

# Development consent

Section 89E of the Environmental Planning and Assessment Act 1979

The Planning Assessment Commission 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.



Mr Paul Forward

Ms Jan Murrell

Ms Donna Campbell

**Commission Chair**

**Commission Member**

**Commission Member**

Sydney

16 June 2014

## SCHEDULE 1

**Application No.:** SSD-5397

**Applicant:** Grocon Pty Ltd

**Consent Authority:** Minister for Planning and Infrastructure

**Land:** 31 Wheat Road, Darling Harbour (Including airspace over Harbour Street)

Lots 401, 402, 403, 404 and 405 DP 862501, Lot 800, 801 and 805 DP 1164281, Lot 2, 4 and 9 DP 1048307, Lot 60, 64 and 65 DP 1009964, Lot 11 DP 1125890, Lot 210 and 217 DP 1130038, Lot 8 DP 1048307 and Lot 1010 DP 1147364

**Development:** IMAX redevelopment, including:

- demolition of the existing IMAX building, tourist office and amenities block;
- construction of a new 20 storey building and separate 2 storey building;
- office, retail and entertainment uses;
- 86 car parking spaces within the podium levels of the 20 storey building and 332 bicycle spaces at ground level;
- realignment of Wheat Road;
- upgrade to the surrounding public domain including a new playground and relocation of heritage items;

- installation of a City Screen and two signage zones on the 20 storey building.

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## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Grocon 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
Agency	Planning and Infrastructure or its successors
Director-General	Director-General of Planning and Infrastructure, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary of the Department of Planning and Environment (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary 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
EIS	Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated 6 September 2013
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
OEH	Office of the Environment and Heritage, or its successor
Principle Certifying Authority/ PCA	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
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 Response to Submissions and Amendments to Proposed Developments prepared by JBA Urban Planning Consultants Pty Ltd, dated 31 January 2014
Subject Site	Lots 401-405 DP 862501, 31 Wheat Road, Darling Harbour
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.
SHFA	Sydney Harbour Foreshore Authority or its successors
SICEEP	Sydney International Convention, Exhibition and Entertainment Precinct
TMC	Traffic Management Centre or its successors

## 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 (EIS) prepared by JBA Urban Planning Consultants Pty Ltd, dated 6 September 2013;
  - b) Response to Submissions (RtS) and Amendments to Proposed Development prepared by JBA Urban Planning Consultants Pty Ltd, dated 31 January 2014;
  - c) following drawings as set out in the table below, 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 Hassell			
Drawing No.	Revision	Name of Plan	Date
ARC-HSL-DA-1052	D	GFA Area Schedule	14.01.14
ARC-HSL-DA-1060	C	Draft Lease Plan	20.12.13
ARC-HSL-DA-1078	C	Lease Line Relationship Plans – Sheet 1	20.12.13
ARC-HSL-DA-1079	C	Lease Line Relationship Plans – Sheet 2	20.12.13
ARC-HSL-DA-1080	E	Demolition Plan	13.02.14
ARC-HSL-DA-1090	D	Lower Site Plan	20.12.13
ARC-HSL-DA-1091	B	Upper Site Plan	20.08.13
ARC-HSL-DA-1100	D	GA Plans – Ground Floor	20.12.13
ARC-HSL-DA-1101	D	GA Plans – Podium L01	20.12.13
ARC-HSL-DA-1102	B	GA Plans – Podium L02	20.08.13
ARC-HSL-DA-1103	B	GA Plans – Podium L03	20.08.13
ARC-HSL-DA-1104	B	GA Plans – Podium 04	20.08.13
ARC-HSL-DA-1105	B	GA Plans – Office L01 and L02	20.08.13
ARC-HSL-DA-1106	B	GA Plans – Office L03 and L04	20.08.13
ARC-HSL-DA-1107	B	GA Plans – Office L05 and L06	20.08.13
ARC-HSL-DA-1108	B	GA Plans – Office L07 and L08	20.08.13
ARC-HSL-DA-1109	B	GA Plans – Office L09 and L010	20.08.13
ARC-HSL-DA-1110	B	GA Plans – Office L11 and L12	20.08.13
ARC-HSL-DA-1111	B	GA Plans – Office L13 and L14	20.08.13
ARC-HSL-DA-1112	B	GA Plans – Office L15 and Plant	20.08.13
ARC-HSL-DA-1113	B	GA Plans – Roof	20.08.13
ARC-HSL-DA-1150	B	GA Elevations – Sheet 1	20.08.13
ARC-HSL-DA-1151	B	GA Elevations – Sheet 2	20.08.13
ARC-HSL-DA-1152	B	GA Elevations – Sheet 3	20.08.13
ARC-HSL-DA-1153	B	GA Elevations – Sheet 4	20.08.13
ARC-HSL-DA-1154	B	GA Elevations – Building 2	20.08.13

