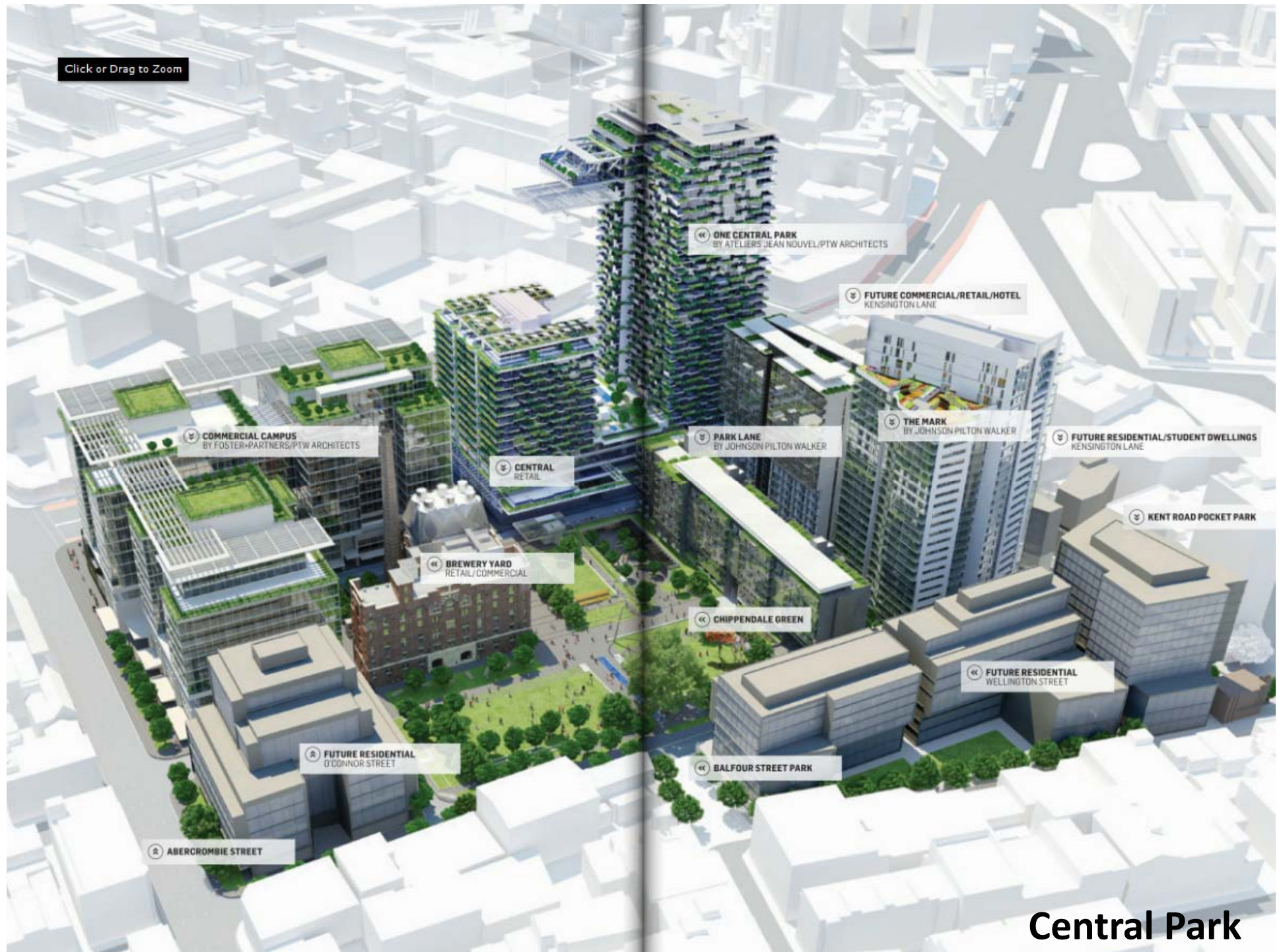


Click or Drag to Zoom



COMMERCIAL CAMPUS
BY FOSTER+PARTNERS/PTW ARCHITECTS

CENTRAL
RETAIL

BREWERY YARD
RETAIL/COMMERCIAL

FUTURE RESIDENTIAL
O'CONNOR STREET

ABERCROMBIE STREET

ONE CENTRAL PARK
BY ATELIER JEAN NOUVEL/PTW ARCHITECTS

FUTURE COMMERCIAL/RETAIL/HOTEL
KENSINGTON LANE

PARK LANE
BY JOHNSON PILTON WALKER

THE MARK
BY JOHNSON PILTON WALKER

FUTURE RESIDENTIAL/STUDENT DWELLINGS
KENSINGTON LANE

KENT ROAD POCKET PARK

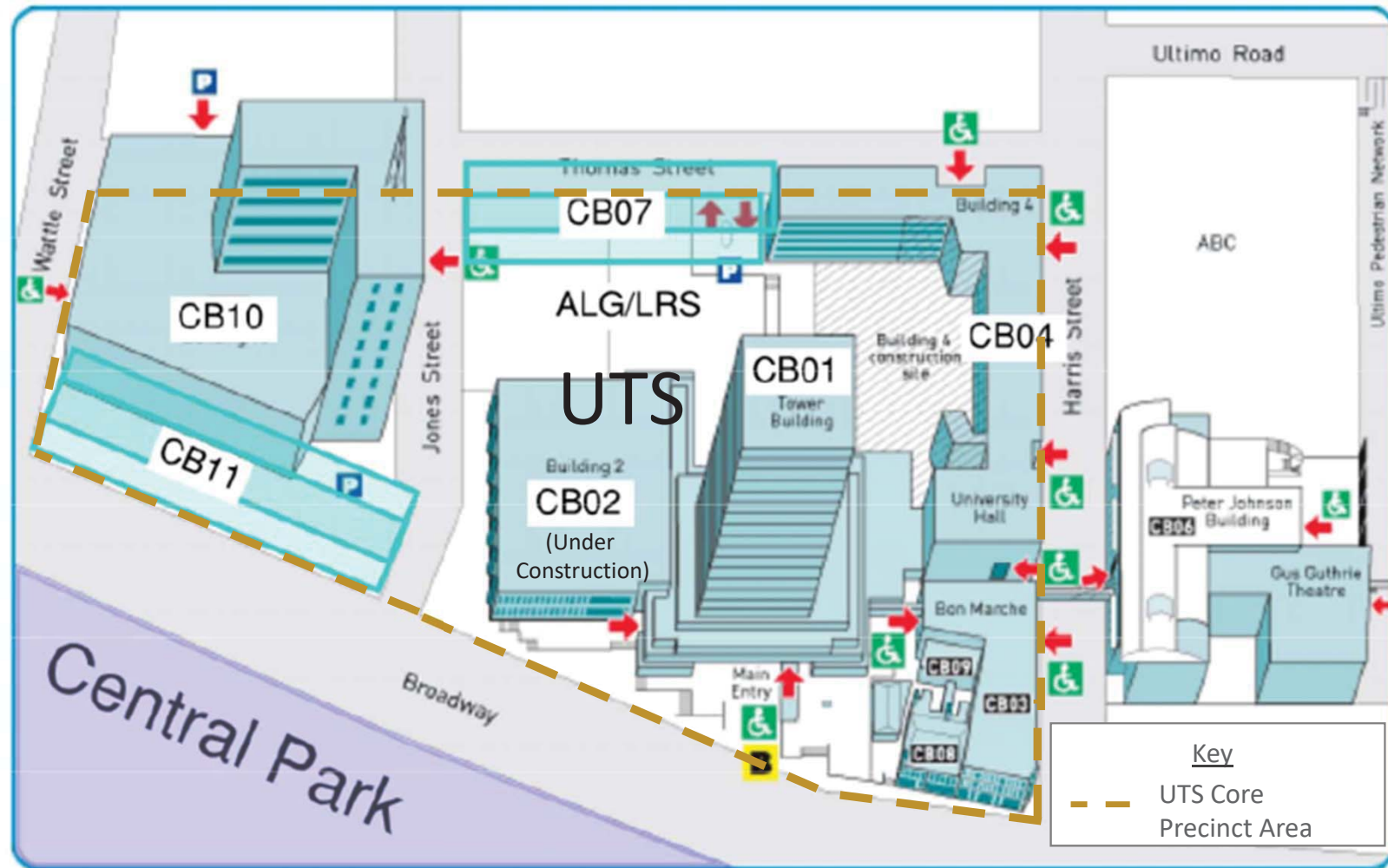
CHIPPENDALE GREEN

FUTURE RESIDENTIAL
WELLINGTON STREET

BALFOUR STREET PARK

Central Park

UTS PRECINCT – DEVELOPMENT MASTERPLAN





NEW SOUTH WALES GOVERNMENT

WATER INDUSTRY COMPETITION ACT 2006

NETWORK OPERATOR'S LICENCE

**Central Park Water Factory Pty Limited
(ACN 151 072 838)**



New South Wales

Water Industry Competition Act 2006

Grant of Network Operator's Licence Licence No 12_022

I, Greg Pearce MLC, Minister for Finance and Services, under section 10 of the *Water Industry Competition Act 2006*, grant a network operator's licence to:

Central Park Water Factory Pty Limited (ACN 151 072 838)

to construct, maintain and operate water industry infrastructure, subject to:

- (i) the conditions imposed by the *Water Industry Competition Act 2006*,
- (ii) the conditions imposed by clause 9 and set out in Parts 1, 2 and 3 of Schedule 1 to the *Water Industry Competition (General) Regulation 2008*,
- (iii) the conditions imposed by the Minister in the attached Schedule A, being special Ministerially-imposed licence conditions for Central Park Water Factory Pty Limited's Network Operator's Licence, and
- (iv) the conditions imposed by the Minister in the attached Schedule B, being standard Ministerially-imposed licence conditions for all licensed network operators.

A handwritten signature in blue ink, appearing to read 'Greg Pearce', written over a dotted line.

Minister for Finance and Services

Dated this

4

day of May

20 13

SCHEDULE A - SPECIAL MINISTERIALLY-IMPOSED LICENCE CONDITIONS FOR CENTRAL PARK WATER FACTORY'S NETWORK OPERATOR'S LICENCE

