

# Development Consent

## Section 4.38 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 11 October 2017, I approve the development 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;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



**Anthea Sargeant**  
**Executive Director**  
**Key Sites and Industry Assessments**

Sydney



April 2018

### SCHEDULE 1

<b>Application No.:</b>	SSD 7484
<b>Applicant:</b>	Pontiac Land (Australia) Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	<p>Sandstone Precinct comprising:</p> <ul style="list-style-type: none"><li>• Lands Building: 23-33 Bridge Street, Sydney (Lot 1877 in DP 8770000)</li><li>• Education Building: 35-39 Bridge Street, Sydney (Lot 56 in DP 729620)</li><li>• Loftus Street, between Bridge Street and Bent Street</li></ul>
<b>Development:</b>	<p>Stage 2 development consent for the adaptive reuse of the Sandstone Precinct for tourist and visitor accommodation, including:</p> <ul style="list-style-type: none"><li>• demolition of existing improvements and alterations to the Lands and Education Buildings (as shown in the approved plans only)</li><li>• maximum gross floor area (GFA) of 31,633m<sup>2</sup>, with:<ul style="list-style-type: none"><li>○ 10,918m<sup>2</sup> in the Lands Building</li><li>○ 20,715m<sup>2</sup> in the Education Building</li></ul></li><li>• maximum of 253 hotel rooms, with:<ul style="list-style-type: none"><li>○ 61 in the Lands Building</li><li>○ 192 in the Education Building</li></ul></li><li>• fit out of ancillary guest and visitor facilities</li><li>• improvements and construction of a roof extension to the Lands Building, with a maximum height of RL 38.00</li><li>• construction of a roof extension to the Education Building, with a maximum height of RL 60.03</li></ul>

## DEFINITIONS

Aboriginal Object	Has the same meaning as the definition of the term in Section 5 of the <i>National Parks and Wildlife Act 1974</i> .
Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval.
Ancillary guest and visitor facilities	The spaces and uses serving the needs of hotel guests and visitors, defined as 'Ancillary Hotel Uses' in Section 1.0 of the Response to Request for Future Information, prepared by Ethos Urban and dated 6 December 2017. Excludes 'Incidental Uses' including the lower ground (112 m <sup>2</sup> ) bar in the Educational Building and the lower ground retail and restaurants (1,078 m <sup>2</sup> ) in the Lands Building.
Applicant Application	Pontiac Land (Australia) Pty Ltd, or anyone else entitled to act on this consent. The development application and the accompanying drawings plans and documentation described in Condition A3.
Approval, agreement, endorsement or satisfaction	A written approval from the Secretary (or nominee/delegate) or other entity expressed in the terms of the condition.
Concept Proposal	Approved Sandstone Precinct Concept Proposal (SSD 6751)
Commission	Planning Assessment Commission.
Construction	The demolition of structures or works, the carrying out of works, including bulk earthworks, and erection of structures and other infrastructure covered by this consent.
Council	City of Sydney Council.
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays.
Department	Department of Planning and Environment, or its successors.
Development	The development as described in the EIS and RtS.
EIS	Environmental Impact Statement and Appendices prepared by JBA Urban Planning Consultants Pty Ltd, dated November 2016.
EPA	Environment Protection Authority, or its successors.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> .
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i> .
Evening	The period from 6pm to 10pm.
GFA	Gross Floor Area.
Heritage Division	Heritage Division of the Office of Environment & Heritage
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval.
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial.
Minister	Minister for Planning, or nominee.
Mitigation	Activities associated with reducing the impacts of development.
NCC	National Construction Code.
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays.
NP&W Act	<i>National Parks and Wildlife Act 1974</i> .
OEH	Office of Environment & Heritage, or its successors.
PCA	Principal Certifying Authority has the same meaning as 'accredited certifier' or 'principle certifier' in section 6.1 of the EP & A Act.
Remediation	The remediation and excavation works as described in the EIS, RTS, RTS Addendum and Preliminary Remedial Action Plan.
RMS	Roads and Maritime Services.
RtS	Response to Submissions and accompanying appendices, prepared by JBA Urban Planning Consultants Pty Ltd (dated April 2017) and Response to Agency Submissions to RTS prepared by JBA Urban Planning Consultants Pty Ltd (dated 25 July 2017).

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.
Secretary	The Secretary of the Department of Planning & Environment (or nominee).
Site	The land referred to in Schedule 1 of this consent.
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.
TfNSW	Transport of New South Wales
Zone of Influence	The horizontal distance from the edge of the excavation to twice the maximum excavation depth.

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

- A1 In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

#### Terms of Consent

- A2 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule 1 and **Condition A3**.
- A3 The Applicant, in acting on this consent, must carry out the development:
- in compliance with the conditions of this consent
  - in accordance with all written directions of the Secretary
  - generally in accordance with the State significant development application SSD 7484 Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated November 2016
  - generally in accordance with the State significant development application SSD 7484 Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd, dated April 2017
  - generally in accordance with the State significant development application SSD 7484 Response to Request for Further Information prepared by Ethos Urban, dated 6 December 2017
  - generally in accordance with the endorsed conservation management plans, prepared by GBA Heritage dated May 2017 and endorsed by the Heritage Council NSW, June 2017
  - remediation in accordance with the Preliminary Remediation Action Plan prepared by Environmental Earth Sciences, dated 14 December 2017 (if required)
  - in accordance with the following drawings:

Demolition Drawings prepared by Make Architects			
Drawing No.	Rev.	Name of Plan	Date
SP-DA-G-1500	00	Proposed Site Plan	06.10.16
SP-DA-G-2295	01	Demolition Plans Education Building – Basement Level 03	06.10.16
SP-DA-G-2296	01	Demolition Plans Education Building – Basement Level 02	06.10.16
SP-DA-G-2297	01	Demolition Plans Lands Building – Lower Ground Education Building – Basement Level 01	06.10.16
SP-DA-G-2298	01	Demolition Plans Lands Building – Lower Ground Mezzanine	06.10.16
SP-DA-G-2299	02	Demolition Plans Lands Building – Ground Education Building – Lower Ground	14.10.16
SP-DA-G-2300	02	Demolition Plans Lands Building – Level 01 Education Building – Ground	14.10.16
SP-DA-G-2301	02	Demolition Plans Lands Building – Level 02 Education Building – Level 01	14.10.16