ARC-HSL-DA-1200	B	GA Sections – Sheet 1	20.08.13
ARC-HSL-DA-1201	B	GA Sections – Sheet 2	20.08.13
ARC-HSL-DA-1202	B	GA Sections – Sheet 3	20.08.13
ARC-HSL-DA-1203	B	GA Sections – Sheet 4	20.08.13
ARC-HSL-DA-1204	B	GA Sections – Sheet 5	20.08.13
ARC-HSL-DA-1350	B	Section Details	20.08.13
ARC-HSL-DA-1930	B	Materials and Finishes Palette	20.08.13
ARC-HSL-DA-SK001	A	Video Screen Diagrams	20.12.13
ARD-HSL-DA-SK003	A	Works to Wheat Road and Drop Off Area	20.12.13
<b>Public Domain / Landscape Drawings prepared by Aspect Studios</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
12023-LDA 01	D	Public Domain Context Plan	February 2013
12023-LDA 02	D	Public Domain Plan	February 2013
12023-LDA 03	C	Public Domain Sections	August 2013
12023-LDA 04	C	Playground Detail Plan	August 2013
12023-LDA 05	C	Eastern Public Domain	August 2013
12023-LDA 06	E	Public Domain Planting Plan	March 2014
<b>Civil Infrastructure Drawings prepared by Bonacci</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
SK01	P3	Bulk Earthworks Plan Layout	05.07.13
SK02	P3	Civil Concept Plan	05.07.13
SK03	P3	Overland Flow Path Plan	05.07.13
<b>RMS Clearance Diagrams prepared by Hassell</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
ARC-HSL-DA1070	A	Ground Floor Proposed Clearances to RMS Roadway Structures	20.08.13
ARC-HSL-DA1071	A	Podium Proposed Clearances to RMS Roadway Structures	20.08.13
ARC-HSL-DA1072	A	Office Level Proposed Clearances to RMS Roadway Structures	20.08.13
ARC-HSL-DA1073	A	Proposed Clearances to RMS Roadway Structures	20.08.13
ARC-HSL-DA1074	A	Temporary Construction Screen Clearances to RMS Roadway Structures	20.08.13
ARC-HSL-DA1075	A	Temporary Construction Clearances to RMS Roadway Structures	20.08.13
ARC-HSL-DA1076	A	Upper Office Levels Cantilever over RMS Roadway	20.08.13
ARC-HSL-DA1077	A	Proposed Cantilever over RMS Roadway	20.08.13

**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.

**Limits of Approval**

- A4 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.
- A5 This consent does not approve strata subdivision, retail fit out or commercial fit out. Separate approval/s for subdivision and fit-out of the buildings must be obtained for this development/use, if required by the EP&A Act

**Prescribed Conditions**

- A6 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

**Long Service Levy**

- A7 Prior to the issue of the Construction Certificate for each stage of the development, a Long Service Levy is required to be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

**Legal notices**

- A8 Any advice or notice to the consent authority shall be served on the Secretary.

**No approval for signage**

- A9 Building identification signage within the two approved signage zones shall be the subject of a separate development application.



## **B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **Staging**

- B1 The development may be constructed in stages, as outlined within the Applicant's RtS. A Construction Certificate shall be obtained for each the following stages:

Stage1	Demolition works
Stage 2	Excavation, in ground services and structure works
Stage 3	Above ground structure works
Stage 4	Remainder of tower and adjoining building works (including façades)
Stage 5	Public domain works
Stage 6	SHFA Building works

### **Site Suitability - Contamination**

- B2 The following Contamination Assessments shall be prepared prior to issue of the Construction Certificate for Stage 2:
- (a) A Phase 2 Contamination Assessment shall be prepared by an appropriately qualified consultant after demolition of all structures on the site. The Assessment shall:
    - i) provide comprehensive information on any contaminants present within the soil and groundwater on the site, including location, concentration, extent and leachability (if required);
    - ii) identify potential impacts on the environment and/or human health, including any off-site impacts; and
    - iii) confirm the suitability of the site for the approved use; or
    - iv) provide sufficient information for the preparation of a Remedial Action Plan, which, upon successful implementation, would render the site suitable for the approved use;
  - (b) if required, A Remedial Action Plan, which outlines the objectives and process to remediate the site, shall be prepared and be certified by an EPA-accredited site Auditor.

### **Design Changes**

- B3 Prior to the issue of the Construction Certificate for Stage 3, amended plans and documentation are required to be submitted to the Secretary of Planning and Environment for approval, demonstrating the following:
- (a) a minimum path width of 1.6 metres shall be provided to the northern side of the carpark and loading entry/exit into Harbour Street to provide adequate pedestrian circulation; and
  - (b) revision of the footprint of the proposed two-storey detached building so that it extends no further west into the public domain than the western alignment of the existing amenities building.

All revised design schemes shall be developed in close consultation with SHFA, and any other relevant agencies.

### **Building Signage Strategy**

- B4 Prior to issue of the Construction Certificate for Stage 4, a Building Signage Strategy must be prepared in consultation with SHFA, in accordance with SHFA's Darling Harbour Signage Policy. The Building Signage Strategy must be formally endorsed in writing by SHFA.

## **Public Domain/Landscape Plan Modifications**

- B5 Prior to issue of the Construction Certificate for Stage 5, amended public domain / landscaping plans and documentation are required to be endorsed by SHFA and submitted to the Secretary of Planning & Environment for approval, incorporating the following:
- (a) an overall increase in soft landscaping, including canopy cover around the eastern edge of the building, including possible retention of the existing three advanced fig trees located in the roadway median, and possible relocation of existing palm trees which will not be incorporated into the Palm Grove;
  - (b) materials and finishes which integrate with the SICEEP development and SHFA's palette of materials and finishes for Darling Harbour;
  - (c) finished surface levels of all pathways shall be graded, as necessary, to align seamlessly with the SICEEP, Darling Quarter and existing paving along Cockle Bay at the site boundaries;
  - (d) visitor bicycle parking provision for a minimum of 56 spaces and an identified area for expansion to 100 space in the future;
  - (e) relocation of the Jay Flowers sculpture to a more prominent position on the site, to retain its intended purpose as a meeting place in Darling Harbour;
  - (f) drainage in accordance with Council's specifications;
  - (g) relocation of the Heritage carousel so that it does not unreasonably impede north-south pedestrian flows through the site or disrupt views to the water from pedestrian vantage points south of the site; and
  - (h) replacement of slotted storm water drains with bicycle friendly drains.

## **Tree Retention**

- B6 Prior to issue of a Construction Certificate for Stage 1, an Arborist report shall be prepared by an appropriately qualified Arborist including an assessment of the age, health, condition and significance of individual trees and recommendations for retention, relocation or removal. The report shall provide details of measures to ensure the health of relocated trees and protection measures for all trees to be retained/relocated during construction.