This schedule sets out the conditions which the Minister imposes pursuant to section 13(1)(b) of the Act. In addition to these Ministerially-imposed conditions, the Licensee is subject to obligations imposed by the Act, the Regulation and the standard Ministerially-imposed licence conditions set out in Schedule B. The Minister may vary the conditions in this schedule or impose new conditions, provided there is no inconsistency with conditions imposed on the Licensee by the Act or the Regulation.

A1 Activities authorised – sewerage services

A1.1 This Licence authorises the Licensee and any authorised persons specified in Table 1.1:

- (i) to construct, maintain and operate the water industry infrastructure specified in Table 1.2;
 - (ii) for the authorised purposes specified in Table 1.3;
 - (iii) within the area of operations specified in Table 1.4,
- subject to the conditions imposed by or under the Act, the Regulation and this Licence.

Table 1.1 Authorised persons

Water Factory Company Pty Limited (ABN 28 136 272 298)

Permeate Partners Pty Limited (ABN 54 130 112 257)

Table 1.2 Water industry infrastructure

Infrastructure used for the storage, conveyance, reticulation or treatment of sewage

Table 1.3 Authorised purposes

Collection and treatment of sewage

Table 1.4 Area of operations

1. The land bounded by the following streets in Chippendale, NSW 2008:
 - Broadway (between Abercrombie Street and Kensington Street);
 - Abercrombie Street (between Broadway and O'Connor Street);
 - O'Connor Street (between Abercrombie Street and Balfour Street);
 - Balfour Street (between O'Connor Street and Wellington Street);
 - Wellington Street (between Balfour Street and Regent Street);
 - Regent Street (between Wellington Street and Kensington Street); and
 - Kensington Street (between Regent Street and Broadway).
 2. The land bounded by the following streets in Chippendale, NSW 2008:
 - Kensington Street (between Dwyer Street and Outram Street);
-

-
- Outram Street (between Kensington Street and Goold Street);
 - Goold Street;
 - Regent Street (between Goold Street and Dwyer Street); and
 - Dwyer Street.

