demolition Plan	19/6/2012
A-DA-0013	B	Level 1 - Demolition Plan	19/6/2012
A-DA-0200	M	Lower Ground Level Floor Plan	15/5/2013
A-DA-0201	M	Ground Level Floor Plan	5/3/2013
A-DA-0202	M	Mezzanine Level Floor Plan	5/3/2013
A-DA-0203	M	Level 1 Floor Plan	5/3/2013
A-DA-0204	M	Level 2 Floor Plan	5/3/2013
A-DA-0205	K	Level 3 Floor Plan	5/3/2013
A-DA-0206	K	Level 4 To Level 10- Typical Floor Plan	5/3/2013
A-DA-0207	K	Level 11 To Level 14- Typical Floor Plan	5/3/2013
A-DA-0208	M	Level 15- Plant Room Level Floor Plan	15/5/2013
A-DA-0209	J	Level 16- 22 Typical Commercial Level Floor Plan	5/3/2013
A-DA-0210	K	Level 23- Plant Room Level Floor Plan	5/3/2013
A-DA-0211	J	Roof Level Floor Plan	5/3/2013
A-DA-301	J	North & South Elevations	5/3/2013
A-DA-302	J	East Elevation	5/3/2013
A-DA-303	J	West Elevation	5/3/2013
A-DA-304	G	Slip Street - East Elevation	5/3/2013

A-DA-305	E	Slip Street Detail - East Elevation	5/3/2013
A-DA-310	D	South Coloured Elevation & External Materials Legend	5/3/2013
A-DA-311	C	North & Slip St Coloured Elevations	5/3/2013
A-DA-312	C	East Coloured Elevation	5/3/2013
A-DA-313	D	West Coloured Elevation	5/3/2013
A-DA-401	K	Section 01 & 02	5/3/2013
A-DA-402	K	Section 03 & 04	5/3/2013
A-DA-403	K	Section 05 & 06	5/3/2013
A-DA-404	F	Section 07	5/3/2013
Survey Drawings prepared by Dunlop Thorpe & Co Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
17488/1	13/03/12	Plan of the Land comprised in certificate of title 101/1009697 – Sheet 1	7/9/2011
17488/2	13/03/12	Plan of the Land comprised in certificate of title 101/1009697 – Sheet 2	7/9/2011

Inconsistency between documents

- A3 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Lapsing of approval

- A4 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.

Development Contributions

- A5 In accordance with Section 94B of the EP&A Act the Applicant shall pay a contribution of 1% of the cost of carrying out the development (estimated at \$1,485,000) to Council prior to the issue of a Construction Certificate.

The contribution shall be paid in the form of cash or bank cheque, made out to Council or other form acceptable to Council. The amount to be paid is to be adjusted at the time of payment to ensure that it is 1% of the actual cost of carrying out the development.

Limits of Approval

- A6 This consent does not approve strata subdivision; retail fit out, or commercial fit out, of the development. Separate approval/s must be obtained for these if required by the EP&A Act.

Prescribed Conditions

- A7 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Director General as Moderator

- A8 Where this consent requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Director-General's resolution of the matter will be binding on the parties.

Long Service Levy

- A9 For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal notices

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

B REMEDIATION CONDITIONS

Note: There are no conditions in this section

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C PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Electricity Substation

- C1 The owner must arrange for an electricity substation to be provided to the satisfaction of Ausgrid. The substation must not be in any landscaped area or in any area visible from the public domain. The size and location of the substation is to be submitted for approval of the Director General and Ausgrid, prior to a Construction Certificate being issued for above ground works. If required by Ausgrid, the owner must dedicate free of cost, an area of land within the development site for the electricity substation.

Note: There is an existing substation on the site in the basement of the Corn Exchange building. Ausgrid may determine that this substation is adequate for its needs. If the existing substation requires enhancement or upgrading works further approvals from the Heritage Council may be required.