Any recommendations of the Arborist Report are to be incorporated into the Construction Certificate drawings for Stages 2, 3 and 5.

## **Water Quality and Site Management**

- B7 Prior to issue of the Construction Certificate for Stage 1, a detailed Erosion and Sediment Control Plan for the project site shall be prepared in accordance with Landcom (2004) 'Soils and Construction,' and shall also address the water quality issues including water discharge during construction, location or design of sediment basins; the location of any proposed discharge points; the volume of water to be discharged and proposed frequency of discharges; the background water quality conditions of the receiving environment and an assessment of impacts on Cockle Bay, and specific treatment levels required.

## **Pre-Construction Dilapidation Reports**

- B8 The Applicant is to engage a suitably qualified person 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 the Construction Certificate for Stage 1. A copy of the report is to be forwarded to the Council and SHFA.

### **Outdoor Lighting**

- B9 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 the relevant Construction Certificate for Stage 4 and 5.

### **Access for People with Disabilities**

- B10 Prior to the issue of the Construction Certificate for Stage 4 and 5, detailed design documentation demonstrating compliance with the recommendations of the Access Review Report submitted with the EIS shall be submitted. 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.

### **Bicycle Facilities**

- B11 A minimum of 332 employee bicycle parking spaces shall be provided within the ground floor of the development. In addition to access through the car park/loading bays, alternate access is to be provided to the bicycle parking areas from the public domain between Tenancy 3 and 4. Plans/details are to be approved by the PCA prior to issue of a Construction Certificate for Stage 4.
- B12 A minimum of 56 visitor bicycle parking spaces shall be provided within the public domain, with the ability to expand this area to accommodate 100 spaces if demand warrants in the future. Plans/details are to be approved by the PCA prior to issue of a Construction Certificate for Stage 5.
- B13 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 staff / employees of any land uses must be Class 2 bicycle facilities; and
  - b) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.
- Plans/details are to be approved by the PCA prior to issue of a Construction Certificate for Stage 4 and 5.
- B14 The number of storage, change room and shower facilities for the commercial use shall comply with the NSW Planning Guidelines for Walking and Cycling. Details shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate for Stage 4.

### **Car Park and Service Vehicle Layout**

- B15 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 the Construction Certificate for Stage 3:
- a) all vehicles should enter and leave the subject site in a forward direction;
  - 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;

### **Driveway Crossover on Harbour Street**

- B16 The driveway crossover on Harbour Street shall be designed with continuous footpath paving ensuring that the driveway entrances are fully integrated with the adjoining footpath.
- B17 A marked pedestrian crossing shall be provided across the driveway entrance along the eastern edge of the building.

### **Reflectivity**

- B18 All external facades of the development shall be positioned / lined to have a reflectivity that ensures that motorists on the Western Distributor viaduct shall not be blinded or disabled from maintaining control of the vehicles being driven. To ensure compliance, assessment of the potential effects of the façade on the reflectivity and glare environment in the surrounding area is to be undertaken and submitted to RMS for review prior to the issue of a Construction Certificate for Stage 4.
- B19 In order to manage the reflectivity impacts of the development, the building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of:
  - i) 15 percent for all surfaces, with the exception of
  - ii) 8 percent for the northern façade\*

and shall be designed so as not to result in glare that threatens the safety of pedestrians or drivers;

\* Where 15 percent reflectivity is achieved on the northern elevation, vertical shading elements may be used to achieve a relative maximum reflectivity of 8 percent as outlined in the Cundall Reflectivity Study within the EIS.

A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate for Stage 4.

The reflectivity performance of the completed building shall be monitored for a minimum period of 12 months in order to ascertain whether or not the building presents any unforeseen unacceptable impacts to the safety of vehicles using the Western Distributor. If within the 12 month monitoring period, it is demonstrated that the reflectivity of the building presents an unacceptable safety issue to motorists, the reflectivity of the glazing to the building shall be reduced to address this.

### **Structural Details**

- B20 Prior to the issue of a Construction Certificate for Stages 2, 3 and 4, 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**

- B21 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 the Construction Certificate for Stage 4.

## **Air Quality**

- B22 The air intakes for all mechanical ventilation systems shall be situated below a height of 60 metres above ground level. The air intakes are to be positioned following further assessment on the most appropriate location using Computational Fluid Dynamics modelling prior to issue of a Construction Certificates for Stage 4.
- B23 No balconies, terraces or operable windows shall be incorporated within the building above a height of 60 metres above ground level.

## **Storage and Handling of Waste**

- B24 The building plans and specifications accompanying the Construction Certificate for Stages 3 and 4 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.

## **Sydney Water Notice of Requirements**

- B25 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 the Construction Certificate for Stage 2.
- 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.
- 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.

## **Installation of Dual-Flush or Vacuum Toilets**

- B26 All toilets installed within the development must be of water efficient dual flush capacity or vacuum design 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 the issue of the Construction Certificate for Stage 4.

## **Installation of Water Efficient Taps**

- B27 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), where available. The details are to be submitted for the approval of the Certifying Authority, prior to the issue of the Construction Certificate for Stage 4.

### **Installation of Water Efficient Urinals**

- B28 New urinal suites, urinals and urinal flushing control mechanisms must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- B29 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 the Construction Certificate for Stage 4.

### **Internal Lighting System**

- B30 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 the Construction Certificate for Stage 3 and 4.

