

# Development Consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

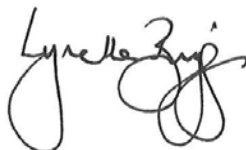
We grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



**Stephen O'Connor (chair)**  
**Member of the Commission**



**Lynelle Briggs AO**  
**Member of the Commission**

Sydney

12 January 2018

### SCHEDULE 1

<b>Application No.:</b>	SSD 7037
<b>Applicant:</b>	Golden Age & Hannas The Rocks Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	85 Harrington Street and 68-72 Gloucester Street, The Rocks (Lot 1 in DP 777033)
<b>Development:</b>	Demolition and construction of a part seven/ part nine storey mixed-use building (Building 1) and a six-storey mixed-use building (Building 2) with basement car parking, and adaptive re-use of the Baker's Terrace

## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Golden Age & Hannas The Rocks Pty Ltd, or any other person carrying out any development to which this consent applies
Application	The development application and the accompanying drawings plans and documentation described in Condition A2
BCA	Building Code of Australia
Building 1	Block 1 as described in the EIS
Building 2	Block 2 as described in the EIS
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
CIV	Capital Investment Value
Commission	Planning Assessment Commission
Conditions of this consent	Conditions contained in Schedule 2
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	City of Sydney Council
Date of commencement	The date notified to the Department by the Applicant under Condition C1 of Schedule 2
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Evening	The period from 6 pm to 10 pm
EIS	Environmental Impact Statement entitled 75-85 Harrington Street, The Rocks and accompanying appendices, prepared by Urbis and dated July 2016
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
GFA	Gross Floor Area
Heritage Division	Heritage Division of OEH

Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm to the environment, community or any member of the community, being actual or potential harm to the health or safety of human beings or to threatened species, endangered ecological communities or ecosystems that is not trivial. <i>Note: This meaning of “material harm” applies for the purpose of this approval only</i>
Land	As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in schedules 3 and 4 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
OEH	Office of the Environment and Heritage
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Reasonable	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
RMS	Roads and Maritime Services
Residence	For the purposes of this instrument, a residence includes existing or approved dwellings or buildings at the date of this consent including those offering overnight accommodation
Residential use	The use of residential housing for owner occupied residential use or leasing subject to the <i>Residential Tenancies Act 2010</i>
RTS	Response to Submissions prepared by Urbis titled Response to Submissions, 85 Harrington Street, The Rocks, dated 9 August 2017
RRTS	Revised Response to Submissions prepared by FJMT titled Response to Department of Planning and Environment, Harrington Street dated 19 October 2017
Secretary	Secretary of the Department of Planning and Environment
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or delegate/nominee).
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
Site	Land referred to in Schedule 1
SLEP 2012	Sydney Local Environmental Plan 2012
SSD	State significant development
TfNSW	Transport for 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 The Applicant, in acting on this consent, must carry out the development:
- a) in compliance with the conditions of this consent;
  - b) in accordance with all written directions of the Secretary;
  - c) generally in accordance with the State Significant Development Application SSD 7037 Environmental Impact Statement entitled 75-85 Harrington Street, The Rocks and accompanying appendices, prepared by Urbis and dated July 2016;
  - d) generally in accordance with the Response to Submissions prepared by Urbis titled Response to Submissions, 85 Harrington Street, dated 9 August 2017;
  - e) generally in accordance with the Revised Response to Submissions prepared by FJMT titled Response to Submissions Department of Planning and Environment, Harrington Street, dated 19 October 2017; and
  - f) the following drawings:

Architectural Plans prepared by FJMT Architects			
Drawing No.	Revision	Name of Plan	Date
DA-1210	S	Demolition Plan	21/11/2017
DA-1200	R	Site plan	01/11/2017
DA-2000	R	Ground floor plan (Harrington Street)	01/11/2017
DA-2001	R	Level 0 floor plan	01/11/2017
DA-2002	R	Level 1 floor plan	01/11/2017
DA-2003	R	Level 2 floor plan	01/11/2017
DA-2004	S	Level 3 floor plan	21/11/2017
DA-2005	R	Level 4 floor plan	01/11/2017
DA-2006	R	Level 5 floor plan	01/11/2017
DA-2007	R	Level 6 floor plan	01/11/2017
DA-2008	R	Level 7 floor plan	01/11/2017
DA-2009	R	Level 8 floor plan	01/11/2017
DA-2010	R	Roof plan	01/11/2017
DA-2011	R	Basement level 1	01/11/2017
DA-2012	R	Basement level 2	01/11/2017
DA-2025	R	Adaptable and LHG compliant key	01/11/2017
DA-2030	R	Adaptable and Livable Housing Guide (units 204, 304,404)	01/11/2017
DA-2031	R	Adaptable and Livable Housing Guide (unit 504)	01/11/2017
DA-2032	R	Adaptable and Livable Housing Guide (units 205 and 305)	01/11/2017
DA-2033	R	Adaptable and Livable Housing Guide (units 601 and 603)	01/11/2017