Reflectivity

- C2 In order to manage the reflectivity impacts of the development:
- a) The building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of:
 - i) 14 percent for the glazing on the northern aspect of the north-western corner of the podium;
 - ii) 20 percent for all other surfaces;and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers;
 - b) Screens or other suitable treatments shall be applied to the top of the glazed roof section of the western podium to ensure potential glare impacts are managed in accordance with the recommendations of the Solar Light Reflectivity Analysis in the Response to Submissions; and
 - c) A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate for any facade works.

Outdoor Lighting

- C3 All outdoor lighting within the site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate for above ground works.

Access for People with Disabilities

- C4 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 PCA must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate drawings.

Acid Sulphate Soil Management Plan

- C5 An Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the Acid Sulphate Soil Manual (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the PCA prior to the issue of a Construction Certificate for below ground works.

Erosion and Sedimentation Control

- C6 Soil erosion and sediment control measures shall be designed in accordance with the document Managing Urban Stormwater–Soils & Construction Volume 1 (2004) by Landcom. Details are to be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate for below ground works.

Pre-Construction Dilapidation Reports

- C7 The Applicant 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 within the 'zone of influence'. This zone is to be defined as the horizontal distance from the edge of the excavation to twice the maximum excavation depth. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the PCA prior to the issue of any Construction Certificate. A copy of the report is to be forwarded to the Council and the Sydney Harbour Foreshore Authority.

Number of Bicycle Spaces

- C8 A minimum of 137 bicycle spaces are to be provided for the development (52 for the commercial use and 85 for the hotel). Details shall be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate for above ground works.
- C9 The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:
- a) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers,
 - b) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
 - c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

Facilities for Cyclists

- C10 The number of storage, change room and shower facilities for the commercial use shall comply with the requirements of the City of Sydney Development Control Plan 2012 Clause 3.11.3. Details shall be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate for services and finishes works

Construction over the Western Distributor

- C11 Prior to the issue of any Construction Certificate, the proponent is to comply with the relevant requirements of the RMS's Technical Direction GTD2012/001. This will require the proponent to submit detailed design drawings and geotechnical reports

relating to the piling and support structures to the RMS for assessment. The proponent will be required to meet the full cost of the assessment by the RMS. The reports will need to address, but not be limited to the impact of piling on the stability of the Western Distributor detailing how the carriageway will be monitored for settlement.

- C12 The proposed development shall be designed such that road traffic noise from the Western Distributor is mitigated by durable materials to satisfy the performance standards under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007. Details are to be submitted to the PCA prior to the issue of a Construction Certificate for above ground work.

Note: the RMS's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Car Park and Service Vehicle Layout

- C13 To manage and control the loading and unloading of vehicles adjacent to the hoist in Slip Street, a traffic management plan shall be prepared and submitted to Sydney Harbour Foreshore Authority for approval prior to the issue of a construction certificate for above ground works.
- C14 Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the PCA prior the issue of the issue of a Construction Certificate for above ground works:
- a) all vehicles should enter and leave the Subject Site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the Subject Site in a forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing;
 - b) parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004, AS2890.6 for accessible spaces and AS 2890.2-2002 for heavy vehicle usage;
 - c) appropriate pedestrian advisory signs are to be provided at the egress from parking areas;
 - d) All works/regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority.
 - e) The swept path of the longest vehicle (including garbage trucks) entering and exiting the Subject Site, as well as manoeuvrability through the Subject Site, shall be in accordance with AUSTROADS;

Structural Details

- C15 Prior to the issue of a relevant Construction Certificate, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:
- a) the relevant clauses of the BCA, and
 - b) the development consent.

Mechanical Ventilation

- C16 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 PCA prior to the issue of a Construction Certificate for above ground services and finishes works.

Design of Food Premises

C17 The fitout of the food premises shall be carried out in accordance with AS 4674 Design, construction and fit-out of food premises. Details of compliance with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate for above ground works.

Storage and Handling of Waste

C18 The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Requirements of City of Sydney *Policy for Waste Minimisation in New Developments 2005* shall be met, including:

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

Stormwater and Drainage Works Design

C19 Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Council shall be submitted to the certifier prior to the issue of a Construction Certificate for below ground works. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff

Sydney Water Notice of Requirements

C20 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 for any works.