### **Sydney Water Stormwater Assets**

- B31 Prior to issue of the Construction Certificate for Stage 2, the applicant is required to demonstrate that the development will not interfere with the operation of and accessibility to Sydney Water’s stormwater assets. The following documentation is to be provided Sydney Water for approval.
- (a) feasible options to deviate stormwater assets around the building, including engineering investigations, modelling and detailed concept design. *Note:* the alignment route must be reserved under Sydney Water on the title of the land prior to occupation of the building;
  - (b) a Stormwater Impacts Report from a qualified person with access to Sydney Water’s GIS Asset Database. *Note:* Sydney Water may impose further requirements upon review of the report; and
  - (c) an investigation on the condition of the assets. *Note:* Sydney Water requires deviation or reconstruction of assets where:
    - i. Remaining life of the asset is less than the expected life of the structure;
    - ii. The structure intersects with the asset
    - iii. The type of asset is not suitable for building over

### **Flooding**

- B32 A 2D flood study with flood extents, velocities and depths for 5, 20 and 100 year storm events with provisional hydraulic and hazard categories (low and high) shall be submitted to Sydney Water for approval prior to issue of the Construction Certificate for Stage 2 and 5. This study shall include any necessary design elements or works to ensure that the local flood risks are suitably managed and mitigated.
- B33 Prior to issue of a Construction Certificate for Stage 2 and 5, the applicant is to demonstrate to the satisfaction of Sydney Water that the development shall incorporate sufficient flood management elements to:
- (a) demonstrate a best practice approach to managing people and property in high flood hazard areas;
  - (b) ensure that flood risks to the community is not increased; and
  - (c) ensure that the development does not create any potential community expectation or demand for stormwater asset amplification to be undertaken by Sydney Water in the future.

### **RMS Asset Requirements**

- B34 No permanent infrastructure is to be constructed within two metres of the surface of any part of the Western Distributor structures. RMS Sydney Asset Manager is to be consulted prior to issue of a Construction Certificate for Stage 2 to ensure that

appropriate clearances from the Western Distributor structures are provided to allow for access for inspection and maintenance of those structures.

Note: This consultation would also address any exceptional circumstances where the two metre clearance cannot be provided.

- B35 Any activity that has the potential to affect an RMS maintained road and Western Distributor infrastructure, (which includes any support columns, footings or piers), shall be investigated for integrity and serviceability by a qualified practicing bridge structural and geotechnical engineer(s). These activities must comply with RMS Technical Direction (GTD 2012/001) – Excavation Adjacent to RMS Infrastructure. This will require the Applicant to submit geotechnical investigation reports, in ground structure design drawings to RMS for assessment prior to issue of a Construction Certificate for Stage 2. If any new structures or footings are proposed near or adjacent to the existing deep raked piles and other foundations associated with the Western Distributor piers, then RMS approval must be obtained at the preliminary and detailed design stages. A copy of this Technical Direction can be downloaded via the following link:  
<http://www.rta.nsw.gov.au/doingbusinesswithus/engineeringpolicies/technicaldirections.html>
- B36 The development is to be designed to provide noise insulation to a degree that ensures compliance with the NSW Road Noise Policy. Plans/details are to be approved by the PCA prior to issue of a Construction Certificate for Stages 3 and 4.
- B37 The development is to be provided with fire protection and exhaust systems such that heat, smoke and exhaust from the proposed development do not endanger RMS structures and vehicles on the structure (a qualified Fire Engineer's Certificate is required). RMS Sydney Asset Manager is to be consulted prior to issue of a Construction Certificate for Stages 3 and 4 to ensure that the appropriate systems are incorporated as per the relevant Australian Standards.
- B38 The development is to be designed to prevent any falling object from impacting adversely onto the Western Distributor or members of the public from the development, during construction and in operation. Plans/details are to be approved by the PCA prior to issue of a Construction Certificate for Stage 4. Please also refer to Work Health & Safety (WHS) requirement guidelines which shall be provided upon request from RMS.
- B39 External facades should be designed to minimise damage from potential vandalism, including debris impacts from passing traffic. Plans/details are to be approved by the PCA prior to issue of a Construction Certificate for Stage 4.
- B40 In order for RMS to carry out maintenance and rehabilitation works on the Western Distributor, including the soffit of the bridge deck, access is required. As such, the relevant part of the structure of the development needs to be able to carry a working load of not less than 2.5kPa. Plans/details are to be approved by the PCA prior to issue of a Construction Certificate for Stage 3 and 4.
- B41 RMS require suitable protection screens to be installed in the building (where appropriate) to ensure that access is prevented between the Western Distributor and the development by vandals which may attempt to graffiti any part of the Western Distributor. Plans/details are to be approved by the PCA prior to issue of a Construction Certificate for Stage 3.
- B42 As some parts of the Western Distributor structure's columns/piers and the superstructure are within and in close proximity to the development, it is appropriate to carry out investigation and maintenance activities at the same time as the construction of the development. The maintenance activities will depend on the results of the investigation and would most likely involve applying a coating system to the bridge structure and/or cathodic protection to the bridge. This would benefit all parties, as this would reduce the need for future maintenance and associated inconveniences.

The Applicant is to consult with RMS regarding any maintenance activities to the Western Distributor structures prior to issue of a Construction Certificate for Stage 3.

- B43 The applicant will be required to enter into a Works Authorisation Deed (WAD) for the works associated with the development prior to issue of a Construction Certificate for Stage 2. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to RMS's assessment of any required detailed civil design plans.

RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the applicant prior to the commencement of works.

- B44 Vehicles accessing the site are not permitted to queue on Harbour Street. To prevent vehicles accessing the site from queuing on Harbour Street, the applicant shall prepare an Emergency Site Access Management Plan and Site Access Management Plan (SAMP) which shall be submitted to RMS / Transport Management Centre (TMC) for review / comment prior to the issue of the Construction Certificate for Stage 3. If the SAMP indicates a likelihood of vehicles queuing on Harbour Street, appropriate car parking management measures shall be implemented by the proponent to address this.

- B45 A Construction Traffic Management and Access Plan should be prepared in consultation with RMS / Transport for NSW prior to the issue of a Construction Certificate for Stage 3 to address transport and access issues including the cumulative impacts of all projects below.