3. The following streets in Chippendale, NSW 2008:

- Broadway (between Abercrombie Street and Kensington Street);
 - Abercrombie Street (between Broadway and O'Connor Street);
 - O'Connor Street (between Abercrombie Street and Balfour Street);
 - Balfour Street (between O'Connor Street and Wellington Street);
 - Wellington Street (between Balfour Street and Regent Street);
 - Regent Street (between Wellington Street and Kensington Street, and between Goold Street and Dwyer Street);
 - Kensington Street (between Regent Street and Broadway);
 - Outram Street (between Kensington Street and Goold Street);
 - Goold Street; and
 - Dwyer Street.
-

A2 Activities authorised – non-potable water supply

- A2.1 This Licence authorises the Licensee and any authorised persons specified in Table 2.1:
- (i) to construct, maintain and operate the water industry infrastructure specified in Table 2.2;
 - (ii) for the authorised purposes specified in Table 2.3;
 - (iii) within the area of operations specified in Table 2.4, subject to the conditions imposed by or under the Act, the Regulation and this Licence.

Table 2.1 Authorised persons

Water Factory Company Pty Limited (ABN 28 136 272 298)
Permeate Partners Pty Limited (ABN 54 130 112 257)

Table 2.2 Water industry infrastructure

Infrastructure used for the production, treatment, filtration, storage, conveyance, or reticulation of non-potable water

Table 2.3 Authorised purposes

Toilet flushing
Supply of cold water to washing machine
Irrigation (including irrigation of vertical gardens)
Cooling tower make up water
Car washing

Table 2.4 Area of operations

-
1. The land bounded by the following streets in Chippendale, NSW 2008:
 - Broadway (between Abercrombie Street and Kensington Street);
 - Abercrombie Street (between Broadway and O'Connor Street);
 - O'Connor Street (between Abercrombie Street and Balfour Street);
 - Balfour Street (between O'Connor Street and Wellington Street);
 - Wellington Street (between Balfour Street and Regent Street);
 - Regent Street (between Wellington Street and Kensington Street); and
 - Kensington Street (between Regent Street and Broadway).
 2. The land bounded by the following streets in Chippendale, NSW 2008:
 - Kensington Street (between Dwyer Street and Outram Street);
 - Outram Street (between Kensington Street and Goold Street);
 - Goold Street;
 - Regent Street (between Goold Street and Dwyer Street); and
-

-
- Dwyer Street.

3. The following streets in Chippendale, NSW 2008:

- Broadway (between Abercrombie Street and Kensington Street);
 - Abercrombie Street (between Broadway and O'Connor Street);
 - O'Connor Street (between Abercrombie Street and Balfour Street);
 - Balfour Street (between O'Connor Street and Wellington Street);
 - Wellington Street (between Balfour Street and Regent Street);
 - Regent Street (between Wellington Street and Kensington Street, and between Goold Street and Dwyer Street);
 - Kensington Street (between Regent Street and Broadway);
 - Outram Street (between Kensington Street and Goold Street);
 - Goold Street; and
 - Dwyer Street.
-

A3 Activities authorised – drinking water supply

- A3.1 This Licence authorises the Licensee and any authorised persons specified in Table 3.1:
- (i) to construct, maintain and operate the water industry infrastructure specified in Table 3.2;
 - (ii) for the authorised purposes specified in Table 3.3;
 - (iii) within the area of operations specified in Table 3.4, subject to the conditions imposed by or under the Act, the Regulation and this Licence.

Table 3.1 Authorised persons

Water Factory Company Pty Limited (ABN 28 136 272 298)

Table 3.2 Water industry infrastructure

Infrastructure used for the treatment, storage, conveyance, or reticulation of drinking water

Table 3.3 Authorised purposes

Drinking water and other purposes for which drinking water could be used safely

Table 3.4 Area of operations

-
1. The land bounded by the following streets in Chippendale, NSW 2008:
 - Broadway (between Abercrombie Street and Kensington Street);
 - Abercrombie Street (between Broadway and O'Connor Street);
 - O'Connor Street (between Abercrombie Street and Balfour Street);
 - Balfour Street (between O'Connor Street and Wellington Street);
 - Wellington Street (between Balfour Street and Regent Street);
 - Regent Street (between Wellington Street and Kensington Street); and
 - Kensington Street (between Regent Street and Broadway).
 2. The land bounded by the following streets in Chippendale, NSW 2008:
 - Kensington Street (between Dwyer Street and Outram Street);
 - Outram Street (between Kensington Street and Goold Street);
 - Goold Street;
 - Regent Street (between Goold Street and Dwyer Street); and
 - Dwyer Street.
 3. The following streets in Chippendale, NSW 2008:
 - Broadway (between Abercrombie Street and Kensington Street);
 - Abercrombie Street (between Broadway and O'Connor Street);
-

-
- O'Connor Street (between Abercrombie Street and Balfour Street);
 - Balfour Street (between O'Connor Street and Wellington Street);
 - Wellington Street (between Balfour Street and Regent Street);
 - Regent Street (between Wellington Street and Kensington Street, and between Goold Street and Dwyer Street);
 - Kensington Street (between Regent Street and Broadway);
 - Outram Street (between Kensington Street and Goold Street);
 - Goold Street; and
 - Dwyer Street.
-

INTERPRETATION AND DEFINITIONS

Interpretation

In this Schedule A, unless the context requires otherwise:

- (i) the singular includes the plural and vice versa;
- (ii) headings are used for convenience only and do not affect the interpretation of this Schedule A;
- (iii) a reference to a document includes the document as modified from time to time and any document replacing it;
- (iv) a reference to a person includes a natural person and any body or entity whether incorporated or not;
- (v) a reference to a clause is to a clause in this Schedule A;
- (vi) a reference to a schedule is to a schedule to this Licence; and
- (vii) a reference to a law or statute includes regulations, rules, codes and other instruments under it, and consolidations, amendments, re-enactments or replacements of them.

Definitions

Expressions used in this Schedule A that are defined in the Act or the Regulation have the meanings set out in the Act or the Regulation.

In this Schedule A:

Act	means the <i>Water Industry Competition Act</i> 2006;
Licence	means this network operator's licence granted under section 10 of the Act;
Licensee	means the person to whom this Licence is granted;
Minister	means the Minister responsible for Part 2 of the Act; and
Regulation	means the Water Industry Competition (General) Regulation 2008.