SP-DA-G-2302	02	Demolition Plans Lands Building – Level 03 Education Building – Level 02	14.10.16
SP-DA-G-2303	02	Demolition Plans Lands Building – Level 04 Education Building – Level 03	14.10.16
SP-DA-G-2304	02	Demolition Plans Lands Building – Level 05 Education Building – Level 04	14.10.16
SP-DA-G-2305	02	Demolition Plans Lands Building – Level 06 Education Building – Level 05	14.10.16
SP-DA-G-2306	01	Demolition Plans Lands Building – Level 07 Education Building – Level 06	06.10.16
SP-DA-G-2307	01	Demolition Plans Lands Building – Level 08 Education Building – Level 07	06.10.16
SP-DA-G-2308	01	Demolition Plans Lands Building – Level 09 Education Building – Level 08	06.10.16
SP-DA-G-2309	01	Demolition Plans Lands Building – Level 10 Education Building – Roof	06.10.16
SP-DA-G-2310	01	Demolition Plans Lands Building – Level 11 Education Building – Roof	06.10.16
SP-DA-G-2311	01	Demolition Plans Lands Building – Level 12 Education Building – Roof	06.10.16
SP-DA-G-2312	01	Demolition Plans Lands Building – Roof Education Building – Roof	06.10.16
SP-DA-G-3101	02	Demolition Elevations Lands Building West	11.10.16
SP-DA-G-3102	02	Demolition Elevations Lands Building – North Education Building – North	11.10.16
SP-DA-G-3103	02	Demolition Elevations Education Building – East	11.10.16
SP-DA-G-3104	02	Demolition Elevations Lands Building – East	11.10.16
SP-DA-G-3105	02	Demolition Elevations Education Building – West	11.10.16
SP-DA-G-3400	03	Demolition Sections Lands and Education Building – Section 01	14.10.16
SP-DA-G-3401	02	Demolition Sections Lands Building – Section 02	11.10.16
SP-DA-G-3402	03	Demolition Sections Education Building – Section 03	14.10.16
<b>Architectural Drawings prepared by Make Architects</b>			
<b>Drawing No.</b>	<b>Rev.</b>	<b>Name of Plan</b>	<b>Date</b>
SP-DA-G-2496	01	Proposed Plans Education Building – Basement Level 03	06.10.16
SP-DA-G-2947	01	Proposed Plans Education Building – Basement Level 02	06.10.16
SP-DA-G-2498	01	Proposed Plans Lands Building – Lower Ground Education Building – Basement Level 01	06.10.16
SP-DA-G-2499	02	Proposed Plans Lands Building – Ground Education Building – Lower Ground	14.10.16
SP-DA-G-2500	01	Proposed Plans Lands Building – Level 01 Ground Education Building – Ground	06.10.16
SP-DA-G-2501	01	Proposed Plans Lands Building – Level 02 Ground Education Building – Level 01	06.10.16

SP-DA-G-2502	01	Proposed Plans Lands Building – Level 03 Ground Education Building – Level 02	06.10.16
SP-DA-G-2503	01	Proposed Plans Lands Building – Level 04 Ground Education Building – Level 03	06.10.16
SP-DA-G-2504	01	Proposed Plans Lands Building – Level 05 Ground Education Building – Level 04	06.10.16
SP-DA-G-2505	02	Proposed Plans Lands Building – Level 06 Ground Education Building – Level 05	14.10.16
SP-DA-G-2506	01	Proposed Plans Lands Building – Level 07 Ground Education Building – Level 06	06.10.16
SP-DA-G-2507	01	Proposed Plans Lands Building – Level 08 Ground Education Building – Level 07	06.10.16
SP-DA-G-2508	01	Proposed Plans Lands Building – Level 09 Ground Education Building – Level 08	06.10.16
SP-DA-G-2509	01	Proposed Plans Lands Building – Level 10 Ground Education Building – Level 09	06.10.16
SP-DA-G-2510	01	Proposed Plans Lands Building – Level 11 Ground Education Building – Roof	06.10.16
SP-DA-G-2511	01	Proposed Plans Lands Building – Level 12 Ground Education Building – Roof	06.10.16
SP-DA-G-2512	01	Proposed Plans Lands Building – Roof Ground Education Building – Roof	06.10.16
SP-DA-G-3200	02	Proposed Elevations Lands Building – South Education Building – South	11.10.16
SP-DA-G-3201	02	Proposed Elevations Lands Building – West	11.10.16
SP-DA-G-3202	02	Proposed Elevations Lands Building – North Education Building – North	11.10.16
SP-DA-G-3203	02	Proposed Elevations Education Building – East	11.10.16
SP-DA-G-3204	03	Proposed Elevations Lands Building – East	19.10.16
SP-DA-G-3205	02	Proposed Elevations Education Building – West	11.10.16
SP-DA-G-3210	02	Proposed Elevations Education Building – Courtyard	11.10.16
SP-DA-G-3500	02	Proposed Sections Lands and Education Building – Section 01	11.10.16
SP-DA-G-3501	02	Proposed Sections Lands Building – Section 02	11.10.16
SP-DA-G-3502	02	Proposed Sections Education Building – Section 03	11.10.16
SP-DA-G-3252	00	Entrance Elevations Lands Building North and East	05.04.17
SP-DA-G-3253	00	Entrance Elevations Lands Building South and West	05.04.17
SP-DA-G-4000	00	Façade Details Lands Building – NW Glass Roof and NE Pergola	17.10.16
SP-DA-G-4001	00	Façade Details Lands Building – Southern Metal Roof	17.10.16
SP-DA-G-4100	00	Façade Details Education Building – Glass Bay	17.10.16
SP-DA-G-4101	00	Façade Details Education Building – Glass Bay Corner	17.10.16
SP-DA-G-4102	00	Façade Details Education Building – Water Villa	17.10.16
SP-DA-G-4103	00	Façade Details Education Building – East and West Tower	17.10.16
SP-DA-G-6000	00	Materials and Finishes Schedule	06.10.16

### **Inconsistency between documents**

- A4 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.
- A5 The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of:
- any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent
  - the implementation of any actions or measures contained in these documents.

### **Limits on Consent**

- A6 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.
- A7 This consent does not approve:
- fit-out and operation of incidental hotel uses
  - external lighting
  - signage.

Separate development application(s) must be lodged and consent obtained from the relevant consent authority for the above.

### **Prescribed Conditions**

- A8 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

### **Long Service Levy**

- A9 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**

- A10 Any advice or notice to the consent authority must be served on the Secretary.

### **Staged Construction Certificates**

- A11 The development may be carried out generally in accordance with the following stages with the relevant condition(s) being satisfied prior to the issue of a relevant Construction Certificate for each building.

STAGE	DESCRIPTION
CC1	Demolition
CC2	Excavation
CC3	Foundations / In Ground Structure
CC4	Structure
CC5	Services
CC6	Façade and Finishes



## Section 61 Development Contributions

- A12 A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the *City of Sydney Act 1988* and the *Central Sydney Contribution (Amendment) Plan 2002 / Central Sydney Development Contributions Plan 2013* in accordance with the following:
- a) Prior to the first Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
  - b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Certifying Authority (CA), together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website ([www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)).
  - c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.
  - d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, *Building Code of Australia* compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
  - e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

Please contact Council's Planning Administration staff at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to confirm the amount payable, prior to payment.

## Voluntary Planning Agreement

- A13 The development must be carried out in accordance with the Voluntary Planning Agreement executed on 27 February 2018 between the City of Sydney, Pontiac Land (Australia) Pty Ltd and Property NSW and registered on the title of the land.

## Visitor and Tourist Accommodation - use and operation

- A14 The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the *Local Government (General) Regulation 2005*, under the *Local Government Act 1993*, the *Public Health Act 2010* and regulations thereunder and the *Sydney Development Control Plan 2012* – 4.4.8.



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## PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### No Works Prior to Construction Certificate

- B1 Work must not commence until a Construction Certificate in respect of the work has been issued.

### Design Quality and Integrity

- B2 Prior to the issue of the first Construction Certificate 3 – Foundations / In Ground Structure (CC3), the Applicant is to provide an addendum Design Review Panel (DRP) brief to the satisfaction of the Secretary. This brief shall demonstrate how and when the DRP will be involved in the review and input into the design development to ensure design integrity of the project and the further development of both roofs, including any subsequent modifications and post approval.