DA-2034	R	Adaptable and Livable Housing Guide (units 602 and 702)	01/11/2017
DA-2035	R	Adaptable and Livable Housing Guide (units 701 and 703)	01/11/2017
DA-2800	R	GFA Plans	01/11/2017
DA-3001	R	East elevation (Harrington Street) (outer)	01/11/2017
DA-3002	R	West elevation (Gloucester Street) (outer)	01/11/2017
DA-3003	R	North/ south elevations (outer)	01/11/2017
DA-3004	S	Cumberland Place elevations (outer)	21/11/2017
DA-3005	R	East elevation (Harrington Street) (inner)	01/11/2017
DA-3006	R	West elevation (Harrington Street) (inner)	01/11/2017
DA-3007	R	North/ south elevations (inner)	01/11/2017
DA-3008	S	Cumberland Place elevations (inner)	21/11/2017
DA-4100-1	R	Block 1 Section	01/11/2017
DA-4101	R	Block 1 North cross section	01/11/2017
DA-4102	R	Block 1 Longitudinal section	01/11/2017
DA-4150	R	Block 2 Longitudinal section	01/11/2017
DA-4151	R	Block 2 and Baker's Terrace cross section	01/11/2017
DA-4200	R	Indicative plenum detail	01/11/2017
DA-5004	R	Storage in Apartments	01/11/2017
DA-9401	R	Storage schedule	01/11/2017
<b>Landscape Plans prepared by FJMT Architects</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA-8001	05	Tree Management Plan	08/08/2017
DA-8002	05	Ground Plane Plan	08/08/2017
DA-8003	04	Cumberland Place	08/08/2017
DA-8004	05	Level 8 terrace	08/08/2017
DA-8005	02	Level 5 terrace	08/08/2017
DA-8006	02	The Sandstone Alcove	08/08/2017
DA-8007	01	Communal terrace	08/08/2017
DA-8010	05	Section_ Elevations	08/08/2017
DA-8011	05	Section_ Elevations	08/08/2017
DA-8012	05	Section_ Elevations	08/08/2017
DA-8013	05	Section_ Elevations	08/08/2017

## INCONSISTENCY BETWEEN DOCUMENTS

A3 If there is any inconsistency between the documents in **Condition A2**, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency.

## LIMITS ON CONSENT

A4 The development consent will lapse 5 years after the determination date unless the works authorised by this development consent have been commenced.

A5 This consent in no way implies or grants approval for the following:

- fitout of commercial spaces;
- fitout and operation of retail areas including any associated outdoor seating; and
- signage, apart from the street numbering proposed.

Separate development application(s) must be lodged and consent obtained from the relevant consent authority for the above works and uses (except where exempt and complying development applies).

## **PRESCRIBED CONDITIONS**

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

## **LONG SERVICE LEVY**

- A7 For work costing \$25,000 or more, a Long Service Levy must be paid.

Note: For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

## **LEGAL NOTICES**

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

**END OF PART A**

## **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.

### **AMENDED ARCHITECTURAL PLANS**

- B2 Prior to the issue of any Construction Certificate, the following amended architectural plans / elevations and documentation shall be prepared for review and approved by the Secretary:
- (a) a plenum, as shown indicatively on drawing DA-4200, shall be provided on levels 2, 3, 4 and 5 at the northern end of the communal corridor of Building 1;
  - (b) a revised Level 1 Floor Plan (drawing number DA-2002) detailing the retention of all other fabric (basement walls) that has been assigned a significance grading of 'High' and 'Exceptional' in the basement of the Bakers Terraces as indicated in the Conservation Management Plan, Bakers Terrace, 66-68 & 70-72 Gloucester Street, The Rocks, prepared by Urbis, dated January 2016; and
  - (c) revised basement level floorplans illustrating a maximum of 53 car parking spaces consistent with the requirements of **Condition B29**. The plans must include details of alternative uses for the area of the deleted car parking spaces.

### **RETENTION OF HERITAGE FABRIC**

- B3 Prior to the issue of any Construction Certificate, a detailed archaeological assessment of the excavated basement area within the footprint of the Baker's Terrace must be undertaken by a suitably qualified and experienced historical archaeologist. A copy of the assessment must be provided to the Heritage Council of NSW and the Secretary.
- B4 Where the archaeological assessment required by **Condition B3** identifies there are likely to be archaeological resources of local or state significance requiring management, an Archaeological Research Design and Excavation Methodology must be undertaken by a suitably qualified and experienced historical archaeologist. A copy of the assessment must be provided to the Heritage Council of NSW and endorsed prior to the issue of any Construction Certificate. A copy of the endorsed assessment must be provided to the Secretary.
- B5 The Research Design and Excavation Methodology required by **Condition B4** must clearly state the provision of a final excavation report prepared by the approved Excavation Director is prepared and submitted in accordance with Heritage Council of NSW Guidelines within 12 months of the completion of the archaeological activity.

### **BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE**

- B6 The proposed works must comply with the applicable performance requirements of the BCA 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).

## COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B7 All performance parameters, requirements, engineering assumptions and recommendations contained in the Acoustic Assessment report, prepared by Acoustic Studio, dated 7 January 2016, must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises and to the satisfaction of the Certifying Authority.

Prior to the issue of any Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic and vibration consultant to be in accordance with the requirements of the aforementioned Acoustic Assessment report.

## ROAD AND RAIL NOISE AND VIBRATION CRITERIA FOR SENSITIVE DEVELOPMENTS

- B8 The buildings must be designed and constructed so that the road traffic noise levels and the rail noise and vibration levels inside the buildings comply with the criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008). Details demonstrating compliance with this requirement are to be submitted to the Certifying Authority prior to the issuing of any Construction Certificate.

## STRUCTURAL DETAILS

- B9 Prior to the issue of any Construction Certificate, the Applicant must submit to the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the BCA; and
  - b) the development consent.

## SYDNEY TRAINS

- B10 Prior to the issuing of any Construction Certificate, the Applicant must prepare and provide to Sydney Trains for approval/ certification the following items:
- a) geotechnical and Structural report/ drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor. Structural design shall comply with all standards from the Asset Standards Authority (ASA) of TfNSW;
  - b) construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements, or within the road reserve that contains Sydney Trains underground services;
  - c) cross sectional drawings showing the rail corridor, location of the 66kV underground powerline within Loftus Crescent, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor;
  - d) detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains rail corridor and underground powerline; and
  - e) if required by Sydney Trains, a Finite Element analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

The Certifying Authority is not to issue any Construction Certificate until written confirmation has been received from Sydney Trains confirming the requirements of this condition have been satisfied.

- B11 Prior to the issue of any Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures

recommended in the report to control that risk. A copy of the report is to be provided to the Certifying Authority with the application for any Construction Certificate.

- B12 The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Certifying Authority is not to issue any Construction Certificate until written confirmation has been received from Sydney Trains confirming this condition has been satisfied.
- B13 If required by Sydney Trains, a Risk Assessment/ Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on the rail corridor. The Certifying Authority is not to issue any Construction Certificate until written confirmation has been received from Sydney Trains confirming this condition has been satisfied.
- B14 Prior to the issuing of any Construction Certificate, the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Certifying Authority is not to issue any Construction Certificate until written confirmation has been received from Sydney Trains confirming this condition has been satisfied.
- B15 If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of any Construction Certificate. The Certifying Authority is not to issue any Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

## **MECHANICAL VENTILATION**

- B16 All mechanical ventilation systems shall be installed in accordance with the BCA shall comply with Australian Standards AS1668.2 and AS3666 - Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.
- B17 The mechanical exhaust systems for the ground floor tenancies are to be designed to be capable of accommodating exhaust requirements in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies are approved for future use by food premises or other uses which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

## **SCHEDULE OF MATERIALS**

- B18 Prior to the issue of the relevant Construction Certificate, a list of the final schedule of materials, shall be submitted to the Secretary. The Applicant shall also submit a copy of the schedule of materials to the Certifying Authority with the application for the relevant Construction Certificate.

## **PRE-CONSTRUCTION DILAPIDATION REPORT**

- B19 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'. The report shall be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate or any works commencing whichever is earlier. A copy of the report must be forwarded to the Council and the Department.

The **Pre-Construction Dilapidation Report** shall also include a photographic recording of the public domain site frontages and must be submitted to Property NSW, Council and Sydney Trains satisfaction. The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street. The form of the recording is to be as follows:-

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

## **GEOTECHNICAL DESIGN, CERTIFICATION AND MONITORING PLAN**

B20 The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation:

- a) Certification that the civil and structural details of all subsurface structures are designed to:
  - provide appropriate support and retention to neighbouring property;
  - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure; and
  - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A **Geotechnical Monitoring Plan** (GMP) to be implemented during construction that:
  - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater;
  - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
  - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and
  - details an action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

The certification and the GMP is to be submitted for the approval of the Certifying Authority prior to the issue of any Construction Certificate.

### **BASIX CERTIFICATION**

B21 The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 686596M\_02, and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.

### **SYDNEY WATER NOTICE OF REQUIREMENTS**

B22 An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to the issue of any Construction Certificate.

### **OUTDOOR LIGHTING**

B23 All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **CAR PARK AND SERVICE VEHICLE LAYOUT**

B24 Plans demonstrating compliance with the following traffic and parking requirements must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate:

- a) all vehicles should enter and leave the Site in a forward direction;
- b) car 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 2890.1-2004*, *AS2890.6* for accessible spaces and *AS 2890.2-2002* for heavy vehicle usage;
- c) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
- d) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority;
- e) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the Site, must be in accordance with AUSTROADS;
- f) the loading dock at ground level must be designed to enable Council's 9.25 m rigid vehicle garbage trucks to service the buildings. A minimum vertical clearance of 4 m must be provided. The vehicle turntable is to have a sufficient capacity to accommodate Council's standard sized truck (fully laden); and
- g) the final locations and dimension details for columns in the basement car park shall be assessed and approved by an Access Consultant to ensure suitability and manoeuvrability.