C21 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 then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

C22 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.

Treatment of Vehicular Entry

- C23 In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from Sussex Street, King Street or Market Street shall be finished in high quality materials and no service ducts or pipes are to be visible and shall be detailed in the building plans and specifications accompanying the relevant building plans submitted to the PCA prior to the issue of a Construction Certificate for above ground works.

Public Domain Works

- C24 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 above ground work.
- C25 The Public Domain Plan shall include upgrading of the:
- a) existing footpath and kerbing on the west side of Sussex Street with granite paving, street trees and furniture in accordance with Council's Interim Sydney Streets Design Code;
 - b) Market Street and Sussex Street intersection in order to improve the intersection for pedestrians in consultation with and in accordance with the reasonable requirements of Council and RMS; and
 - c) King Street and Sussex Street intersection in order to improve the intersection for pedestrians in consultation with and in accordance with the reasonable requirements of Council and RMS.
- C26 The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

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

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued. The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

Rainwater Harvesting

- C27 Rainwater shall be collected from the roof of the new tower building to reduce the potable water use in the development. The rainwater harvesting system shall include a minimum storage capacity of 5,000 litres and be designed to achieve a total reduction in potable water use of approximately 25%. Details of the rainwater harvesting system

shall be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate for above ground works.

Energy Efficiency

- C28 The design of the commercial use and its services must achieve a rating of 5 stars under the NSW Department of Environment, Climate Change and Water's National Australian Built Environment Rating System (NABERS Energy). Evidence, including a Commitment Agreement with DECCW to deliver this star rating for the base building and a copy of the independent energy assessment report that follows the current DECCW guidelines shall be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate for services and finishes works.

Installation of Dual-Flush Toilets

- C29 All toilets installed within the development must be of water efficient dual flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Certifying Authority, prior to a Construction Certificate being issued for above ground works.

Installation of Water Efficient Taps

- C30 All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Certifying Authority, prior to the issue of a Construction Certificate for services and finishes works.

Installation of Water Efficient Urinals

- C31 New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- C32 Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to the issue of a Construction Certificate for services and finishes works.

Internal Lighting System

- C33 The proposed internal lighting system for the commercial office spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for services and finishes works.

Heritage Interpretation

- C34 Prior to the issue of a Construction Certificate for above ground works, a heritage interpretation strategy shall be submitted to and approved by the Heritage Council or its delegate. Prior to submission, the applicant shall consult with the Sydney Harbour Foreshore Authority and the City of Sydney in relation to the detailed strategy.

Heritage Conservation Works

- C35 An audit of all four heritage items on the site shall be undertaken as part of this development for identification of any required conservation works in order to enhance and preserve identified significant fabric, and to halt any deterioration. The Conservation Management Plans for each item shall be consulted to establish necessary conservation works.

Note: All new works (including conservation works) within the curtilage of the heritage items that are not identified on the proposed drawings will require the approval of the Heritage Council (except where a standard exemption applies under the Heritage Act 1977).

Heritage

- C36 Prior to the issue of a Construction Certificate, an archival photographic recording of the exterior of the four heritage items on the development site shall be undertaken in accordance with the Heritage Council document "Photographic Recording of Heritage Items using Film or Digital Capture." Copies of the archival recording shall be lodged with the Heritage Branch and the City of Sydney Council.
- C37 Prior to the issue of any Construction Certificate the applicant shall nominate an appropriately qualified and experienced heritage consultant to advise on design resolution and conformity to the conditions of the approval. Prior to occupation, the nominated heritage consultant shall provide certification that the works have been carried out in accordance with the approved development.
- C38 All work to heritage items shall be carried out by suitably qualified tradesmen with practical experience in the conservation and restoration of similar heritage items. The nominated heritage consultant shall be consulted prior to the selection of appropriate tradesmen.
- C39 Significant built elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

D PRIOR TO COMMENCEMENT OF WORKS

Certified Plans

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

Demolition

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

Notice of Commencement of Works

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

Construction Environmental Management Plan

- D4 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:
- a) hours of work,
 - b) 24 hour contact details of site manager,
 - c) traffic management, in consultation with the local council,
 - d) construction noise and vibration management, prepared by a suitably qualified person
 - e) management of dust to protect the amenity of the neighbourhood
 - f) erosion and sediment control,
 - g) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - h) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - i) flora and fauna management; and
 - j) incorporating all acoustic treatments identified in section 2.8 of the Response to Submissions by JBA Urban Planning Consultants.
- D5 The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- D6 The Applicant shall submit a copy of the CEMP to the Department, the Sydney Harbour Foreshore Authority and the Council, prior to commencement of work.