### National Construction Code (NCC) Compliance (including internal works)

- B3 The proposed works must comply with the applicable performance requirements of the NCC so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- a) complying with the deemed to satisfy provisions, or
  - b) formulating an alternative solution which:
    - i) complies with the performance requirements, or
    - ii) is shown to be at least equivalent to the deemed to satisfy provision, or
    - iii) a combination of a) and b).
- B4 All new structural and internal works are to comply with the NCC, and structural, building services, acoustic, fire protection and access upgrades are to be designed and integrated into the two heritage items in a manner that maximises the conservation and enhancement of their historic spatial qualities and the conservation and exposure of significant original and early fabric and finishes. Alternate solutions are to be proposed, wherever these are necessary to ensure the most sympathetic heritage outcome. Significant plaster ceilings must not be intentionally or accidentally disturbed or damaged in any way.

A detailed Statement of Heritage Impact, including guidelines for necessary upgrades to comply with the NCC, reflecting the above shall be prepared in consultation with Council and the Heritage Council for approval by the Secretary prior to issue of the Construction Certificate 3 – Foundations/In Ground Structure (CC3) for each building.

### Design Modifications - Education Building

- B5 Prior to the issue of the Construction Certificate 3 – Foundations/In Ground Structure (CC3) for the Education Building, amended plans demonstrating that the Education Building design has been modified to retain significant portions of the 1915 north-western perimeter of the courtyard on the Lower Ground and Ground Floors in accordance with the Make Architects Heritage Conditions drawings dated 24 September 2017, Revision 2 are to be prepared in consultation with Council and the Heritage Council, and submitted to the satisfaction of the Secretary.
- B6 Prior to the issue of the Construction Certificate 3 – Foundations/In Ground Structure (CC3) for the Education Building, amended plans demonstrating that the Education Building entrance foyer design has been modified to retain/reuse a greater portion of identified significant fabric of the stone surrounds to the lifts in accordance with Make Architects Heritage Conditions drawings dated 24 September 2017, Revision 2, are to be prepared in consultation with Council and the Heritage Council, and submitted to the satisfaction of the Secretary. This may be

achieved through the incorporation of the red marble into the design of the Arrivals Lounge or its furniture.

- B7 The design development for the Education Building is to ensure that the curved glass bays remain and are not modified to a faceted form. Prototypes are to be constructed in consultation with Council and the Heritage Council, and submitted for approval by the Secretary prior to issue of Construction Certificate6 – Façade and Finishes (CC6).

### Heritage Interpretation Plan

- B8 A Heritage Interpretation Strategy for the site must be prepared in consultation with Council and the Heritage Council and submitted to the satisfaction of the Secretary prior to the issue of Construction Certificate 6 – Façade and Finishes (CC6). The Strategy must be prepared by a suitably qualified and experienced heritage practitioner or historian.

The Heritage Interpretation Strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting (specifying whether subject to approval). Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.

The plan must specify the location, type, materials and contents of the interpretation device being proposed. The plan must include retention for display within the building of sections of the Lands Building cast iron roof trusses and roof crestings.

The approved Strategy must be implemented to the satisfaction of Council prior to the issue of any Occupation Certificate.

- B9 The following information shall be submitted to the Heritage Council NSW or its delegate prior to the issue of the nominated Construction Certificate:

Documentation	Construction Certificate
Detailed drawings for all new, prominent elements, such as staircases and elevators, throughout both buildings	CC4 Structure
Further details regarding the proposed adaptation of the 'Strong Room' for use as a guest lounge in the Lands Building	CC4 Structure
Diagrams showing the method of reticulating new services throughout both buildings	CC5 Services
Details showing the proposed modifications to significant balustrades in both buildings	CC4 Structure
Further detailed design information, with input from a structural engineer, clearly indicating the impacts and implications of proposed works associated with the pool and spa in the Education Building on the place's heritage significance and fabric	CC4 Structure
Further detailed design information, with input from a structural engineer, clearly indicating the impacts and implications of proposed works associated with the rooftop water "villa" in the Education building	CC4 Structure
Details of junction between the exceptionally significant roof structures and the replacement roof	CC4 Structure
Elevations showing proposed alterations to exceptionally significant roof structures at the Lands Building. It is recommended that alterations to significant fabric are	CC4 Structure

<p>minimised and that the new roof is designed so that it can be removed without permanent damage to the significant structures.</p>	
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### Reflectivity

- B10 The building materials used on the facades of the buildings must have a maximum normal specular reflectivity of visible light of 20 per cent and must be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report / statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the PCA prior to the issue of Construction Certificate 6 – Façade and Finishes (CC6).

### Crime Prevention through Environmental Design (CPTED)

- B11 To minimise the opportunity for crime in accordance with CPTED principles, the recommendations provided in the CPTED Report (prepared by JBA Urban Planning Consultants, dated November 2016) shall be incorporated and demonstrated on the architectural plans to the satisfaction of the PCA prior to the issue of a Construction Certificate.

### Loading and Unloading Areas

- B12 Prior to the issue of Construction Certificate 5 – Services (CC5), the Applicant shall prepare a loading and servicing management plan to the satisfaction of the Secretary that includes details on the:
- management of queuing along public roads as a result of the proposed loading area arrangement
  - management of incidents at the access to the loading areas
  - management of conflicts between vehicles accessing the site and pedestrian movements along Loftus Street and Gresham Street
  - any other loading dock management details, such as predicted service vehicle movements during peak periods and any restrictions on service vehicles.
- B13 Plans demonstrating compliance with the following loading and unloading area requirements must be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate:
- all loading and unloading operations associated with servicing the site must be carried out within the confines of the site within the signposted loading spaces at all times and must not obstruct other properties/units or the public way
  - all vehicles should enter and leave the Site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave in a forward direction
  - parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) must be in accordance with AS 2890.2-2002 for heavy vehicle usage
  - appropriate pedestrian advisory signs are to be provided at the egress from the loading and unloading area
  - all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority
  - the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the Site, must be in accordance with AUSTROADS.

### Bicycle Parking and Facilities

- B14 Minimum of 60 on-site bicycle parking shall be provided.
- B15 Prior to the issue of Construction Certificate 4 – Structure (CC4), analysis (including amended plans, where necessary) shall be submitted to the satisfaction of the Secretary confirming the

extent of the 14 additional bicycle spaces (required by the Sydney Development Control Plan 2012) that can be provided onsite without resulting in unacceptable heritage impacts.

- B16 The layout, design and security of bicycle facilities 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.
- B17 Storage, change room and shower facilities shall be provided and designed in accordance with the details provided in the application, and details submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate 5 - Services.

### **Pre-Construction Dilapidation Reports**

- B18 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'. 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 2 – Excavation (CC2). A copy of the report is to be forwarded to the Council and each of the affected property owners.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

### **Structural Details**

- B19 Prior to the issue of a Construction Certificate 3 – Foundations/In Ground Structure (CC3), 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 NCC
  - b) the development consent.