- (a) Barangaroo, now to at least 2020.
- (b) CBD & South East Light Rail, 2014/15 to 2020.
- (c) Central Park (former Carlton United Brewery), now to 2016.
- (d) Four Points by Sheraton, 2013 to 2015.
- (e) Sydney City Centre Bus Plan, 2014 to 2015.
- (f) Sydney Harbour Bridge Toll Plaza upgrade, now to 2015.
- (g) Sydney International Convention Exhibition & Entertainment Precinct, 2013 to 2020.
- (h) Wynyard Walk, now to 2015.

Note: Dates are indicative and are subject to confirmation with Project owners.

The report should demonstrate to the satisfaction of TfNSW / Council / RMS that the construction traffic associated with the development will not, further to the cumulative traffic impacts from the abovementioned sites, detrimentally impact key roads within and around the Sydney CBD.

- B46 Prior to issue of a Construction Certificate for Stage 3 and 4, a Road Occupancy Licence (ROL) must be obtained from the TMC for any activity likely to impact on the operational efficiency of the road network. The ROL allows the applicant to use a specified road space at approved times, provided certain conditions are met. Proponents must allow a minimum of 10 working days for processing from date of receipt. Traffic Control Plans are to accompany each ROL application.

- B47 The applicant is to prepare and submit an Emergency Response Plan which includes standard operating procedures for managing construction, site emergencies / incidents to the RMS / Council / TMC for approval prior to the issue of a Construction Certificate for Stage 1.

- B48 Prior to issue of a Construction Certificate for Stage 4, the applicant must submit plans/details to the PCA that demonstrate that the proposed temporary gantry over Harbour Street and the supporting columns are designed to address the following matters:

- (a) Crash risk / protection.
- (b) Fire protection.
- (c) Lighting.
- (d) Adequate sight lines to traffic signal lanterns.



- (e) Working width sway envelope clearances.
  - (f) 5.5m height clearance from the Harbour Street pavement.
- B49 In accordance with Section 3.2.4 of the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007) - the external City Screen must not face any of the nearby road reservations or be visible to drivers on the Western Distributor and any other nearby road / street.

#### **Pedestrian Management Action Plan (PMAP) and Wayfinding Signage Strategy**

B50 Prior to issue of the Construction Certificate for Stage 4, a detailed pedestrian management action plan (PMAP) shall be prepared to manage the movements of the anticipated 4,000 office workers anticipated to occupy the completed commercial component of the building, other workers employed within the building, including IMAX staff and staff of the retail tenancies, together with visitors to the cinema complex. The PMAP must include but shall not be limited to the following:

- Queuing at the revolving doors; and
- pedestrian paths of travel from Town Hall station and other proximate public transport nodes

The PMAP shall be submitted to TfNSW/RMS for review.

The completed PMAP shall be used to inform the development of a signage strategy designed to assist wayfinding from Town Hall station and other public transport nodes to the site. The signage strategy shall be developed in consultation with Council and SHFA. The cost of developing and implementing the signage strategy shall be borne by the applicant.

#### **Car stacker**

B51 The Applicant is to submit certification from the supplier of the car stacker facility that a minimum of 90 vehicles in an hour can be processed by the proposed car stacker/transfer cabins with the proposed loading bay operation. Written certification is to be provided to the PCA prior to issue of the Construction Certificate for Stage 4.

#### **Loading Bay Management Plan and Car Stacker Management Plan**

B52 A detailed loading bay management plan and car stacker management plan be prepared and submitted for TfNSW/RMS review, prior to issue of the Construction Certificate for Stage 4. These management plans are required to include the following (not limited to):

- (a) management of queuing along access road as a result of mal function of the proposed car stacker etc.
- (b) the details of alternate parking locations to redirect vehicles due to extensive queuing at the access road to the stacker.
- (c) management of incidents at the access road to the car stacker and at the loading bays.
- (d) loading bay management details including service vehicle movements during peak periods.
- (e) management of conflicts between cars accessing the stacker and service vehicles movements to/from loading bays.

#### **Traffic Management Plan – Harbour Street**

B53 A detailed traffic management plan be prepared to manage queuing along Harbour Street and submitted for TfNSW/RMS review, prior to issue of the Construction Certificate for Stage 4.

#### **Road Safety Audit – Harbour Street/Wheat Street**

B54 A Stage 2 (Concept Design) Road Safety Audit be undertaken by RMS accredited independent auditors for the proposed access arrangement in particular queuing up at the Harbour Street/Wheat Street intersection and loading dock operation. The Road

Safety Audit Report be submitted for TfNSW/RMS review prior to issue of a Construction Certificate for Stage 4.

### **Rail Services Search**

- B55 Prior to issue of a relevant Construction Certificate for Stage 2, the Applicant shall undertake a services search to establish the existence and location of any rail services (eg. pipes and cables). Persons performing the services search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject site, the Applicant shall discuss with RailCorp as to whether these services are to be relocated or incorporated within the development site.

### **Archaeological Heritage**

- B56 An Archaeological Report shall be prepared including an assessment of the archaeological potential of the site and an appropriate mitigation strategy (eg. Archaeological monitoring) prior to or during works on the site.

The Archaeological Report shall be submitted for the approval of Planning & Infrastructure, in consultation with the Heritage Council of NSW, prior to issue of a Construction Certificate for Stage 2.