Waste Management Plan during construction

- D7 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 and Sydney Harbour Foreshore Authority, shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters:
- a) Recycling of demolition materials including concrete; and
 - b) Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- D8 The Applicant shall submit a copy of the Plan to the Department, the Sydney Harbour Foreshore Authority and the Council, prior to commencement of work.
- D9 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.
- D10 The Applicant 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.

Traffic & Pedestrian Management Plan

- D11 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 the RMS, and the approval of the Council's Traffic Committee must be obtained.
- The Plan shall address, but not be limited to, the following matters:
- a) ingress and egress of vehicles to the Subject Site,
 - b) loading and unloading, including construction zones,
 - c) predicted traffic volumes, types and routes, and
 - d) pedestrian and traffic management methods.
- D12 The Applicant shall submit a copy of the final Plan to the Council, prior to the commencement of work.

Utility Services

- D13 Prior to the commencement of work the Applicant 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 structure.
- D14 Prior to the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) indicating that satisfactory arrangements have been made to ensure provision of adequate services.

E DURING CONSTRUCTION

Hours of Work

- E1 All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out:
- a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive; and
 - b) between 7:00 am and 5:00 pm, Saturdays; and
 - c) no work is to be undertaken on Sundays and public holidays; and
 - d) works may be undertaken outside these hours where:
 - i) it is required by a major works authorisation deed executed with the RMS; or
 - ii) the delivery of materials is required outside these hours by the Police or other authorities; or
 - iii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - iv) variation is approved in advance in writing by the Director General.

Lighting of Site During Construction

- E2 The intensity of lighting of the site, the hours of illumination and the location of the lighting must not cause objectionable glare or injury to the amenity of the neighbourhood. If in the opinion of the PCA or the Director General, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury.

Erosion and Sediment Control

- E3 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.

Disposal of Seepage and Stormwater

- E4 Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council (in relation to any drains it manages) or the Sydney Harbour Foreshore Authority (in relation to any drains it manages).

Approved Plans to be On-site

- E5 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.

Site Notice

- E6 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.

Protection of Trees

- E7 No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from council is obtained or is required in an emergency to avoid the loss of life or damage to property.
- E8 All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of Council.
- E9 All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

Construction Noise Management

- E10 The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan, approved by the Director-General.

All feasible and reasonable noise mitigation measures shall be implemented and any activities that have the potential for noise emissions that exceed the above criteria must be identified and managed in accordance with a Construction Noise and Vibration Management Plan.

- E11 If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- E12 The Applicant 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.

-
- a) 9.00 am to 12.00 pm, Monday to Friday;
 - b) 2.00 pm to 5.00 pm Monday to Friday; and
 - c) 9.00 am to 12.00 pm, Saturday; or
 - d) as required by a major works authorisation deed executed with the RMS.
- E13 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.
- E14 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.
- E15 All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Vibration Criteria

- E16 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 6472- 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 the Director-General.

Heritage Superintendent

- E17 Works on heritage components of the Subject Site shall be superintended by a consultant(s) experienced in the conservation of similar heritage buildings.