### **VEHICULAR ACCESS**

B25 The vehicular access driveways (including, but not limited to, the ramp grades and height clearances) are to be in accordance with the requirements of *AS2890.1:2004* and *AS2890.2:2002*. Plans demonstrating compliance with these requirements must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## ASSOCIATED ROADWAY COSTS

- B26 All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway must be borne by the developer. The new road works must be designed and constructed in accordance with the Council's "Development Specification for Civil Works Design and Construction". Plans demonstrating compliance with these requirements must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B27 The project must incorporate all design, operation and construction measures as identified in the ESD Report, prepared by Cundall, dated February 2016. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## WATER RE-USE PLAN

- B28 Prior to the issue of the relevant Construction Certificate, a detailed **Water Re-use Plan** for water reuse systems within the development shall be submitted to the Certifying Authority.

## NUMBER OF CAR PARKING SPACES

- B29 A maximum of 53 residential car parking spaces is to be provided for the development. No car parking spaces shall be allocated to other uses or visitor car parking. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## NUMBER OF BICYCLE PARKING SPACES

- B30 A minimum number of bicycle parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Bicycle parking allocation	Number
Residential (one space per unit to be provided within individual basement storage areas)	56
Non-residential	35
Visitors	30
<b>Total</b>	<b>123</b>

## FACILITIES FOR CYCLISTS

- B31 The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of *Australian Standard AS 2890.3 –2015* except that:
- all bicycle parking for occupants of the residential apartments must be Class A bicycle facilities. Notwithstanding Class A, bicycle lockers may also be designed to allow for stand-up/ hanging storage of bicycles;
  - all bicycle parking spaces for staff/ employees of any land uses must be Class B bicycle facilities; and
  - all bicycle parking for visitors of any land uses must be Class C bicycle rails.
- B32 Appropriate way finding signage shall be displayed indicating the way to the bicycle facilities.
- B33 The commercial and retail tenants shall be afforded access to the secure basement to ensure employees have access to the secure bicycle parking spaces and end-of-trip facilities.

- B34 Storage, change room and shower facilities for use by commercial and retail employees shall be provided and designed in accordance with the details provided within the application. Details shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **STORAGE AND HANDLING OF WASTE**

- B35 The design and management of facilities for the storage and handling of operational waste must comply with the requirements of *City of Sydney Development Control Plan 2012*. Details are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

### **FOOTPATH DAMAGE BANK GUARANTEE**

- B36 If not already obtained, a Footpath Damage Bank Guarantee to cover the site frontage and areas of the public domain which may be damaged and must be lodged with the relevant road authority. A suitable bank guarantee must be submitted in favour of the relevant road authority as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with the relevant road authority prior to the issue of the relevant Construction Certificate.

### **ADAPTABLE HOUSING**

- B37 Prior to issue of the relevant Construction Certificate, the Certifying Authority is to ensure that the building has been designed to accommodate a total of 12 adaptable residential units and that the requirements are referenced on the relevant Construction Certificate drawings. In addition, information shall be provided confirming:
- a) the required number of units are able to be adapted for people with a disability in accordance with the BCA; and
  - b) compliance with *Australian Standard AS4299 – Adaptable Housing*.

### **ACCESS FOR PEOPLE WITH DISABILITIES**

- B38 Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

### **PUBLIC SANITARY FACILITIES**

- B39 The proposed public sanitary facilities must comply with the relevant provisions of the BCA. In particular, the Applicant must ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Updated plans demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS (NON-RESIDENTIAL USES)**

- B40 All toilets installed within the non-residential components of the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate being issued for above ground works.
- B41 All taps and shower heads installed within the non-residential components of the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be

submitted to the Certifying Authority prior to issue of the relevant Construction Certificate for services and finishes works.

- B42 New urinal suites, urinals and urinal flushing control mechanisms installed within the non-residential components of the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- B43 Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## **PAVING AND LANDSCAPING**

- B44 The Applicant must prepare a **Paving and Landscaping Plan**, in consultation with Council and Property NSW, to ensure all works outside the site boundary will suitably integrate with existing or desired paving treatments, materials and landscaping. The final paving and landscaping plan, endorsed by Council and Property NSW, must be provided to the Secretary and the Certifying Authority prior to the issue of the relevant Construction Certificate.

## **MECHANICAL PLANT NOISE MITIGATION**

- B45 Details of noise mitigation measures for all mechanical plant 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 the NSW Industrial Noise Policy and other guidelines applicable to the development is required to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)**

- B46 To minimise the opportunity for crime in accordance with CPTED principles, details of compliance with the Crime Prevention Through Environmental Design principles, particularly in relation to the need for visual surveillance of the residential and commercial lobbies, public plaza and through-site link, level 1 public amenities, and public lift including access pathways, must be demonstrated on the architectural plans. This shall include consultation with NSW Police with regards to the location and coverage of CCTV surveillance, lighting, and general crime and safety prevention for the development. Details demonstrating compliance are to be provided to the Certifying Authority and the Secretary prior to the issue of the relevant Construction Certificate.