### **Mechanical Ventilation**

- B20 The premises must be ventilated in accordance with the NCC and *AS1668.1 - The Use of Mechanical Ventilation and Air conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings* and *AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings* or alternative performance solution to the satisfaction of the PCA.
- B21 Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 - The Use of Mechanical Ventilation and Air conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings* and *AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, the NCC, and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2(a)(iii) of the *Building Code of Australia*, and *AS1668 - The Use of Mechanical Ventilation and Air conditioning in Buildings* to the written satisfaction of the PCA prior to the issue of a Construction Certificate 4 - Structure (CC4).

### **Storage and Handling of Waste**

- B22 The building plans and specifications accompanying the Construction Certificate 4 – Structure (CC4) 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 will meet the requirements of *City of Sydney Policy for Waste Minimisation in New Developments 2005* to the satisfaction of the PCA.
- B23 The Waste Management Plan submitted with the EIS is to be finalised and approved by the PCA prior to the first Construction Certificate for Foundations/In Ground Structure (CC3) being issued. The Plan must comply with Council's *Policy for Waste Minimisation in New Development 2005* and include areas for back of house waste separation and collection. All requirements of the approved Waste Management Plan must be implemented during construction of the development.

### **Relevant Water Authority**

- B24 An application shall be made to the relevant Water Authority for a Compliance Certificate prior to the issue of the first Construction Certificate.

### **Installation of Water Efficient Fixtures and Fittings**

- B25 Prior to the issue of the first Construction Certificate 5 – Services, the Applicant is to provide a clear and concise report, prepared by a suitably qualified consultant, to the satisfaction of the PCA demonstrating the water efficient measures to be implemented, which includes:
- All toilets installed must incorporate water efficient dual-flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme.
  - All taps and shower heads installed must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme, where available.
  - 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).
  - Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved.

### **Environmental Performance**

- B26 Prior to the issue of the first Construction Certificate, the Applicant is to provide a NABERS Energy Commitment Agreement, prepared by a suitably qualified consultant, demonstrating that the development is capable of achieving a minimum 4 Star NABERS hotel rating to the satisfaction of the PCA.
- B27 Prior to the issue of the first Construction Certificate 4 – Structure, the Applicant is to provide a natural ventilation strategy to the satisfaction of the Secretary, prepared in consultation with the Government Architect NSW. This strategy is to demonstrate that the spaces created by the roof extensions to the Lands and Education Buildings will be comfortable for the intended use throughout the year, by exploring and implementing all reasonable opportunities to maximise the use of natural ventilation rather than mechanical ventilation and having regard to industry best practice.

### **Internal Lighting Systems**

- B28 The proposed internal lighting system 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 off-peak / non-working hours. Details of the

internal lighting system must be submitted to and approved by the PCA prior to Construction Certificate 5 – Services (CC5).

### Noise Mitigation Measures

- B29 Details of noise mitigation measures recommended in the Acoustic Report (prepared by Wood and Grieve Engineers, 2016) are to be detailed on the construction certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of *State Environmental Planning Policy (Infrastructure) 2007* and other guidelines applicable to the development is required to be submitted to the PCA prior to the issue of the Construction Certificate – Façade.

### Stormwater and Drainage Management

- B30 Prior to a Construction Certificate being issued, details of any proposed stormwater disposal and drainage from the development (including a system of on-site stormwater detention if required), and details of the provision and maintenance of overland flow paths must be submitted to the PCA. All details for the disposal of stormwater and drainage are to be implemented in the development.
- B31 Any proposed connection to the Council's or Sydney Water's underground drainage system will require the owner to enter into a Deed of Agreement, where required, with the Council or Sydney Water prior to the commencement of any relevant work within the public way.
- B32 Where relevant, an "Application for Approval of Stormwater Drainage Connections" must be submitted to Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- B33 Prior to the issue of the Construction Certificate 2 - Excavation, the Applicant shall provide evidence to the PCA demonstrating that the proposal will not adversely impact on existing stormwater assets and the construction complies with Sydney Water's guidelines for building over or adjacent to stormwater assets.

### Erosion and Sediment Control

- B34 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1* (2004) by Landcom and the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney). Details are to be included in the Construction Environmental Management Plan (see **Condition C6**) submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate – Excavation.

### Disabled Access - General

- B35 Access and facilities for people with disabilities must be designed in accordance with Part D3 of the NCC. Prior to the issue of the Construction Certificate - Structure, certification of compliance with this condition from an appropriately qualified person must be provided to the PCA.

### Public Art

- B36 Final details of the approved public art work must be prepared in consultation with Council and the Heritage Council and submitted to the Secretary for approval prior to issue of the first Construction Certificate 6 - Façade and Finishes works (CC6). The public artwork must be in accordance with the Sydney DCP 2012, the Public Art Policy and the voluntary planning agreement between Council and the Applicant executed on 27 February 2018. Installation of



the art work must be undertaken in consultation with Council and the Heritage Council, and completed to the Secretary's satisfaction prior to the issue of the first Occupation Certificate.

### **Sydney Trains**

- B37 The Applicant shall enter into a Deed of Agreement with TfNSW prior to the issue of the first Construction Certificate – excavation (CC2) to address any adverse effects of the approved development on the CBD rail link (CBDRL) identified in *State Environmental Planning Policy (Infrastructure) 2007*. The Agreement must provide for the following:
- a) the design, construction and maintenance of the approved development so as to satisfy the requirements in **Conditions B38 to B43** below
  - b) allowances for the future construction of railway tunnels in the vicinity of the approved development
  - c) allowances in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety
  - d) consultation with TfNSW
  - e) access by representatives of TfNSW to the site of the approved development and all structures on that site
  - f) provision to TfNSW of drawings, reports and other information related to the design, construction and maintenance of the approved development
  - g) such other matters which TfNSW considers are appropriate to give effect to (a) to (h) above
  - h) such other matters as the owners and TfNSW agree.
- B38 All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the CBDRL or Sydney Metro City and South West must be designed, constructed and maintained in accordance with design criteria specified by TfNSW.
- B39 The design and construction of any basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW.
- B40 Prior to issue of the first Construction Certificate – excavation (CC2) the Applicant must undertake detailed geotechnical analysis to the satisfaction of TfNSW to demonstrate likely movements of the ground due to the future CBDRL and Sydney Metro City and Southwest
- B41 TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development of the owner or occupier of the part of the site to which access is sought
- B42 All requirements contained in the Agreement between TfNSW and the Applicant must be satisfied during construction and, where appropriate, the operation of the approved development.
- B43 Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records.

### **Heritage conservation works schedules and heritage protection construction plan**

- B44 Schedule(s) of internal and external conservation works relating to significant heritage fabric are to be prepared in consultation with Council and the Heritage Council NSW, and submitted to the satisfaction of the Secretary as follows:

- a) Prior to the issue of the Construction Certificate - demolition (CC1), the schedules of internal and external conservation works for the Lands Building and for the Education Building. (note: may be split if two separate CCs for each building)
- b) Prior to the issue of the Construction Certificate - Structure (CC3), the schedules in (a) for the Lands Building and for the Education Building are to be supported by floor plans, elevations and sections, and by larger scale detail drawings at 1:50, 1:20, and 1:5 scale as appropriate to fully explain the scope and extent of the works. In addition, repair methodologies, specifications and supporting engineering documentation are to be included. The details should incorporate integrated structural and building services designs for the building where applicable. (note: may be split if two separate CCs for each building)
- c) Throughout the construction stages of the project, the undertaking of the conservation works are to be progressively inspected by the City of Sydney's heritage specialist and delegates of the NSW Heritage Council, at four to eight weekly intervals, as appropriate.
- d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building. New materials for making good and repairs of historic fabric are to match the original in terms of colours, finishes, sizes, profile and properties.
- e) The significant fabric and features that are to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures and the proposed machinery to be utilised in demolition and the works are to be specified in an accompanying Heritage Protection Construction Plan. Of particular importance is the need to ensure that vibrations do not impact upon significant plaster ceilings and wall plaster, and other significant fabric.
- f) Appropriately qualified tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed conservation scope of works within the heritage buildings. All diagnostic work should be undertaken by specialist conservators and engineers. All site induction procedures are to include heritage induction.