- B57 Prior to issue of a Construction Certificate for Stage 2, an excavation permit, under Section 140 of the Heritage Act 1977 shall be obtained. A Section 140 application along with supporting information including an archaeological assessment report prepared by a qualified historical archaeologist (with demonstrated historic sites experience who can meet the Heritage Council's Excavation Director's Assessment Criteria) shall be submitted to the Heritage Council of NSW for approval.
- B58 Should substantial archaeological remains of State significant be uncovered during the archaeological investigation, amendments may be required to the building design to facilitate in-situ conservation, interpretation and display. The Applicant shall liaise with the NSW Heritage Division on the outcomes for significant archaeological remains. Further advice, assessment and approval may be required before works continue in the area subject to the nature of the discovery.
- B59 The results of the archaeological fieldwork and the history of the site shall be used to inform an Interpretation Plan in line with an overall Interpretation Strategy for the broader precinct (including SICEEP) to guide the future incorporation of the findings from the works in communicating the significance of the site to future visitors. The Interpretation Plan shall be prepared in accordance with the guidelines issued by the Heritage Council of NSW. The Interpretation Plan shall be prepared for the approval of Planning & Infrastructure (in consultation with the Heritage Division of the OEH) prior to issue of a Construction Certificate for Stage 2 and implemented prior to issue of an Occupation Certificate.

### **Acid Sulfate Soils**

- B60 Prior to issue of a Construction Certificate for Stage 2, an Acid Sulfate Soil Assessment and Management Plan in accordance with *Acid Sulfate Soils Manual* (Stone *et al.* 1998), is to be submitted to the PCA. The Plan shall include laboratory testing of soil samples.

### **Utility Services**

- B61 Prior to the issue of a Construction Certificate for Stage 2, 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.
- B62 Prior to the issue of a Construction Certificate for Stage 2, 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.

B63 Prior to the commencement of works, the Applicant shall:

- a) enter into an Agreement to ensure Ausgrid's capacity to design, construct and operate existing and future infrastructure is not impeded, including works affecting easements, duct corridors, cable routes or works that require the removal or relocation of existing infrastructure (unless otherwise agreed in writing with Ausgrid);
- b) confirm with Ausgrid the location and status (e.g. live, de-energised, isolated, abandoned) of existing Ausgrid infrastructure;
- c) liaise with Ausgrid in relation to any aspects of the development that may impact or potentially impact Ausgrid's infrastructure or ability to safely operate and maintain its infrastructure. This includes but is not limited to effects of vibration, excavation, constructions works;
- d) liaise with Ausgrid to determine the relocation of any existing infrastructure;
- e) liaise with Ausgrid to agree appropriate work methodologies in the vicinity of Ausgrid's infrastructure; and
- f) comply with the terms of the Agreement.

B64 Prior to issue of a Construction Certificate for Stage 2, the applicant shall consult with Ausgrid on any structural or design measures which need to be taken to minimise any associated risks for future building occupants in relation to Electromagnetic Field (EMF) Radiation and possible explosion/fire within the Ausgrid Central Zone Substation.

#### **Cross city Tunnel ventilation (CCTV) stack plume**

B65 Prior to issue of any Construction Certificate, a Wind Tunnel or Computational Fluid Dynamics (CFD) Study shall be submitted to the Department for endorsement. The study shall be undertaken by an appropriately qualified environmental consultant and shall:

- (a) identify any impacts of the approved building on the CCTV stack plume behaviour and pollution levels at ground level; and
- (b) provide recommended measures for the development to mitigate any identified impacts.

The Principal Certifying Authority shall ensure that the construction certification and associated work shall comply with any mitigation measures required by (b).

## **C PRIOR TO COMMENCEMENT OF WORKS**

### **Certified Plans**

- C1 Plans certified in accordance with section 109C 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**

- C2 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**

- C3 The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of building works on the Subject Site.

### **Construction Environmental Management Plan**

- C4 Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the PCA. The CEMP shall be informed by the Construction Management Plan submitted with the EIS. 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 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;
  - j) works in accordance with the Remedial Works Plan submitted with the EIS;
  - k) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works; and
  - l) incorporation of all acoustic management and treatment in accordance with the recommendations of the supplementary acoustic report prepared by Acoustic Logic and submitted with the RtS.

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.

The Applicant shall submit a copy of the CEMP to the Department, SHFA and the Council, prior to commencement of work.

## Construction Noise and Vibration

C5 Prior to the commencement of construction activities, a detailed Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the PCA. The Plan shall include, but not be limited to:

- a) Identification of each work area, site compound and access route (both private and public);
- b) Identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;
- c) Identification of all potentially affected sensitive receivers;
- d) The construction noise objectives identified in accordance with the *Interim Construction Noise Guidelines* (DECC 2009);
- e) Assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d);
- f) Where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
- g) Description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers;
- h) Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
- i) Measures to monitor noise performance and respond to complaints.

The CNVMP should also include demolition methods that do not require the use of rock breakers or other similar high noise generating equipment, such as rock (or concrete) splitting of building sections for transport and break up off site, unless not feasible and reasonable. Where rock breakers or other high noise generating equipment are to be used such that the appropriate criteria are exceeded, the hours of operation for high noise generating equipment must include respite periods.

C6 Prior to the commencement of construction and operation activities, the Applicant must develop a Traffic Noise Management Strategy (TNMS), to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not necessarily limited to the following:

- driver training to avoid noisy practices such as the use of compression engine brakes near sensitive receivers, slamming or banging of tailgates / truck doors, loud radios or shouting during the night period,
- best noise practice in the selection and maintenance of vehicle fleets;
- movement scheduling where practicable to reduce impacts during sensitive times of the day;
- design of the site layout and heavy vehicle movement paths so as to, as much as practicable, maximise forward movements and minimise reversing (to minimise potential impacts from reversing beepers);
- implementation, as much as possible, of alternatives to tonal movement alarms (“reversing beepers”) such as non-tonal reversing alarms, reversing cameras and/or proximity alarms;

- appropriate speed restrictions on light and heavy vehicles to minimise noise impacts;
- communication and management strategies for non licensee/ Applicant owned and operated vehicles to ensure the provisions of the TNMS are implemented;
- a system of audited management practices that identifies non conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the TNMS;
- specific procedures for drivers to minimise impacts at identified sensitive receivers; and
- clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of disciplinary actions for breaches of the procedures.