## **EXTERNAL WALLS AND CLADDING FLAMMABILITY**

- B47 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate, the Certifying Authority must:
- a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
  - b) ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

A copy of the documentation required under (b) must be provided to the Secretary within 7 days of being accepted by the Certifying Authority.

## **REFLECTIVITY**

- B48 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 Certifying Authority prior to the issue of a Construction Certificate for above ground works.

## **FIBRE READY FACILITIES AND TELECOMMUNICATIONS INFRASTRUCTURE**

- B49 Prior to the issue of the relevant Construction Certificate, the Applicant is to provide evidence satisfactory to the Certifying Authority demonstrating suitable 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.

## **COMPLIANCE REPORT**

- B50 Prior to the issue of each Construction Certificate, the Applicant, or any party acting upon this consent, shall submit to the Certifying Authority a report addressing compliance with all relevant conditions of this Part.

## **END OF PART B**

## PART C PRIOR TO COMMENCEMENT OF WORKS

### NOTICE OF COMMENCEMENT OF WORKS

- C1 The Department, the PCA and Council shall be given written notice, at least 48 hours prior to the commencement of any works on the Site.

### DEMOLITION

- C2 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 must be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

### CONTACT TELEPHONE NUMBER

- C3 Prior to the commencement of the works, the Applicant shall forward to Council and the Department a 24-hour telephone number to be operated for the duration of the construction 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 Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

### CONTAMINATION

- C5 Prior to the commencement of any works, a hazardous material survey must be undertaken. The survey must detail any unexpected finds and appropriate management measures.
- C6 Following demolition of the existing building and prior to commencement of any excavation or above ground works, a detailed site investigation, including soil and groundwater investigation, must be undertaken to address potential sources of contamination identified in the Preliminary Site Investigation prepared by Douglas Partners, dated September 2015 (project 85061). A copy of the detailed investigation will be provided to the Secretary and Certifying Authority and must include a statement regarding the suitability of the site for the proposed mixed-use development.

### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C7 Prior to the commencement of any works on the Subject Site, a **Construction Environmental Management Plan (CEMP)** shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:
1. hours of work;
  2. 24-hour contact details of site manager;
  3. traffic management (refer to **Condition C8**);
  4. noise and vibration management, prepared by a suitably qualified person; management of dust to protect the amenity of the neighbourhood;
  5. erosion and sediment control;
  6. measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
  7. external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
  8. unexpected finds protocol, including for unexpected finds of contamination.

The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail. The Applicant shall submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.

## **CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN**

- C8 The Applicant shall prepare a detailed **Construction Pedestrian and Traffic Management Plan (CPTMP)** prior to commencement of construction. The CPTMP shall address, but not be limited to, the following matters:
- 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) consultation strategy for liaison with surrounding stakeholders;
  - g) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction works;
  - h) cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure coordination of work activities are managed to minimise impacts on the road network; and
  - i) should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts must be clearly identified and included in the CPTMP.

The CPTMP should be prepared in consultation with TfNSW, RMS, Property NSW and Council. A copy of the final CPTMP, endorsed by the TfNSW CBD Coordination Office, Property NSW and Council, is to be provided to the Secretary prior to the commencement of works.

## **UTILITY SERVICES**

- C9 Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.
- C10 Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

## **HOARDINGS**

- C11 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 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.

## **BARRICADE PERMIT**

- C12 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.

## **ROAD OCCUPANCY LICENCE**

- C13 A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

## **TRAFFIC WORKS**

- C14 Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee of Council prior to any work commencing on site.

## **COMMUNITY CONSULTATION**

- C15 A Community Consultation and Engagement Plan shall be prepared prior to the commencement of works and shall include how notification of residents and complaints associated with the proposal will be managed.

## **SYDNEY TRAINS**

- C16 If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

## **EXCAVATION DIRECTOR**

- C17 The name of a nominated excavation director suitable to satisfy the Excavation Director Criteria of the Heritage Council of NSW for the proposed activity and significance level (see **condition B5**) must be submitted to the Heritage Council of NSW for approval prior to the commencement of work.

## **COMPLIANCE REPORT**

- C18 Prior to the commencement of works, the Applicant, or any party acting upon this approval, shall submit to the PCA a report addressing compliance with all relevant conditions of this Part.

## **END OF PART C**

## PART D DURING CONSTRUCTION

### HOURS OF WORK

- D1 The hours of construction, including the delivery of materials to and from the Site, shall be restricted as follows:
- a) between 7 am and 6 pm, Mondays to Fridays inclusive;
  - b) between 8 am and 1 pm, Saturdays;
  - c) no work on Sundays and public holidays; or
  - d) works may be undertaken outside these hours where:
    - i) the delivery of vehicles, plant or materials is required outside these hours by NSW Police or other authorities for safety reasons; or
    - ii) emergency work to avoid the loss of lives, damage to property and/or to prevent environmental harm.
- D2 Use of High Noise Emission Appliances/Plant is restricted to the following:
- a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of:
    - 9 am to 12 pm and 1 pm to 4.30 pm, Mondays to Fridays
    - 9 am to 1 pm, Saturdays
    - No work is permitted on Sundays or Public Holidays
  - b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

### IMPLEMENTATION OF MANAGEMENT PLANS

- D3 The Applicant shall ensure that the requirements of the **Construction Environmental Management Plan, Construction Traffic and Pedestrian Management Plan** and **Geotechnical Monitoring Plan** required by Part B of this consent are implemented during construction.