Prior to the issue of the interim Occupation Certificate for the Lands and Education Building, the works in (a) and (b) are to be implemented to the satisfaction of the Secretary.

#### **Heritage consultant – major development**

- B45 An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council and the Heritage Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms are to be provided to the PCA prior to the issue of Construction Certificate 1 – Demolition (CC1) or commencement of work on site whichever is the earlier.

Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:

- i. undertake weekly site inspections
- ii. be available to conduct site inspections by Council's and Heritage Council's heritage specialist at 6-weekly intervals as requested by Council

- iii. maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works
- iv. the Diary is to be progressively submitted to Council at not more than four weekly intervals
- v. compile a final report for each building, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan, which is to be prepared in consultation with Council and the Heritage Council and submitted to the Secretary for approval prior to the issue of the first Occupation Certificate for that building.

### **Movable Heritage**

- B46** The Lands Building Moveable Heritage Management Strategy prepared by Musecape, August 2013, should be updated into a Moveable Heritage Collections Management Plan by an experienced moveable heritage curator with a working knowledge of the site. The report must identify the location and management of all moveable heritage within the building and provide detailed recommendations for ongoing conservation management and maintenance, storage, security and public display and display conditions.

The plan is to detail how the collection will be made available for general public viewing, including the frequency and locations of viewing each year and the objects that will be made available for public display. Space or spaces for a rotating display of moveable heritage items available for public viewing, must be provided within the buildings. The plan is to provide for an experienced moveable heritage curator to be engaged for the future of the lease by the lessee so as to manage the collection and advise the lessee about its obligations regarding the heritage management framework and care of the moveable heritage items.

The Lands Building Moveable Heritage Collections Management Plan must be prepared in consultation with Council and submitted to the Heritage Council or its delegate for approval prior to issue of Construction Certificate 6 - Façade and Finishes (CC6) within the Lands Building.

- B47** The Moveable Heritage Review of the Former Department of Education Building, 35 Bridge Street, Sydney, prepared by Musescape, June 2016, should be updated into a Moveable Heritage Collections Management Plan by an experienced moveable heritage curator with a working knowledge of the site. The report must identify the location and management of all moveable heritage within the building and provide detailed recommendations for ongoing conservation management and maintenance, storage, security and public display and display conditions.

The plan is to detail how the collection will be made available for general public viewing, including the frequency and locations of viewing each year and the objects that will be made available for public display. Space or spaces for a rotating display of moveable heritage items available for public viewing, must be provided within the buildings. The plan is to provide for an experienced moveable heritage curator to be engaged for the future of the lease by the lessee so as to manage the collection and advise the lessee about its obligations regarding the heritage management framework and care of the moveable heritage items.

The Education Building Moveable Heritage Collections Management Plan must be prepared in consultation with Council and submitted to the Heritage Council or its delegate for approval prior to issue of Construction Certificate 6 - Façade and Finishes (CC6) within the Lands Building.

## **Heritage Council**

- B48 A archival photographic recording of both buildings, carried out in accordance with the NSW Heritage Office publication: *Photographic Recordings of Heritage Items Using Film or Digital Capture*, prepared in consultation with Council and the Heritage Council or its delegate shall be submitted to the Secretary prior to issue of the first Construction Certificate. A copy of the final recording is to be provided to Council, Heritage Council and Secretary.
- B49 A Salvage Methodology shall be prepared to address the storage and potential reuse of significant fabric proposed to be removed as part of the project. The Salvage Methodology shall be prepared in consultation with Council and submitted to the Heritage Council or its delegate for approval prior to issue of the first Construction Certificate – Demolition (CC1).

The Salvage Methodology shall set out how stone, bricks, roof tiles, joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses, will be salvaged and where possible reused on the project. Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.

## **Contamination and Remediation**

- B50 Prior to the issue of the first Construction Certificate – Excavation (CC2), a Detailed Environmental Site Investigation (DESI) is to be carried out by a suitably qualified and competent environmental consultant certifying that the site is suitable (or will be suitable, after remediation) for the proposed use, prepared in accordance with:
- *Guidelines for Consultants Reporting on Contaminated Sites*, OEH 2011
  - *Managing Land Contamination - Planning Guidelines*, SEPP 55 *Remediation of Land*, Department of Urban Affairs and Planning / EPA 1998
  - *Contaminated Land Development Control Plan*, City of Sydney 2004.

Note: Where the DESI states the site is suitable for the proposed use it is to be peer reviewed by a NSW EPA Accredited Site Auditor and a Site Audit Statement submitted to the Secretary prior to the issue of the first Construction Certificate – Excavation (CC2), certifying that the site is suitable for the proposed use.

Where the DESI states that a Remedial Action Plan (RAP) is to be undertaken, a RAP is to be prepared in accordance with the recommendations of the DESI and the preliminary RAP prepared by Environmental Earth Services dated 14 December 2017. The RAP shall be prepared by a suitably qualified and competent environmental consultant, in accordance with the above guidelines and peer reviewed by a NSW EPA Accredited Site Auditor confirming that the RAP is practical and the site will be suitable after remediation for the proposed use. The RAP shall be provided to the satisfaction of the Secretary prior to the issue of the first Construction Certificate – Excavation (CC2).

## **Acid Sulphate Soils Management Plan (ASSMP)**

- B51 Prior to the issue of Construction Certificate – Excavation (CC2), an Acid Sulfate Soil Management Plan (ASSMP) shall be prepared by a suitably qualified person in accordance with the Acid Sulphate Soil Assessment Guidelines (Acid Sulphate Soil Management Advisory Committee, 1998) and submitted for approval by Council.

## **Details of Internal and Rooftop Landscaping**

- B52 Prior to the issue of Construction Certificate 5 – Services and Finishes, final design details of the proposed internal and rooftop landscaping are to be prepared in consultation with Council, and submitted to the satisfaction of the Secretary.

**Food Standards Code**

- B53 The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 – 2004 Design, Construction and Fitout of Food Premises.

**Compliance Report**

- B54 Prior to the issue of each Construction Certificate, the Applicant shall submit to the PCA a report addressing compliance with all relevant conditions of this Part.

**Fibre-ready facilities and telecommunications infrastructure**

- B55 Prior to the issue of each Construction Certificate, the Applicant (whether or not a constitutional corporation) is to provide evidence satisfactory to the PCA that arrangements have been made for:
- i. the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose
  - ii. the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).

**End of Section**

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## PART C – PRIOR TO COMMENCEMENT OF WORKS

### Notice of Commencement of Works

- C1. The PCA shall be given written notice at least 48 hours prior to the commencement of any excavation, shoring or underpinning works on the Site.
- C2. The PCA shall be given written notice at least 48 hours prior to the commencement of any building works on the Site.