SCHEDULE B - STANDARD MINISTERIALLY-IMPOSED LICENCE CONDITIONS FOR ALL LICENSED NETWORK OPERATORS UNDER THE ACT

This schedule sets out the standard conditions which the Minister imposes on the Licensee and all other licensed network operators pursuant to section 13(1)(b) of the Act. In addition to these standard Ministerially-imposed conditions, the Licensee is subject to obligations imposed by the Act, the Regulation and the special Ministerially-imposed licence conditions set out in Schedule A. The Minister may vary the conditions in this schedule or impose new conditions, provided there is no inconsistency with the conditions imposed on the Licensee by the Act or the Regulation.

B1 Ongoing capacity to operate

- B1.1 The Licensee must have the technical, financial and organisational capacity to carry out the activities authorised by this Licence. If the Licensee ceases to have this capacity, it must report this to IPART immediately in accordance with the Reporting Manual.

B2 Obtaining appropriate insurance

- B2.1 Before commencing commercial operation of the Specified Water Industry Infrastructure under this Licence, the Licensee must:
- a. obtain insurance that is appropriate for the size and nature of the activities authorised under this Licence;
 - b. provide a copy of each certificate of currency of the insurance obtained to IPART; and
 - c. demonstrate that the insurance obtained is appropriate for the size and nature of the activities authorised under this Licence by providing a report to IPART from an Insurance Expert that:
 - i. certifies that in the Insurance Expert's opinion, the type and level of the insurance obtained by the Licensee is appropriate for the size and nature of the activities authorised under the Licence; and
 - ii. is in the form prescribed IPART.

B3 Maintaining appropriate insurance

- B3.1 The Licensee must maintain insurance that is appropriate for the size and nature of the activities authorised under this Licence.
- B3.2 The Licensee must provide a copy of each certificate of currency of the insurance maintained by the Licensee to IPART in accordance with the Reporting Manual.
- B3.3 Whenever there is a change in the type, or level of insurance held by the Licensee in relation to the activities authorised under this Licence, the Licensee must provide a copy of the certificate of currency to IPART within 10 days of the change being made.
- B3.4 From time to time when requested in writing by IPART, the Licensee must provide a report to IPART, in the manner, form and time specified by IPART, from an Insurance Expert certifying that in the Insurance Expert's opinion the type and level of the insurance held by the Licensee is appropriate for the size and nature of the activities authorised under this Licence.

B4 Complying with NSW Health requirements

- B4.1 The Licensee must carry out the activities authorised by this Licence in compliance with any requirements of NSW Health that:
- (i) IPART has agreed to; and
 - (ii) are notified from time to time to the Licensee by IPART in writing.

B5 Complying with Audit Guidelines from IPART

- B5.1 The Licensee must comply with any Audit Guidelines issued by IPART.

B6 Reporting in accordance with the Reporting Manual

- B6.1 The Licensee must prepare and submit reports in accordance with the Reporting Manual.

B7 Reporting information in relation to the Register of Licences

- B7.1 Within 14 days of any change in relation to the following, the Licensee must notify IPART, and provide details, of the change in accordance with the Reporting Manual:
- (i) any source from which the water handled by the Specified Water Industry Infrastructure is derived;
 - (ii) the Authorised Purposes of the water handled by the Specified Water Industry Infrastructure;
 - (iii) the identity of each licensed retail supplier or public water utility that has access to the infrastructure services provided by the Specified Water Industry Infrastructure for the purpose of supplying water to its customers; and
 - (iv) any other water infrastructure to which the Specified Water Industry Infrastructure is connected.
 - (v) the identity of each licensed retail supplier or public water utility that has access to infrastructure services provide by the Specified Water Industry Infrastructure for the purpose of providing sewerage services to its customers;
 - (vi) any other sewerage infrastructure to which the Specified Water Industry Infrastructure is connected; and
 - (vii) the arrangements for the disposal of waste from the Specified Water Industry Infrastructure.

B8 Monitoring

- B8.1 The Licensee must undertake any monitoring that is required for the purposes of this Licence, any Plan, or the Regulation in accordance with this clause B8.
- B8.2 The Licensee must keep the following records of any samples taken for monitoring purposes specified in the Water Quality Plan:
- (i) the date on which the sample was taken;
 - (ii) the time at which the sample was collected;
 - (iii) the point or location at which the sample was taken; and
 - (iv) the chain of custody of the sample (if applicable).
- B8.3 The Licensee must ensure that analyses of all samples taken for the purposes of Verification Monitoring are carried out by a laboratory accredited for the specified tests by an independent body that is acceptable to NSW Health, such as the National Association of Testing Authorities or an equivalent body.

B9 Provision of copy of Plan

- B9.1 Whenever the Licensee makes a significant amendment to a Plan, the Licensee must provide a copy of the amended Plan to IPART at the same time that it provides a copy to the approved auditor engaged to prepare a report as to the adequacy of the amended Plan, as required under the Regulation.

B10 Delineating responsibilities – interconnections

- B10.1 If a code of conduct has not been established under clause 25 of the Regulation, the Licensee must establish a code of conduct (**Licensee's Code of Conduct**) in accordance with this clause B10.
- B10.2 The Licensee's Code of Conduct must set out the respective responsibilities of:
- (i) the Licensee; and
 - (ii) each licensed network operator, licensed retail supplier and/or public water utility that constructs, maintains or operates any other water industry infrastructure in the Specified Area of Operations,
- by, at a minimum, providing for:
- (iii) if the Specified Water Industry Infrastructure is connected to any other water industry infrastructure, who is responsible for repairing, replacing or maintaining any pipes, pumps, valves, storages or other infrastructure connecting the Specified Water Industry Infrastructure to the other water industry infrastructure;
 - (iv) who is responsible for water quality;
 - (v) who is liable in the event of the unavailability of water;
 - (vi) who is liable in the event of failure of the Specified Water Industry Infrastructure;
 - (vii) the fees and charges payable in respect of the use of the Specified Water Industry Infrastructure; and
 - (viii) who is responsible for handling customer complaints.
- B10.3 (a) Before the Licensee brings the Specified Water Industry Infrastructure into commercial operation, the Licensee's Code of Conduct must be agreed in writing between the Licensee and the other licensed network operators, licensed retail suppliers and/or public water utilities referred to in clause B10.2.
- (b) *[Not applicable]*
- B10.4 The Licensee must not contravene the Licensee's Code of Conduct to the extent that it makes the Licensee responsible or liable for the matters set out in it.