### DISPOSAL OF SEEPAGE AND STORMWATER

- D4 Any seepage or rainwater collected on-site during construction shall be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

### CONSTRUCTION NOISE MANAGEMENT

- D5 The development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the CEMP and CNVMP.
- D6 If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.

- D7 Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in the CEMP.

#### **VIBRATION CRITERIA**

- D8 Vibration caused by construction at any residence or structure outside the Site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 *Structural Vibration in Buildings Effects on Structures*;
  - b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006); and
  - c) these limits apply unless otherwise outlined in the CEMP.

#### **APPROVED PLANS TO BE ON-SITE**

- D9 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 to any officer of the Department, Council or the PCA.

#### **SITE NOTICE**

- D10 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, Certifying Authority and Structural Engineer.
- D11 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;
  - 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; and
  - d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Site is not permitted.

#### **COVERING OF LOADS**

- D12 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**

- D13 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.

#### **STOCKPILE MANAGEMENT**

- D14 The Applicant must ensure that:
- a) stockpiles of excavated material do not exceed 4 metres in height;
  - b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and
  - c) suitable erosion and sediment controls are in place for stockpiles.

## **DUST CONTROL MEASURES**

D15 Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

- a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
- b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
- c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
- d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
- f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
- g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- h) cleaning of footpaths and roadways shall be carried out regularly.

## **NO OBSTRUCTION OF PUBLIC WAY**

D16 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.

## **BUNDING**

D17 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*.

## **EROSION AND SEDIMENT CONTROL**

D18 All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

## **SETTING OUT OF STRUCTURES**

D19 The building shall be set out by a registered surveyor to verify the correct position of the structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

## **CONTACT TELEPHONE NUMBER**

D20 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.

## **IDENTIFICATION AND REMOVAL OF HAZARDOUS MATERIALS**

D21 Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.

## **CONSTRUCTION WASTE AND CONTAMINATED SOIL**

- D22 All construction waste and potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines 2009* before being transported from the site and disposed of at a facility that may lawfully accept that waste.

## **IMPACTS OF BELOW GROUND (SUB SURFACE) WORKS – NON-ABORIGINAL OBJECTS**

- D23 If historical archaeological deposits are discovered unexpectedly during works, work must immediately cease in the affected area(s) and a suitably qualified and experienced archaeologist must be contacted to assess the find to determine its significance. This should result in a written assessment of the nature and significance of any relics and how it is proposed to manage them within the development activity. This information shall be submitted for the approval of the Secretary, Department of Planning and Environment and the delegate of the Heritage Council of NSW.

## **IMPACTS OF BELOW GROUND (SUB SURFACE) WORKS – ABORIGINAL OBJECTS**

- D24 If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and OEH informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from OEH is received by the Applicant.

## **ASBESTOS AND HAZARDOUS WASTE REMOVAL**

- D25 Any existing filling on the site must be assessed for the presence of asbestos materials during construction. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.
- D26 Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.

## **SITE CONTAMINATION ISSUES DURING CONSTRUCTION**

- D27 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

## **LOADING AND UNLOADING DURING CONSTRUCTION**

- D28 The following requirements apply:
- a) all loading and unloading associated with construction must be accommodated on site;
  - b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant road authority at least 8 weeks prior to commencement of works on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities; and
  - c) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

## **COMPLIANCE REPORT**

D29 The Applicant, or any party acting upon this consent, shall, for the duration of the construction period, submit to the Department a three-monthly report addressing compliance with all relevant conditions of this Part.

**END OF PART D**

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

### **OCCUPATION CERTIFICATE**

- E1 An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of the approved building.

### **HEIGHT CERTIFICATION**

- E2 A Registered Surveyor is to certify that the heights of Block 1 (Building 1) and Block 2 (Building 2) do not exceed the following:
- a) Block 1:
    - i) Roof RL 49.43
    - ii) Level 8 parapet RL 44.59
    - iii) Level 6 parapet RL 38.35
  - b) Block 2:
    - i) Services RL 38.90
    - ii) Level 5 parapet RL 36.64
    - iii) Level 3 parapet RL 30.65

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

### **PLAN AMENDMENTS**

- E3 The plan amendments referred to in **Condition B2** shall be completed prior to the issue of the relevant Occupation Certificate.

### **ROAD DAMAGE**

- E4 The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the commencement of use.

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

### **WATER AUTHORITY COMPLIANCE**

- E5 A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifying Authority prior to the commencement of use.