### Demolition

- C3. The demolition work must comply with the provisions of *Australian Standard AS2601: 2001 The Demolition of Structures*. The work plans required by AS2601: 2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

### Certified Plans

- C4. Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the PCA and the Secretary prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

### Road Occupancy Licence

- C5. A Road Occupancy Licence (ROL) must be obtained from the Transport Management Centre for any activity likely to impact on the operation efficiency of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met.

Applicants must allow a minimum of 10 working days for processing from date of receipt. Traffic Control Plans are to accompany each ROL application.

### Construction Environmental Management Plan (CEMP)

- C6. Prior to the commencement of any works on 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 CEMP shall address, but not be limited to, the following matters where relevant:
  - a) hours of work
  - b) 24 hour contact details of site manager and details of complaint handling
  - c) traffic management, in consultation with Council, TfNSW and RMS
  - 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 Site
  - h) external lighting in compliance with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*
  - i) works in accordance with any remedial works plan
  - j) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works
  - k) incorporation of all acoustic management and treatments.



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.

### **Construction Pedestrian and Traffic Management Plan (CPTMP)**

C7. Prior to the commencement of any works on site the Applicant shall prepare a **Construction Pedestrian and Traffic Management Plan (CPTMP)** in consultation with the CBD Coordination Office and the Sydney Light Rail Team within TfNSW. The CPTMP needs to specify, but not limited to, the following:

- a) location of the proposed work zone
- b) haulage routes
- c) construction vehicle access arrangements
- d) proposed construction hours
- e) estimated number of construction vehicle movements
- f) construction program
- g) consultation strategy for liaison with surrounding stakeholders
- h) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works
- i) cumulative construction impacts of projects including Sydney Light Rail Project and Sydney Metro. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network
- j) should any impact be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

Prior to the commencement of work, the Applicant shall submit a copy of the CBD Coordination Office endorsed CPTMP to the PCA and the Secretary.

### **Construction Noise and Vibration Management Plan (CNVMP)**

C8. Prior to the commencement of construction activities, a detailed and site specific **Construction Noise and Vibration Management Plan (CNVMP)** shall be prepared by a suitably qualified person (who is eligible for membership of the Australian Acoustic Society, Institute of Engineers Australia or the Australian Association of Acoustic Consultants) in consultation with Council and submitted to the PCA. The CNVMP 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) and Council's Construction Hours / Noise Code of Practice 1992
- 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
- i) measures to monitor noise performance and respond to complaints.

The CNVMP should also consider 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.

The Applicant shall submit a copy of the CNVMP to the Secretary and Council prior to the commencement of work.

### **Construction Waste Management Plan (CWMP)**

- C9. Prior to the commencement of any works on site, a detailed **Construction Waste Management Plan (CWMP)** prepared by a suitably qualified person, in consultation with Council, shall be submitted to the PCA. The CWMP shall address, but not be limited to, the following matters:
- a) recycling of demolition materials including concrete
  - 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 CWMP to the Secretary and Council prior to commencement of work.

- C10. 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.

### **Air Quality Management Plan (AQMP)**

- C11. Prior to the commencement of construction works a detailed **Air Quality Management Plan (AQMP)** must be developed for the project by a suitably qualified person and shall be submitted to the PCA. The AQMP must include, as a minimum, the following elements:
- a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (the Approved Methods)
  - b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour)
  - c) mission statement
  - d) dust and VOCs/odour management strategies consisting of
    - (i) objectives and targets
    - (ii) risk assessment
    - (iii) suppression improvement plan.
  - e) monitoring requirements including assigning responsibility (for all employees and contractors)
  - f) communication strategy
  - g) system and performance review for continuous improvements.

The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The Sub-Plan must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (e.g frequency, duration and method of monitoring) to be undertaken for the project.

The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

#### **Contact Telephone Number**

- C12. Prior to the commencement of the works, the Applicant shall forward to the PCA a 24 hour telephone number to be operated for the duration of the construction works.

#### **Associated Roadway Costs**

- C13. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the Applicant. The new road works must be designed and constructed in accordance with the City's 'Sydney Streets Technical Specification' including amendments and 'Sydney Streets Design Code'.

#### **Utility Services**

- C14. Prior to the commencement of work the Applicant is to obtain written approval from the utility authorities (electricity supply authority, an approved telecommunications carrier and an approved gas carrier, where relevant) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the Applicant.
- C15. Prior to the commencement of work the Applicant is to obtain written advice from an electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) that satisfactory arrangements are in place to ensure provision of adequate services.

#### **Barricade Permit**

- C16. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

#### **Hoarding**

- C17. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- a) architectural, construction and structural details of the design as well as proposed artwork
  - b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

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

### **Community Consultation and Liaison**

- C18. Prior to the commencement of any work, a Construction Liaison Committee or an alternative approved in writing by Council's Director City Planning, Development and Transport, is to be established by the Applicant to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and cooperatively.
- a) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time
  - b) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the construction process
  - c) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant
  - d) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request
  - e) The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting
  - f) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like
  - g) The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Director City Planning, Development and Transport prior to sending
  - h) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

### **Site Protection Strategy**

- C19. Prior to the commencement of construction activities, a protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Urban Design and Heritage Manager. The Strategy is to detail how the proposed works will ensure that the buildings are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage. Additionally the protection strategy is to include:
- a) details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors
  - b) construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress
  - c) a geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. This report should address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings
  - d) details of the proposed protection of party walls from damp and water ingress during the works.

### **Geotechnical Reports**

- C20. Prior to the commencement of any drilling/piling works on site, the Applicant shall submit to the PCA, the results of a detailed geotechnical investigation on the site. The report is to address such matters as:
- a) appropriate drilling methods and techniques
  - b) vibration management and monitoring
  - c) dilapidation survey
  - d) support and retention of excavated faces
  - e) hydrogeological considerations.

The recommendations of the report are to be implemented during the course of the works.

### **Protection of Tress**

- C21. 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.
- C22. Prior to the commencement of works, a Tree Protection Zone(s) (TPZ) must be established around all tree(s). Tree protection must be installed and maintained in accordance with the *Australian Standard 4970: Protection of Trees on Development Sites*. 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.

### **Historical and Aboriginal Archaeological Research Design and Excavation Methodology**

- C23. A combined Historical and Aboriginal Archaeological Research Design and Excavation Methodology shall be undertaken by a suitable qualified and experienced historical archaeologist must be submitted to the Secretary for review and approval by the Heritage Council or its delegate prior to the commencement of any ground disturbing works on site.

This shall include the up-front preparation of an Aboriginal Archaeological Research Design in association with the Historical Archaeological Research Design. The Aboriginal Archaeological Research Design shall incorporate all the elements raised by OEH in its letter dated 14 December 2016 (eg. Specific research questions and excavation methodology).

Results of the geotechnical investigation are to be used in the preparation of the Aboriginal Archaeological Research Design for the project.

- C24. Ongoing consultation with the Aboriginal community shall be undertaken throughout the duration of the project.

### **Compliance Report**

- C25. Prior to works commencing, the Applicant, or any party acting upon this consent, shall submit to the PCA a report addressing compliance with all relevant conditions of this Part.