B11 Notification of changes to end-use

- B11.1 *[Not applicable]*

B12 Notification of changes to Authorised Person

- B12.1 If an Authorised Person ceases, proposes to cease or receives notification to cease providing any of the services relating to the activities authorised by this Licence, the Licensee must provide IPART with written notice as soon as practicable but no later than 28 days before the date of cessation of the services. The written notice must include details of how the services previously undertaken by the Authorised Person will continue to be undertaken.

B13 Notification of commercial operation

B13.1 The Licensee must notify IPART in writing that it has brought the Specified Water Industry Infrastructure into commercial operation within 10 days of the Licensee bringing the Specified Water Industry Infrastructure into commercial operation.

INTERPRETATION AND DEFINITIONS

Interpretation

In this Schedule B, unless the context requires otherwise:

- (i) the singular includes the plural and vice versa;
- (ii) headings are used for convenience only and do not affect the interpretation of this Schedule B;
- (iii) a reference to a document includes the document as modified from time to time and any document replacing it;
- (iv) a reference to a “person” includes a natural person and any body or entity whether incorporated or not;
- (v) a reference to a clause is to a clause in this Schedule B;
- (vi) a reference to a schedule is to a schedule to this Licence; and
- (vii) a reference to a law or statute includes regulations, rules, codes and other instruments under it, and consolidations, amendments, re-enactments or replacements of them.

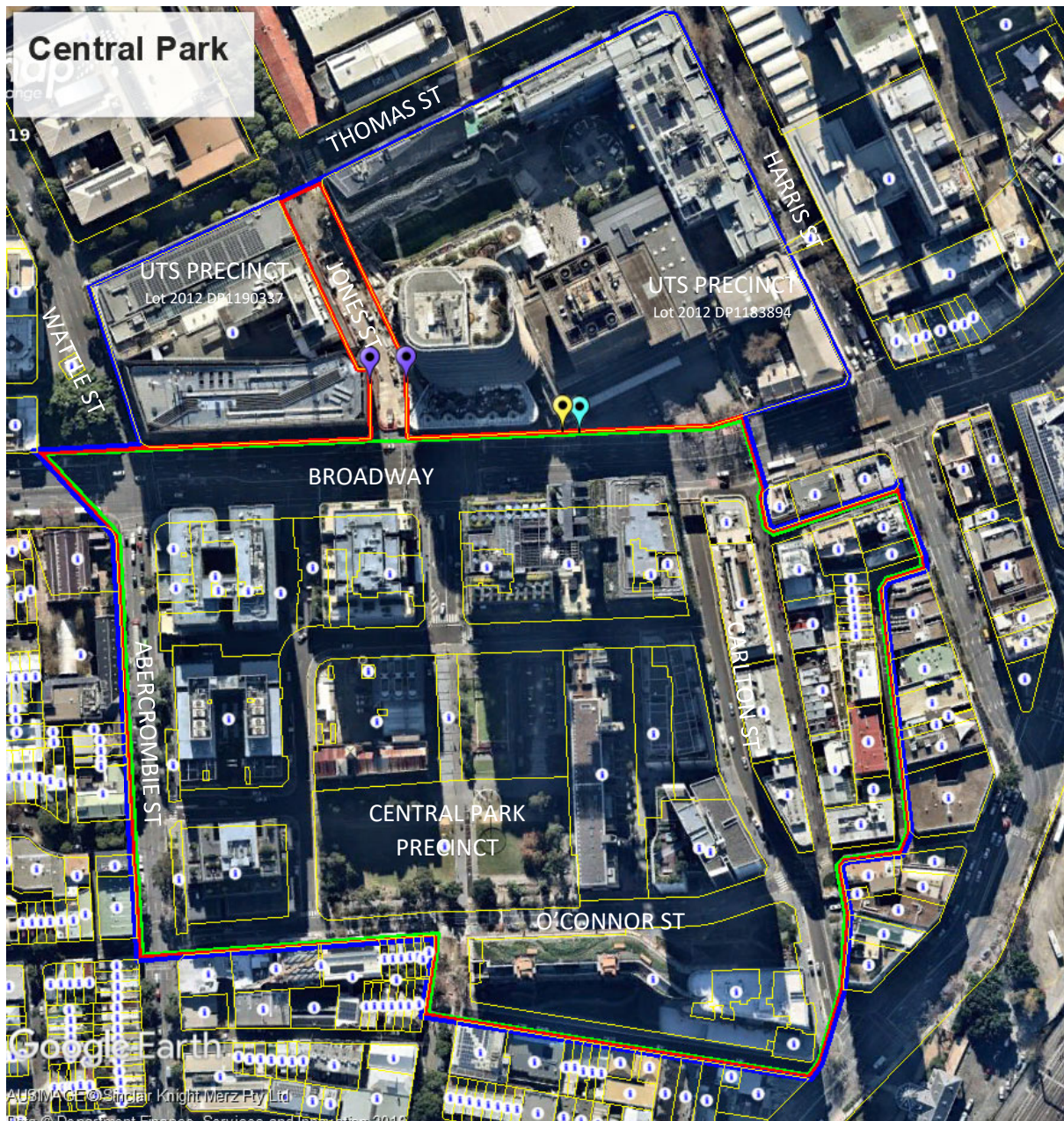
Definitions

Expressions used in this Schedule B that are defined in the Act or the Regulation have the meanings set out in the Act or the Regulation.








In this Schedule B:

Act	means the <i>Water Industry Competition Act 2006</i> ;
Audit Guidelines	means the document entitled “Audit Guideline – Water Industry Competition Act 2006” which is produced by IPART and is available on IPART’s website at www.ipart.nsw.gov.au , and any other guidelines issued by IPART in relation to audits under the Act;
Authorised Person	means the authorised persons specified in each of Schedule A, clause A1, Table 1.1; Schedule A, clause A2, Table 2.1; and Schedule A, clause A3, Table 3.1;
Authorised Purposes	means the authorised purposes specified in each of Schedule A, clause A1, Table 1.3; Schedule A, clause A2, Table 2.3; and Schedule A, clause A3, Table 3.3;
Insurance Expert	means an insurance broker which holds an Australian financial services licence under Part 7.6 of the <i>Corporations Act 2001</i> (Cth) (Corporations Act) that authorises the broker to provide financial product advice for, and deal in, contracts of insurance within the meaning of Chapter 7 of the Corporations Act.