### **Waste Management Plan during construction**

C7 Prior to the commencement of any works on the Subject Site, a detailed Construction Waste Management Plan prepared by a suitably qualified person, in consultation with SHFA, 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.

The Applicant shall submit a copy of the Plan to the Department, SHFA and the Council, prior to commencement of work.

C8 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.

C9 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.

### **Construction Traffic & Pedestrian Management Plan**

C10 Prior to the commencement of any works on the Subject Site, a Construction 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, the RMS, and the Transport Management Centre.

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.

The Applicant shall submit a copy of the final Plan to the Council, prior to the commencement of work.

### **Heritage**

C11 A detailed condition assessment and schedule of conservation works for the Sewage Pumping Station No. 12 shall be submitted to Planning & Infrastructure prior to commencement of works. The conservation works shall be implemented prior to issue of an Occupation Certificate.

- C12 A specialist heritage manager and an archaeological consultant shall be nominated for the works. The consultants shall have appropriate qualifications and experience commensurate with the scope of the works. The name and experience of these consultants shall be submitted to the Heritage Council for approval prior to the commencement of works.

The heritage consultants shall advise on the detail design resolution of the new works and manage the implementation of the conditions of consent for the development.

A report by the heritage manager (illustrated by works photographs) shall be submitted to the Heritage Council for approval within 6 months of the completion of works which described the work, any impacts/damage and corrective works carried out.

- C13 All construction contractors, subcontractors and personnel are to be inducted and informed by the nominated archaeological consultant prior to commencing work on site as to their obligations and requirements in relation to historical archaeological sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW.
- C14 All affecter potential historical archaeological 'relics' and/or deposits of local and State significance are to be subject to professional archaeological excavation and/or recording before construction works commence which will impact those 'relics'. A Research Design including an Archaeological Excavation Methodology must be prepared in accordance with Heritage Council' guidelines.
- C15 After any archaeological works have been undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, Council and the Agency. The Applicant shall also nominate a repository for the relics salvaged from any historical archaeological excavations.
- C16 Prior to the relocation of the Carousel and Organ, detailed archival recording of the items shall be undertaken. Copies of the archival recording shall be lodged with the Heritage Division and Council.

## **D DURING CONSTRUCTION**

### **Hours of Work**

- D1 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 Secretary.
- D2 Internal fit out and finishing works may be undertaken outside of the approved hours of work outlined in Condition D1, only after the completion of the external shell and the sealing of the entire floor, during the following hours:
- a) between 7:00 pm and 7:00 am, Mondays to Fridays inclusive; and
  - b) between 5:00pm and 7:00 am, Saturdays, subject to:
  - c) no works are to be undertaken externally without the prior consent from the Secretary;
  - d) no material delivery or removal of waste must take place during the extended hours; and
  - e) approval is not given for the use of any high noise intrusive plant and equipment other than hand operated power tools.

### **Remediation**

- D3 Remediation of the site, if required, shall be undertaken in accordance with the approved Remedial Action Plan.

### **Western Distributer**

- D4 The applicant is to ensure that the Western Distributor structure and substructure are adequately protected during demolition.
- D5 The applicant must ensure that the proposed crane does not carry any "loads" over / above the Western Distributor.

### **Lighting of Site during Construction**

- D6 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 Secretary, 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**

- D7 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.

### **Acid Sulfate Soils**

- D8 All works during construction shall comply with the Acid Sulfate Soils Management Plan. All water discharge is to comply with section 120 of the *Protection of Environment Operations Act 1997* is appropriate.

### **Waste Disposal**

- D9 All waste generated on site must be classified and disposed of in accordance with the *Waste Classification Guidelines* (DECC 2008).

### **Disposal of Seepage and Stormwater**

- D10 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 SHFA (in relation to any drains it manages).

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

- D11 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**

- D12 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.

### **Utilities**

- D13 During works within the development site, the Applicant shall ensure the work in the vicinity of Ausgrid's underground infrastructure, is undertaken in accordance with Ausgrid's Network Standard NS156 – Working Near or Around Underground Cables.
- D14 The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.
- D15 The relocation of any TfNSW services or infrastructure are to be at the Applicant's cost and to TfNSW requirements and standards.
- D16 All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW or RMS.

## **Protection of Trees**

- D17 No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from the relevant Authority is obtained or is required in an emergency to avoid the loss of life or damage to property.
- D18 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 the relevant Authority.
- D19 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**

- D20 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.
- D21 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.
- D22 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.
- D23 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.
- D24 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.
- D25 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**

- D26 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.

### **Work Cover Requirements**

D27 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**

D28 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.

### **Road Occupancy License**

D29 A Road Occupancy Licence (ROL) must be obtained from the TMC for any activity likely to impact on the operational efficiency of the road network.

### **Archaeology**

D30 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.

D31 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.

D32 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.

D33 After any archaeological works have been undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, Council, SHFA, and the Department of Planning & Infrastructure. The Applicant shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations. The final excavation report shall include the following:

- a) An executive summary of the archaeological programme;
- b) Due credit to the client paying for the excavation, on the title page;

- c) An accurate site location and site plan (with scale and north arrow);
- d) Historical research, references, and bibliography;
- e) Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
- f) Nominated repository for the items;
- g) Detailed response to research questions (at minimum those stated in the Department of Planning & Infrastructure approved Research Design);
- h) Conclusions from the archaeological programme. This information must include an assessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the Site and other Comparative Site Types and recommendations for the future management of the site; and
- i) Details of how this information about the excavations have been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the sites).

### **Discovery of Aboriginal Heritage**

D34 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 Applicant must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

### **Utility Requirements**

D35 Work in the vicinity of Ausgrid's underground infrastructure must undertaken in accordance with Ausgrid's Network Standard NS156 – Working Near or Around Underground Cables.