### **End of Section**

## PART 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 on Mondays to Fridays inclusive
  - b) between 7:00 am and 5:00 pm on Saturdays
  - c) no works must be undertaken on Sundays and public holidays.

Note: works may be undertaken outside of these hours with prior written approval from the Secretary, where:

- i) it is required by a works authorisation deed executed with the RMS, or
  - ii) the delivery of materials is required outside these hours by the Police or occasional works are required outside these hours by 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.
- D2. The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved by the Secretary:
- a) 9.00 am to 12.00 pm, Monday to Friday
  - b) 2.00 pm to 5.00 pm, Monday to Friday
  - c) 9.00 am to 12.00 pm, Saturday.

### Works in Accordance with Plans

- D3. The Applicant must carry out all works on the site which form part of this development in accordance with:
- a) CEMP approved under **Condition C6**. The CEMP must document and incorporate all of the following Plans required under this consent
  - b) CNVMP approved under **Condition C8**
  - c) AQMP approved under **Condition C11**
  - d) CWMP approved under **Condition C9**
  - e) CPTMP approved under **Condition C7**
  - f) ASSMP approved under **Condition B51**.

### Erosion and Sediment Control

- D4. All erosion and sediment control measures, as designed in accordance with **Condition B34**, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### Water Quality

- D5. All works should be undertaken in a manner that ensures the protection of the water quality objectives and environmental values for Sydney Harbour estuarine waters in accordance with the Table of Water Quality Limits in Schedule 2 and the following guideline documents:
- a) *NSW Water Quality Objectives*
  - b) *The Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000)* for the environmental values under the ANZECC guidelines.



### Survey Certificate

- D6. A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building works certifying the location of the building in relation to the boundaries of the allotment.

### Utilities

- D7. 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.

### Construction Noise and Vibration Management

- D8. The development must comply with 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 CNVMP, approved as part of the CEMP.
- D9. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Subject Site.
- D10. Where all control measures within the CNVMP (refer to **Condition C8**) have been implemented and the resultant noise and/or vibration levels at any sensitive receiver continue to exceed applicable criteria in the Construction Hours / Noise Code 1992 or *Interim Construction Noise Guidelines* and giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. Such periods must be set and agreed to by Council's Health and Building Unit.
- D11. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- a) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*
  - b) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6841- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment
  - c) These limits apply unless otherwise outlined in the CEMP.

### Site Protection and Works

- D12. Significant building fabric and building elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.
- D13. The installation of new services shall be carried out in such a manner as to minimise damage to, or removal of, significant fabric.

### Work Cover Requirements

- D14. 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.

### **Hazardous and Industrial Waste**

- D15. Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Office of Environment and Heritage and the NSW Work Cover Authority pursuant to the provisions of the following:
- a) *Protection of the Environment Operations Act 1997*
  - b) *Protection of the Environment Operations (Waste) Regulation 1996*
  - c) *Waste Avoidance and Recovery Act 2001*
  - d) *New South Wales Occupational Health & Safety Act 2000*
  - e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J*
  - f) *Construction Work Involving Asbestos or Asbestos Cement 1983)*
  - g) *The Occupational Health & Safety Regulation 2001*
  - h) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*

### **Covering of Loads**

- D16. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

### **Vehicle Cleansing**

- D17. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

### **Dust Control Measures**

- D18. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction.

### **No Obstruction of Public Way**

- D19. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Secretary to stop all work on site.

### **External Lighting**

- D20. 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 City of Sydney evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

### **Bunding**

- D21. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

### **Site Notice**

- D22. A site notice(s) shall be prominently displayed at the boundaries of the 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) The notice is to be able to be read by the general public from a public road or other public place adjacent to the site

- b) The notice is to be rigid, 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
- 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 Site is not permitted.

#### **Contact Telephone Number**

- D23. The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

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

- D24. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by Council, Heritage Council, the Department or the PCA.

#### **Salvage, Reuse and Recycling of Traditional Building Materials**

- D25. Stone, bricks, roof tiles, joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses must be salvaged and where possible reused on the project. Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.

#### **Archaeology**

- D26. The Applicant must ensure that if unexpected archaeological deposits not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Secretary and the Heritage Council must be notified. Additional assessment and management must be confirmed with the Secretary and Heritage Council to manage any such additional archaeological resources prior to works continuing in the affected area(s).
- D27. The Applicant must ensure that if unexpected Aboriginal archaeological information is identified during the historic excavations the procedures recommended in the report Aboriginal Cultural Heritage Methodology and Methodology for unexpected Aboriginal Archaeology prepared by Curio project dated September 2016 will be followed.
- D28. The name of a nominated excavation director suitable to satisfy the Excavation Director Criteria of the Heritage Council of NSW for the proposed activity for State significant archaeological sites must be submitted to the Secretary for review and approval by the Heritage Council or its delegate prior to the commencement of any ground disturbing works on site.
- D29. The Applicant must ensure that a final excavation report is prepared by the approved Excavation Director, to publication standard, within one year of the completion of the field based archaeological activity. Further copies of the report should be lodged with the City of Sydney library and the Heritage Division Library and another appropriate local repository in the area in which the site is located.
- D30. The Interpretation strategies should be updated to include details of the archaeological investigation of the site and how the results will be incorporated into the completed development. Following completion the Interpretation Strategy must be submitted to the Secretary for review and approval by the Heritage Council or its delegate.

### **Compliance Report**

- D31. The Applicant, or any party acting upon this consent, shall, for the duration of the construction period, submit to the Secretary a three monthly report addressing compliance with all relevant conditions of this Part.

**End of Section**

## **PART E - POST CONSTRUCTION**

### **Site Validation (only where remediation is required under Condition B50)**

- E1. Within 6 months of the completion of the remediation works on site, and prior to the issue of any Occupation Certificate, the Applicant shall submit a detailed Site Audit Summary report and Site Audit Statement and Validation Report to the EPA, the Secretary, the PCA and the Council. The validation and audit process may occur progressively to the satisfaction of the site auditor.
- E2. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the EPA to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.
- E3. The site auditor must also verify that any excavated material re-used on site or disposed off-site, has been appropriately classified, validated, managed and the relevant approvals obtained in accordance with the relevant legislation and any relevant approved materials management plan/s.
- E4. On completion of remediation works, the relevant requirements of Clauses 17 and 18 of *SEPP 55 - Remediation of Land*, being notification to the relevant authority, shall be complied with.

## **PART F – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Occupation Certificate**

- F1. An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

### **Public Domain Improvements**

- F2. Prior to the issue of the first Occupation Certificate, the Applicant shall provide evidence to the satisfaction of the PCA demonstrating that the public domain works (as determined pursuant to D/2016/1641 by the City of Sydney Council) have been completed.

### **Plans of Management / Maintenance Plan**

- F3. Prior to the issue of an Occupation Certificate the existing Maintenance Plan guiding the long term care of the building shall be updated and finalised to the satisfaction of the Heritage Council.
- F4. Plans of Management must be prepared in consultation with Council and the Heritage Council and approved by Council's Health and Building Unit prior to an Occupation Certificate being issued. The Plans of Management must include the minimum criteria as stipulated in the Sydney Development Control Plan 2012 - 4.4.8.
- F5. Prior to the issue of the first Occupation Certificate, a final Operational Plan of Management, including for any licenced areas, is to be submitted to the satisfaction of Council's Area Planning Manager.