IPART	means the Independent Pricing and Regulatory Tribunal of New South Wales established under the <i>Independent Pricing and Regulatory Tribunal Act 1992</i> ;
Licence	means this network operator's licence granted under section 10 of the Act;
Licensee	means a person to whom this Licence is granted under section 10 of the Act;
Licensee's Code of Conduct	has the meaning given in clause B10.1;
Minister	means the Minister responsible for Part 2 of the Act;
NSW Health	means the Water Unit of NSW Ministry of Health and any of the local health districts as defined by the NSW Ministry of Health;
Plan	means any infrastructure operating plan, water quality plan or sewage management plan that the Licensee is required to prepare under the Regulation;
Regulation	means the Water Industry Competition (General) Regulation 2008;
Reporting Manual	means the document entitled "Network Operator's Reporting Manual," which is prepared by IPART and is available on IPART's website at www.ipart.nsw.gov.au ;
Specified Area of Operations	means the area of operations specified in each of Schedule A, clause A1, Table 1.4; Schedule A, clause A2, Table 2.4; and Schedule A, clause A3, Table 3.4;
Specified Water Industry Infrastructure	means the water industry infrastructure specified in each of Schedule A, clause A1, Table 1.2; Schedule A, clause A2, Table 2.2; and Schedule A, clause A3, Table 3.2;
Verification Monitoring	means verification monitoring as described in the Australian Drinking Water Guidelines or the Australian Guidelines for Water Recycling as the case may be; and
Water Quality Plan	means the water quality plan that the Licensee is required to prepare under the Regulation.



LEGEND

-  Property boundary
-  Existing NOL12_022 boundary
-  Proposed NOL12_022 boundary
-  Proposed RSL13_001R boundary
-  Proposed UTS recycled water customer connection point
-  Proposed UTS Central drinking water customer connection point
-  Proposed UTS Central sewerage customer connection point



New South Wales

Water Industry Competition Act 2006 (NSW)

Notice of approval to bring new infrastructure into commercial operation

I, Andrew Constance MP, Minister for Finance and Services, have considered the request by Central Park Water Factory Pty Limited (ACN 151 072 838) (**Central Park Water Factory**) for approval to bring new infrastructure into commercial operation under the *Water Industry Competition Act 2006 (NSW)* (**Act**). The relevant water industry infrastructure is specified in Schedule A of Central Park Water Factory's network operator licence (12_022) (**Licence**).

I have considered a report dated 14 November 2013 (**Audit Report**) prepared by approved auditors within the meaning of the *Water Industry Competition (General) Regulation 2008 (NSW)* (**Regulation**). The Audit Report is included as Attachment A. I am satisfied that the Audit Report indicates that the new infrastructure identified in that report:

1. complies with the requirements of the Regulation and the conditions of the Licence; and
2. is capable of operating safely and in accordance with Central Park Water Factory's infrastructure operating plan, water quality plan and sewage management plan.

I therefore give my approval under schedule 1, clause 2 of the Regulation for Central Park Water Factory to commence commercial operation of the new infrastructure, as identified in the Audit Report.

A handwritten signature in black ink, appearing to read 'A Constance'.

Hon. Andrew Constance MP
Minister for Finance and Services

Dated this 23rd day of January 2014



New South Wales

Water Industry Competition Act (NSW) 2006

Notice of approval to bring new infrastructure into commercial operation

I, Kevin Humphries MP, Minister for Natural Resources, Lands and Water, have considered the request by Central Park Water Pty Ltd (ACN 151 072 838) (**CPW**) for approval to bring new infrastructure into commercial operation under the *Water Industry Competition Act (NSW) 2006*. The new infrastructure is described in Schedule A of CPW's network operator's licence (licence no. 12_022) (**Licence**).

I have considered a report prepared by an 'approved auditor' within the meaning of the *Water Industry Competition (General) Regulation 2008* (NSW) (**Regulation**). The report is included as **Attachment A**. I am satisfied that the report indicates that the new infrastructure:

1. complies with the requirements of the Regulation and the conditions of the Licence; and
2. is capable of operating safely and in accordance with CPW's infrastructure operating plan and water quality plan for recycled water.

I therefore give my approval under Schedule 1, clause 2 of the Regulation for CPW to bring the new infrastructure into commercial operation.

Handwritten signature of Kevin Humphries in cursive script.

Hon. Kevin Humphries MP
Minister for Natural Resources, Lands and Water

Dated this 28th day of Feb 2015

Central Park Water NOLV1

EIA Summary

NOLV1 Appendix Reference	ID	Area	Current Folio identifier	Services			EP&A Act Part 4 consent			
				DW	RW	WW	Folio Identifier in DA	Folio Identifier in Existing NOL (if applicable)	DA reference	Consent dates
3.5.1 (c)	A	Jones Street services trenches	N/A – Public road (Jones Street) Part Lot 2012 DP 1183894 Part Lot 2012 DP 1190337	✓	✓	✓	N/A	N/A	D/2013/242	Consent: 15/04/2013
3.5.1 (d)	B	Broadway crossing	N/A – Public roads (Broadway and Jones Street) Lot 200 DP 1212253	✓	✓	✓	Lot A DP 430090 Lot 12 DP 1194122	Public road (Broadway); Land bounded by Broadway, Abercrombie Street, O’Connor Street and Kensington Street	D/2015/1450	Consent: 06/01/2016
3.5.1 (e)	C	Connection of Broadway crossing to UTS Central	N/A – Public road (Jones Street) and Part Lot 2012 DP 1183894	✓	✓	✓	N/A	N/A	D/2016/434	Consent: 01/07/2016

City of Sydney

ABN 22 636 550 790

GPO Box 1591 Sydney NSW 2001 Australia

Town Hall House 456 Kent Street Sydney NSW 2000 Australia

Phone +61 2 9265 9333 Fax +61 2 9265 9222

council@cityofsydney.nsw.gov.au www.cityofsydney.nsw.gov.au



NOTICE OF DETERMINATION - APPROVAL

Issued under Section 80(1)(a) of the Environmental Planning and Assessment Act 1979

Development Application No.	D/2013/242
Applicant	UNIVERSITY of TECHNOLOGY SYDNEY Building 1 Level 19 15 Broadway ULTIMO NSW 2007
Land to be developed	5120 JONES STREET , ULTIMO NSW 2007
Approved development	Construction of services trenches below Jones street at University of Technology Sydney.
Cost of development	\$499,146.00
Determination	The application was determined under delegation of Council and was granted consent subject to the conditions in Schedules 1 and 2.
Other Approvals	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained. Council must be appointed the Principal Certifying Authority for any <i>subdivision work</i> under the Act.
Consent is to operate from	15 April 2013
Consent will lapse on	15 April 2018

Reasons for conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Right of appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee.

city of villages

NOTICE OF DETERMINATION – APPROVAL D/2013/242

The review must be lodged and determined within six (6) months of the date in which you received this notice.