## **E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Site Suitability - Remediation**

- E1 Upon completion of any required remediation works on the Subject Site, the Applicant shall submit a site audit report and site audit statement prepared by a site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the PCA prior to the issue of the Occupation Certificate.

### **Public domain works**

- E2 Public domain works within the zone of influence including connections to adjacent sites are to be completed to the satisfaction of SHFA prior to issue of a Interim and/or Final Occupation Certificate.

### **Energy Star Ratings**

- E3 The building is to target the following green building ratings:

- 6 star Green Star – Office Design (v3) rating
- 6 star Green Star – Office As-Built (v3) rating; and
- 5 star NABERS Energy base building rating

Certification is to be provided to the PCA (with a copy supplied to the Agency) by the Green Building Council of Australia, indicating that the development achieves the following minimum green building ratings:

- 5 star Green Star – Office Design (v3) rating prior to the issue of the Stage 4 Occupation Certificate.
- 5 star Green Star – Office As-Built (v3) rating within 18 months of the issue of the Stage 4 Occupation Certificate.
- 4.5 star NABERS Energy base building rating within 24 months of the building reading 75% occupation.

### **Pedestrian Management Plan**

- E4 Prior to the issue of an Occupation Certificate, a Pedestrian Management Plan for special events associated with the 'City Screen' shall be prepared and approved by SHFA. This plan shall be informed by pedestrian counts and desire lines between the development, the approved exhibition and entertainment centres and general background pedestrian traffic. The plan shall detail measures in relation to crowd management, pedestrian safety, circulation and emergency access. A copy of the plan shall be submitted to Planning & Infrastructure and Council for information.

### **Loading Dock Management**

- E5 Prior to the issue of the relevant Occupation Certificate, a Loading Dock Management Plan shall be submitted to the PCA to promote safe and efficient operation of the proposed loading docks and to minimise disruption to traffic and shall include the following:
- Allocation of loading spaces;
  - Delivery times;
  - Controls on duration of stays;
  - Controls on the placement of skips, pallets, etc.;
  - Procedures for tradesman access and parking;
  - Operating times; and
  - Truck access routes.

- E6 A commercial agreement shall be entered into with the relevant tenants/occupiers of the building addressing the following:
- a) vehicles larger than 8.8m truck (Medium Rigid Vehicle) shall not be permitted in the loading dock; and
  - b) the Loading dock and other courier vehicle bays shall be closed during the morning peak periods between 7.00am and 9.30am on weekdays.

### **Mechanical Ventilation**

- E7 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 the relevant 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**

- E8 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, the relevant authority 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**

- E9 Prior to the issue 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**

- E10 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](http://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**

- E11 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;

- 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**

E12 Prior to the issue the relevant 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**

E13 A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of the relevant 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.

### **Green Travel Plan**

E14 To encourage travel modes other than private vehicle the Applicant shall prepare and implement a Green travel plan and transport access guide. Details are to be submitted to the PCA prior to the issue of the final Occupation Certificate.

E15 The Green Travel Plan shall include a monitoring requirement in relation to the future demand for the expansion of visitor bicycle parking spaces within the public domain.

### **Waste Management**

E16 Prior to the issue of the relevant Occupation Certificate, a detailed Waste Management Plan for operation of the site shall be submitted to the PCA.

### **Heritage**

E17 Certification shall be provided by an appropriately qualified Heritage Consultant that conservation works to the Sewerage Pumping Station No, 12, as outlined within the schedule of conservation works, have been completed prior to issue of an Occupation Certificate.

E18 A methodology for the disassembly and relocation of the Carousel and Organ in line with the guidelines and policies including in the Conservation Management Plan for the item, shall be prepared by an appropriately qualified Heritage Consultant.

E19 A new enclosure structure (and ancillary structures) shall be provided for the relocated carousel prior to the issue of an Occupation Certificate. The design of the new enclosure and ancillary structures shall be in accordance with the Carousel and Band Organ Conservation Management Plan and undertaken in consultation with an appropriately qualified Heritage Consultant.

## **F POST OCCUPATION**

### **Loading and Unloading**

- F1 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**

- F2 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 – Plant and Machinery**

- F3 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 adjacent sites.

### **Public Way to be Unobstructed**

- F4 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### **External Lighting**

- F5 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.

### **Signage**

- F6 Consistent with the requirements of Condition B50, the development shall provide wayfinding signage within the Subject Site consistent with SICEEP Wayfinding and Signage Guidelines, including signage to other destinations external to the site including transport nodes and tourist destinations.

### **Pedestrian Footpaths**

- F7 Six months after occupation of the development, the Applicant shall undertake an assessment of the capacity of existing footpaths at intersections along Bathurst Street and Druitt Street (west of George Street) and consult with RMS to determine whether any operational adjustments to pedestrian crossings are necessary (eg adjusting traffic signal cycle times).



## **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 relevant authority for any necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, after hours works and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
- AN3 A separate development applicant is required for fit out of individual commercial and retail tenancies within the development, except where shown on the approved plans or can be undertaken as exempt or complying development in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

### **Responsibility for other consents / agreements**

- AN4 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### **Temporary Structures**

- AN5 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.
- AN6 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**

- AN7 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**

- AN8 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.
- AN9 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**

- AN10 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**

- AN11 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.

### **RMS Access requirements**

- AN12 For inspections, maintenance and rehabilitation works, RMS requires the proponent to facilitate access to the substructure and superstructure of the Western Distributor, including access via the IMAX. RMS will provide at least 48 hours of notice for these works.
- AN13 For emergency works, typically in response to a traffic incident, RMS requires the proponent to facilitate immediate access to the substructure and superstructure of the Western Distributor structure (24 hours a day) in order to do urgent repair works as appropriate.