### **REGISTRATION OF EASEMENTS**

- E6 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.

## **PUBLIC DOMAIN WORKS**

- E7 All public domain works and landscaping are to be completed in accordance with the approved plans prior to the issue of the relevant Occupation Certificate.

## **LOADING DOCK AND VEHICLE MANAGEMENT PLAN**

- E8 Prior to the issue of the relevant Occupation Certificate, a **Loading Dock and Vehicle Management Plan** (LDVMP), prepared by a suitably qualified person in consultation with the TfNSW CBD Coordination Office, must be submitted to the PCA. The LDVMP must outline all measures to be implemented to ensure the safe and efficient operation of the loading dock and to minimise disruption to car park operation and the adjacent road network. The LDVMP must include (but not be limited to):
- a) loading bay management details including service vehicle movements during peak periods;
  - b) management of incidents at the access to the basement and at the loading bays;
  - c) management of conflicts between vehicles accessing the basement and vehicle movements to/from loading bays;
  - d) management of conflicts between vehicles accessing the site and pedestrian movements adjacent to the site; and
  - e) management of vehicles too large to service the development within the loading dock area (i.e. vehicles larger than a standard Medium Rigid Vehicle).

A copy of the LDVMP must be provided to the Secretary.

## **POST-CONSTRUCTION DILAPIDATION REPORT**

- E9 Prior to the issue of any Occupation Certificate:
- a) the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads;
  - b) the report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - c) a copy of this report is to be forwarded to Council, Property NSW and the Secretary and each of the affected property owners.

## **STRUCTURAL INSPECTION CERTIFICATE**

- E10 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; and
  - b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

## ENVIRONMENTAL PERFORMANCE

- E11 Prior to the issue of the any Occupation Certificate, the applicant shall implement the commitments outlined in BASIX Certificate No. 686596M\_02.
- E12 All non-residential environmental commitments referred to in **Conditions B40 to B43** for the development must be fulfilled prior to the issue of any Occupation Certificate.

## DAMAGE TO PUBLIC AUTHORITY ASSETS

- E13 The cost of repairing any damage caused to Council, Property NSW or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the issue of any Occupation Certificate.

## MECHANICAL VENTILATION

- E14 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 any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- a) the BCA;
  - b) *Australian Standard AS1668* and other relevant codes;
  - c) the development consent and any relevant modifications; and,
  - d) any dispensation granted by the New South Wales Fire Brigade.

## NUMBERING

- E15 Prior to the issue of any Occupation Certificate, 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.
- E16 Shops not having a direct street frontage must have their shop number clearly displayed and visible at all times on the shop front.

## FIRE SAFETY CERTIFICATE

- E17 A Fire Safety Certificate shall be furnished to the PCA for all the essential fire or other safety measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to the approval authority and Council by the PCA.

## CAR PARKING, BICYCLE AND FACILITIES FOR CYCLISTS' CERTIFICATION

- E18 Prior to the issue of any Occupation Certificate, details shall be provided to the PCA demonstrating compliance with the approved number of car parking and bicycle spaces required under **Conditions B29 and B30**, and facilities for cyclists required under **Condition B31**.

## ENVIRONMENTAL SUSTAINABLE DEVELOPMENT

- E19 Prior to the issue of an Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with the recommendations and principles highlighted within the ESD Report, prepared by Cundall, dated February 2016 and submitted with the EIS.

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- E20 Prior to the issue of an Occupation Certificate, evidence shall be submitted to the Certifying Authority demonstrating consultation with NSW Police with regards to the location and coverage of CCTV surveillance, lighting, and general crime and safety prevention for the development and compliance with **Condition B46**.

## WASTE AND RECYCLING COLLECTION

- E21 Prior to the issue of any Occupation Certificate and/or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.

A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- the use of the premises and the number and size of occupancies;
- the type and quantity of waste to be generated by the development;
- demolition and construction waste, including materials to be re-used or recycled;
- details of the proposed recycling and waste disposal contractors;
- waste storage facilities and equipment;
- access and traffic arrangements; and
- the procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

Prior to the occupation of the development, the owner or Applicant is required to contact Council's City Services Department, to make the necessary arrangements for the provision of waste services for the premises. The waste storage areas shall be clearly signposted.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's *Policy for Waste Minimisation in New Developments 2005*.

## ACOUSTIC COMPLIANCE

- E22 Prior to the issue of any Occupation Certificate, evidence from a qualified acoustical consultant shall be submitted to the PCA demonstrating compliance with all noise mitigation measures required under **Conditions B7 and B8** and to ensure the development achieves compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development.

## EXTERNAL WALLS AND CLADDING FLAMMABILITY

- E23 Prior to the issue of any Occupation Certificate, evidence shall be submitted to the PCA demonstrating all external walls of the building, including attachments, comply with the relevant requirements of the BCA, consistent with the requirements of **Condition B47**.