Note: To enable the section 82A review to be considered within the six (6) month time frame prescribed under the Environmental Planning and Assessment Act 1979, it is advisable to lodge the application for review under Section 82A as soon as possible (within 4 months) to facilitate the statutory timeframes.

Section 82A does not apply to complying development, designated development, integrated development or a determination made by Council under Division 4 in respect of Crown applications. For further information please contact **Kate Bartlett on ph. 9265 9200**.

GRAHAM JAHN

Director - City Planning, Development & Transport

NOTICE OF DETERMINATION – APPROVAL D/2013/242

CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

Note: Some conditions in Schedule 1A are to be satisfied prior to construction and some are to be satisfied prior to completion, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2013/242 dated 28 February 2013 and the following drawings:

Drawing Number	Architect	Date
CB11_AK-01850_A	Denton Corker Marshall	5 December 2012
CB11_AK-01739_H	Denton Corker Marshall	7 December 2012
CB11_AK-01741_G	Denton Corker Marshall	26 November 2012
CB11_AK-01744_C	Denton Corker Marshall	26 November 2012
CB11_AK-01807_C	Denton Corker Marshall	7 December 2012
CB11_AK-01818_A	Denton Corker Marshall	26 November 2012

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) COMPLIANCE WITH CONSTRUCTION NOISE MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the recommended ameliorative measures within the submitted Construction Noise & Vibration Management Plan, Renzo Tonin & Associates dated 11 December 2012, reference TG061-01P01 (Rev1) CNVMP and the UTS FEIT BROADWAY Construction Management & Methodology dated 6th December 2012
- (b) Where all such noise control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedance with the council's noise criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite from the noise causing the complaints.

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- (c) Such periods should, where possible, be set and agreed with the Council and be given at times high noise levels are, or are likely, to cause most offence.

(3) LICENCE UNDER ROADS ACT

The owner(s) of the properties adjoining the subject portion of Jones Street are to make a separate application for a Licence under Section 139(1)(d) of the *Roads Act 1993*, in respect of the stratum below Jones Street occupied by the conduits for private service connections beneath the surface of that public road. Such Licence is to be subject to terms and conditions considered necessary to protect Council's interests and those of the public, including indemnifying Council against costs and damages arising from the proposal.

All costs associated with such Licence are to be borne by the owner(s) of the properties adjoining the subject portion of Jones Street.

(4) SECTION 138 APPROVAL

Prior to the commencement of any work within the public way, a separate application is to be made to Council to obtain approval for the works and installation of private conduits under Section 138 of the *Roads Act 1993*.

(5) DESIGN AND CONSTRUCTION OF WORKS

- (a) Detailed engineering, road, drainage and infrastructure works, design and construction plans for the construction of trenches, installation of conduits, and reinstatement of the roadway and footway within Jones Street are to be submitted to Council and approval gained prior any works commencing. The design and documentation is to include any requirements and approvals from external parties such as public utility service authorities and is to be in accordance with Council's "*Development Specifications for Civil Works Design and Construction*".
- (b) The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage and infrastructure works for the construction of trenches and reinstatement of the roadway and footway prepared and certified by a Professional Engineer - the engineering plans are to include:
 - (i) Details and specifications for the roadway formation restoration works required upon installation of the private service conduits,
 - (ii) Details and design of any public stormwater system deviation or relocation as a consequence of the proposed works,
 - (iii) Details of design and specifications for the reinstatement of the footway formation, kerb and gutter and carriageway formation upon installation of the private service conduits,
 - (iv) Details of structures and conduits for the provision and installation of any public utility services and any adjustment or deviation to existing services required,

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- (v) Details of structures, procedures and measures adopted to address erosion and sediment control during the earthworks and construction process,
 - (vi) Details of traffic management and site management procedures during the construction process,
- (c) The certification is to include confirmation from a Professional Engineer that the design complies with Council's Development Specifications for Civil Works Design and Construction.

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SCHEDULE 1B

PRIOR TO COMMENCEMENT OF WORK

(6) NO EXCAVATION PRIOR TO CONSTRUCTION

Excavation must not commence until a Construction Certificate has been issued.

(7) FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee calculated on the basis of 15 lineal metres of the asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to commencement of works.

The Bank Guarantee will be retained in full until completion of works and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

(8) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the street frontage of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during construction and / or excavation works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (ie. those that are in good condition as agreed by City officers) must be re-installed in accordance with the City's standard details and specifications after the construction and / or excavation works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath and road access until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to completion of works. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to the City's satisfaction or as otherwise advised by City officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) Council approval is required before kerbs are removed.

(9) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material,

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material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

(10) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the Roads Act 1993 must be lodged with Council.

For new permanent basement wall/s or other ground retaining elements (not being anchors projecting under the road reserve):-

- (a) Prior to works commencing, the following documents must be submitted to the Certifying Authority (CA) and a copy to Council:
 - (i) Dilapidation Report of adjoining buildings/structures.
 - (ii) Evidence that public utility services have been investigated.
- (b) If adjoining a Public Way:
 - (i) Evidence of a \$10 million dollar public liability insurance policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document must be submitted to Council.
 - (ii) Bank guarantee in accordance with the Council's fees and charges. The original document must be submitted to Council.
- (c) Prior to commencement of work:
 - (i) The location of utility services must be fully surveyed and the requirements of the relevant public utility authority complied with; and
 - (ii) The following documents must be approved by the Certifying Authority and a copy submitted to Council:
 - a. Structural drawings and certification as prescribed elsewhere in this consent.
 - b. Geotechnical report and certification as prescribed elsewhere in this consent.
- (d) Prior to completion, the Certifying Authority must receive written and photographic confirmation that the restoration of the public way has been complete in accordance with the following:
 - (i) All ground anchors must be de-stressed and isolated from the building prior to completion of the project.
 - (ii) The temporary structure, including foundation blocks, anchors and piers must be removed above and below the public way, prior to completion of project, down to a depth of 2m.