Work Cover Requirements

- E18 To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Hoarding Requirements

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

Archaeology

- E20 Prior to the commencement of the proposed works, all contractors and relevant personnel involved must be made aware of the existence of potential and historical archaeological remains at the site by way of an induction process to be undertaken by a nominated archaeologist. The induction must also make the personnel aware of the possibility that as yet unidentified archaeological remains may still exist and of the requirements of S146 of the Heritage Act 1977 in relation to archaeological relics in the event that they are uncovered.
- E21 Where substantial intact archaeological relics of State or local significance are discovered during excavation, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the Heritage Act 1977. Depending on the nature of the discovery, additional assessment may be required prior to the recommencement of excavation in the affected area.
- E22 If intact archaeological relics or deposits are uncovered then an archaeological Excavation Director must be engaged to undertake archaeological monitoring of the excavation works associated with the project and an archaeological salvage program as necessary. A methodology and archaeological Research Design should be prepared to guide such investigations and should be provided for the approval of the NSW Heritage Council or its Delegate ahead of commencement of any archaeological monitoring program. The nominated Excavation Director must meet the NSW Heritage Council Criteria for Excavation Directors.

Discovery of Aboriginal Heritage

- E23 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

F PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE OR STRATA CERTIFICATE

Note: There are no conditions in this section

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G PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Pedestrian Link between Sussex Street and Wheat Road (Darling Harbour)

- G1 The pedestrian link through the hotel connecting Sussex Street and Wheat Road shall be open and publicly accessible from 6.00 am until 12.00 midnight every day.
- G2 The proponent shall install a sign at the Wheat Road (Darling Harbour) entrance to the pedestrian link indicating its normal opening hours, prior to the issue of any Occupation Certificate. The design and location of the sign is to be approved by Sydney Harbour Foreshore Authority.

Mechanical Ventilation

- G3 Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of an Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- a) The Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) The development consent and any relevant modifications; and
 - d) Any dispensation granted by the New South Wales Fire Brigade.

Road Damage

- G4 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 Applicant/developer prior to the issue of the final 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.

Registration of Easements

- G5 Prior to the issue of the final Occupation Certificate, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

Sydney Water Compliance

- G6 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the PCA prior to issue of the occupation certificate.

Post-construction Dilapidation Report

G7 Prior to the issue the final Occupation Certificate:

- a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- b) The report is to be submitted to the PCA. 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 Council.

Fire Safety Certification

G8 Prior to the issue an Occupation Certificate, a Fire Safety Certificate shall be obtained for all the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council and be prominently displayed in the building

Structural Inspection Certificate

G9 A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of the final Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- a) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.
- b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Release of Security Bond

G10 The applicant shall arrange for an appropriate Council officer to inspect all rectification works or other works for which a security bond is being held and release the security bond if the works have been completed to the satisfaction of Council or release the remaining funds, if funds have been deducted from the Security Bond for the cost of replacement of the works.

Street Numbering

G11 Street numbers and the building name(s), if any, must be clearly displayed at each end of the ground level frontages in accordance with Council's policy, prior to the occupation of the building(s) or commencement of the use. If new street numbers or a change to street numbers are required, a separate application shall be made to the Council.

Workplace Travel Plan

G12 To encourage travel modes other than private vehicle the proponent shall prepare and implement a work place travel plan and transport access guide. Details are to be submitted to the PCA prior to the issue of the final Occupation Certificate.

Heritage Interpretation

G13 Prior to the issue of the final Occupation Certificate, the approved interpretation strategy must be implemented to the satisfaction of the Heritage Council or its delegate.

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H POST OCCUPATION

Compliance with Food Code

- H1 The Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 Design, construction and fit-out of food premises. The Applicant shall provide evidence of receipt of the certificate to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

Loading and Unloading

- H2 All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Subject Site at all times.

Unobstructed Driveways and Parking Areas

- H3 All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Noise Control – Licensed Premises

- H4 The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5 dB between 7:00am and 12 midnight and 12 midnight to 7:00am at the boundary of any affected residence. In addition to the above requirements, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

Noise Control – Plant and Machinery

- H5 Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the Subject Site.

Storage of Hazardous or Toxic Material

- H6 Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Public Way to be Unobstructed

- H7 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- H8 External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

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ADVISORY NOTES

Appeals

AN1 The Applicant 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).

Other Approvals and Permits

AN2 The Applicant 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.

Responsibility for other consents / agreements

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

Temporary Structures

AN4 An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

AN5 Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

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

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN7 The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN8 This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this

assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos Removal

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

Site contamination issues during construction

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