## **PUBLIC SANITARY FACILITIES**

- E24 Prior to the issue of the final Occupation Certificate, details must be provided to the Certifying Authority demonstrating that the public sanitary facilities comply with the relevant provisions of the BCA and that the facilities for disabled persons complies with Section F2.4 of the BCA and **Condition B39** of this consent.

## **COMPLIANCE REPORT**

- E25 Prior to the issue of any Occupation Certificate, the Applicant, or any party acting upon this approval, shall submit to the PCA a report addressing compliance with all relevant conditions of this Part.

**END OF PART E**

## PART F POST OCCUPATION – DURING OPERATION

### PUBLIC DOMAIN ACCESS

- F1 All areas of the site identified as public domain in the approved development must be open and available for public access, 24 hours-per-day, seven-days-per-week. The public sanitary facilities as well as the public lift and associated level 2 access path must be available for public access and use between 7 am and 10 pm seven-days-per-week.

### ANNUAL FIRE SAFETY CERTIFICATE

- F2 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.

### NOISE CONTROL – PLANT AND MACHINERY

- F3 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; and
  - 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.

### LOADING AND UNLOADING

- F4 All loading and unloading operations associated with the site must be carried out:
- a) in accordance with the LDVMP (**Condition E8**); and
  - b) within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- F5 At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

### WASTE MANAGEMENT

- F6 Waste Management shall be undertaken in accordance with the Waste Management Plan, prepared by Savills Project Management, dated January 2016, and **Condition E21**.
- F7 The storage and handling of waste associated with the premises must comply with City of Sydney Council's *Policy for Waste Minimisation in New Developments 2005*.

### USE OF COMMUNAL FACILITIES

- F8 Use of the communal facilities on Level 8 of Building 1 is restricted to residents and their guests only.

## **ANTI-GRAFFITI**

- F9 Where possible all 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 place is to be removed within 48 hours.

## **NO OBSTRUCTION OF PUBLIC WAY**

- F10 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

## **CAR PARKING ALLOCATION**

- F11 Car parking spaces are to only be allocated for residential use. No commercial, retail or visitor car parking spaces are to be provided. Accessible car parking spaces for people with mobility impairment are only to be allocated to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

## **PLAN OF MANAGEMENT FOR LANDSCAPE MAINTENANCE**

- F12 Within six months of the issue of the final Occupation Certificate, a Plan of Management for the ongoing maintenance of landscaped areas within common communal areas is to be prepared and adopted by the Owners Corporation. In the event an Owners Corporation is not in place within the specified period the Plan of Management shall be endorsed by the landowner/s.

## **COMPLIANCE REPORT**

- F13 The Applicant, or any party acting upon this approval, shall submit to the Department a report addressing compliance with all relevant conditions of this approval.

## **END OF PART F**

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## ADVISORY NOTES

### APPEALS

AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* (as amended).

### OTHER APPROVALS AND PERMITS

AN2 The Applicant shall apply to the council or the relevant authority for all necessary permits including temporary structures, crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act 1993* or Section 138 of the *Roads Act 1993*.

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

### REQUIREMENTS OF PUBLIC AUTHORITIES

AN4 Public authorities (e.g. AusGrid, Sydney Water, Telstra Australia, AGL, etc.) may have requirements in regard to the connection to, relocation or adjustment of services affected by the construction of the development.

### DISABILITY DISCRIMINATION ACT

AN5 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 BCA 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.

### FURTHER APPROVALS

AN6 The following shall be subject of separate development applications to Council under Part 4 of the Act (except where exempt and complying development applies):

- (a) Fit-out and use of the building (except for the public amenities) - the Applicant shall seek development consent prior to occupation and use of individual tenancies. Development applications for any food premises shall comply with the requirements of *AS 4674 Design, Construction and Fit-out of Food Premises*, *The Food Act 2003* and *Food Safety Standards*.
- (b) The Applicant shall obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *National Code for the Construction and Fit-out of Food Premises*. The Applicant shall provide evidence of receipt of the certificate to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

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## USE OF MOBILE CRANES

AN7 The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
  - (i) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions; and
  - (ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7 am without the prior approval of the relevant authority.

## ROADS ACT 1993

AN8 A separate approval under Section 138 of the *Roads Act 1993* is required to undertake any of the following:

- a) erect a structure or carry out a work in, on or over a public road;
- b) dig up or disturb the surface of a public road;
- c) remove or interfere with a structure, work or tree on a public road;
- d) pump water into a public road from any land adjoining the road; or
- e) connect a road (whether public or private) to a classified road.

## TEMPORARY STRUCTURES

AN9 An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.

AN10 Structural certification from an appropriately qualified practicing structural engineer must be submitted to Council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

## SANITARY FACILITIES – FUTURE DEVELOPMENT

AN11 The Applicant shall ensure that all future development applications for any food and drink premises within the building demonstrate the provision of sanitary facilities, including sanitary facilities for people with a disability, would comply with the BCA.

## COST OF SIGNPOSTING

AN12 All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

## COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN13 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;

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or Commonwealth land, without an approval from the Commonwealth Environment Minister.

- AN14 This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.