### **Structural Inspection Certificate**

- F6. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any 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.

### **GFA and Height Certification**

- F7. A Registered Surveyor is to certify that:
- a) the development does not exceed the approved gross floor areas of the:
    - i) Education Building (20,715 m<sup>2</sup> GFA)
    - ii) Lands Building (10,918 m<sup>2</sup> GFA)
  - b) the development (excluding satellite dishes and balustrades) does not exceed the approved extension heights of the:
    - i) Education Building (RL 60.03)
    - ii) Lands Building (RL 38.00).

Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of the final Occupation Certificate.



### **Crime Prevention**

- F8. Prior to the issue of the relevant Occupation Certificate details shall be submitted to the satisfaction of the PCA that the CPTED works have been completed in accordance with **Condition B11**.

### **Loading Dock Management**

- F9. Prior to the issue of the relevant Occupation Certificate, a Loading Dock Management Plan (LDMP) shall be submitted to the PCA to ensure safe and efficient operation of the proposed loading area and minimise conflicts with pedestrian movements. The LDMP shall include the following:
- a) allocation of sufficient loading spaces
  - b) restrictions on delivery and operating times to ensure deliveries do not occur during times of peak pedestrian movements
  - c) controls on duration of stays
  - d) measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs
  - e) controls on the placement of skips, pallets, etc.
  - f) procedures for tradesman access and parking
  - g) allocation of delivery times for residential removalists
  - h) truck access routes.

### **Mechanical Ventilation**

- F10. 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 all mechanical systems complies with:
- a) the NCC/approved performance solution
  - b) Australian Standard AS1668 and other relevant codes or approved performance solution
  - c) the development consent and any relevant modifications
  - d) any dispensation granted by the New South Wales Fire Brigade and having regard to any approvals issued by the Independent Liquor and Gaming Authority (ILGA).
- F11. Prior to issue of an Occupation Certificate and following completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia must be submitted to and approved by the PCA.

### **Environmental Performance**

- F12. The Applicant is to provide to the PCA and Secretary documentation, prepared by a suitably qualified consultant, confirming that the development has been completed and assessed in accordance with the NABERS Energy Commitment Agreement and achieves a minimum 4 Star NABERS rating for hotels (**Condition B26**) and delivers the water mitigation measures in **Condition B25**.

### **Green Travel Plan**

- F13. To encourage travel modes other than private vehicle the Applicant shall prepare and implement a green travel plan and transport access guide for future guests, employees and visitors. Details are to be submitted to the PCA prior to the issue of the final Occupation Certificate.

### **Post-Construction Dilapidation Report**

- F14. Prior to the issue of an 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 is 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 Secretary and each of the affected property owners.

### **Fire Safety Certification**

- F15. 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 PCA and be prominently displayed in the building.

### **Road Damage**

- F16. 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 prior to the issue of the final Occupation Certificate.

### **Waste Disposal**

- F17. All waste generated on site must be classified and disposed of in accordance with the *Waste Classification Guidelines (DECC 2008)*.
- F18. Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.
- F19. Prior to the issue the relevant Occupation Certificate details shall be submitted to the satisfaction of the PCA that waste handling works have been completed in accordance with **Condition B22 and B23**.

### **Sydney Water**

- F20. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation, if relevant.

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 the 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.

The Section 73 Certificate must be submitted to the PCA prior to occupation of the development or release of the plan of subdivision.

### **Installation of Water Efficient Taps and Shower Heads**

- F21. All commercial taps and shower heads installed must be water efficient with at least a 3 star rating under the Water Efficiency and Labelling Scheme (WELS), where available. Certification is to be submitted for the consent of the PCA, prior to a relevant Occupation Certificate being issued.

### **Acoustic Compliance**

- F22. Prior to the issue of a relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the Acoustic Report, prepared by Wood and Grieve Engineers, 2016) and the development achieves compliance with the requirements of *State Environmental Planning Policy (Infrastructure) 2007* and other guidelines applicable to the development.

### **Registration of Easements**

- F23. Prior to the issue of any 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.

### **Numbering**

- F24. Prior to the final Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

### **Sydney Trains**

- F25. Prior to the issue of an Occupation Certificate, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the *Conveyancing Act 1919*, restricting any alterations or additions to any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the proposed CBDRL or Sydney Metro City and South West without prior written consent of TfNSW.

### **End of Section**

## PART G – POST OCCUPATION

### Hours of Operation

- G1. The hotel and ancillary guest and visitor facilities uses within the hotel shall not operate outside the following hours:

Use	Proposed hours of operation
Hotel	24 hours / 7 days a week
Ballroom / event spaces / meeting rooms	6am – 2am / 7 days a week
Bars	6.30am – 2am / 7 days a week
Restaurants	6.30am – 10.30pm / 7 days a week
Gyms / pool / spas	6.30am – 10pm / 7 days a week
Guest lounges	24 hours / 7 days a week

### Loading and Unloading

- G2. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out in accordance with the requirements of **Condition B12 and B13**.
- G3. At all times the service vehicle docks and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage

### Environmental Performance

- G4. Within 12 to 18 months following the issue of the final Occupation Certificate, the Applicant is to provide to the PCA and Secretary documentation, prepared by a suitably qualified consultant, confirming that the development operates in accordance with the NABERS Energy Commitment Agreement and achieves a minimum 4 Star NABERS rating for hotels (**Condition B26**), and delivers the water mitigation measures in **Condition B25** and opportunities for natural ventilation in the new roof spaces (**Condition B27**).

### Waste Collection

- G5. Prior to an Occupation Certificate being issued or commencement of the use, whichever is earlier, the PCA must be satisfied that waste handling works have been completed in accordance with the Waste Management Plan, other relevant conditions and Council's Policy for *Waste Minimisation in New Developments 2005*.
- G6. Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time. In addition:
- garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection
  - the collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area
  - the storage and handling of waste associated with the premises must comply with Council's *Policy for Waste Minimisation in New Developments 2005*.

### Unobstructed Driveways and Parking Areas

- G7. 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 – Mechanical Plant and Equipment**

- G8. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- a) transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy
  - b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute
  - c) notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

### **Storage of Hazardous or Toxic Material**

- G9. 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.

### **Anti-Graffiti**

- G10. Having regard to the heritage fabric of the building ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public places is to be removed within 48 hours. No anti-graffiti coating is to be applied to the sandstone building facades due to the long-term adverse impacts upon heritage fabric.

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

- G11. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### **Annual Fire Safety Certification**

- G12. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed in the building for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### **Copies of Consents and Management Plans**

- G13. A full and current copy of all current development consents for the operation of the licensed premises, and the Plan of Management and the Security Management Plan must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

### **Compliance Report**

- G14. The Applicant, or any party acting upon this approval, shall submit to the Secretary a report addressing compliance with all relevant conditions of this approval.

### **End of Section**

## **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 Other permits and approvals may be required including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, barricade 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 If required, an approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the relevant authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the NCC.
- AN5 If required, structural certification from an appropriately qualified practicing structural engineer must be submitted to the PCA 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 EP&A Act. The Applicant is responsible for complying with all applicable anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the NCC 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 EP&A Act. 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 Secretary.