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- (iii) All timber must be removed.
 - (iv) All voids must be backfilled with stabilised sand (14 parts sand to 1 part cement).
 - (v) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land approved for works under this consent.
- (e) The Bank Guarantee may be released after the Certifying Authority submits certification to Council that all the works described in (d) above have been completed and that there is no remaining instability, damage or unevenness to the public domain as a result of the development. This certification is to include relevant photographs and must be to the satisfaction of the Council's Director City Planning.

(11) BARRICADE PERMIT

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

(12) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO COMPLETION

(13) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation 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 between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Building Sites Noise Code and Australian Standard 2436 - 2010 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

(14) USE OF INTRUSIVE APPLIANCES - TIME RESTRICTION.

- (a) The operation of high noise intrusive plant and machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 "Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of 9am to 12pm and 2pm to 5pm Mondays to Fridays, 9am to 12pm and 2pm to 3.30pm Saturdays or other times of use agreed with the City.
- (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'.

(15) EXTENDED HOURS OF WORK - APPROVED

- (a) Notwithstanding Conditions 13 and 14, the approved hours of construction are amended to allow works associated with the development to take place within Jones Street, Ultimo in connection with this application at UTS between the hours of 4pm to 1am the following day, Mondays to Fridays, and 4pm to 12 midnight Saturdays, with no working on Sundays and Public Holidays.
- (b) The use of intrusive appliances including jackhammers should be permitted within such extended times until 10pm Mondays to Saturdays.
- (c) All work and activities conducted during the extended hours of work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 (The Code) and Australian Standard 2436 - 2010 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

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- (d) Should the City receive substantiated complaints concerning offensive noise from any works conducted outside standard category 1 construction hours which are not satisfactory resolved then the approved hours shall revert back to the standard construction approval hours, namely 07.30am to 5.30pm Monday to Friday, and 07.30am to 3.30pm on Saturdays only with no Sundays or public holiday working.
- (e) Resumption of extended working hours referred to in Condition 15(a) shall not be permitted until the applicant can demonstrate to Council that appropriate ameliorative measures recommended by their acoustic consultant have been fully implemented and that the complaints are satisfactorily resolved.

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SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

Clause 98A Erection of signs

Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at:
<http://www.legislation.nsw.gov.au>

IMPORTANT ADDITIONAL INFORMATION

A Review of this determination by the *Small Permits Appeal Panel* must be made in writing. An application form is available at the One Stop Shop.

The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. Nominate a **Principal Certifying Authority** (PCA) which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
3. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.

You may also need to:

4. Lodge an **Application for Approval** under Section 68 of the *Local Government Act 1993* for an activity under that Act, including the **erection of a hoarding**.
5. Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
6. Carry out critical stage inspections in accordance with Section 109E of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000.

Applications and submissions referred to in this consent may be lodged at:

CBD Level 2, Town Hall House, 456 Kent St, Sydney.

KINGS CROSS 50-52 Darlinghurst Rd, Kings Cross.

GLEBE Customer Service Centre, 186 Glebe Point Rd, Glebe.

If you have any enquiries on any aspect of this consent, contact Kate Bartlett ph. 9265 9200, email kbartlett@cityofsydney.nsw.gov.au.

DEVELOPMENT APPLICATION ASSESSMENT

Application No: D/2013/242

Date of Lodgement 28-Feb-2013

Applicant UNIVERSITY OF TECHNOLOGY SYDNEY

Application Site: 5120 JONES STREET , ULTIMO NSW 2007

Proposal: Construction of services trenches below Jones street at University of Technology Sydney.

The application is Crown Development under the EP&A Act. Accordingly, the draft conditions were submitted to the applicant for review on 5 April 2013. The final conditions of consent have been agreed to by the applicant.

SITE AND SURROUNDING DEVELOPMENT

A site visit was carried out on 2 April 2013.

5120 Jones Street runs north to south from Broadway through Ultimo and Pyrmont. The subject area of the site is between Jones and Thomas Streets in Ultimo, with UTS owning the land to the east, west and south. Jones Street is closed at Broadway for vehicular traffic. The services trenches are for the purpose of running services between the UTS buildings to the east and west.

Photos of the site and surrounds are provided below:



Figure 1: Jones Street looking north



Figure 2: Jones St looking south.

PROPOSAL

Construct four services trenches underneath Jones Street between Building 2, Building 10 and the Broadway Building at UTS.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

(a) Environmental Planning Instruments and DCPs.

Sydney LEP 2012

The site is located within the mixed uses zone. The proposed works are permissible and consistent with the objectives of the zone as services trenches are necessary for the educational uses associated with UTS.

The proposed trenches are considered generally consistent with the aims, objectives and controls of the LEP

Sydney DCP 2012

The proposed trenches are considered generally consistent with the aims, objectives and controls of the DCP.

The proposed trenches will not be visible from the public domain and will not detract from the public domain or public domain elements.

The application was accompanied by a Construction Methodology Plan that adequately addresses pedestrian access and traffic management during the construction of the trenches.

Works are proposed to be undertaken between 4pm and 1am the following day, with noisier works to be undertaken by 10pm. The application was accompanied by an

acoustic report. The proposed extended trading hours are considered acceptable as the street is encompassed by University buildings to the east and west and Central Park development to the south, which is still under construction. Accordingly, it is not considered that any residents will be affected by noise from construction works. Appropriate noise management conditions have been imposed on the consent.

The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

(b) Other Impacts of the Development

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

(c) Suitability of the site for the Development

The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.

(d) CONSULTATION

Internal Referrals

The conditions of other sections of Council have been included in the proposed conditions.

The application was referred to Council's Health, Public Domain and Surveyor Units, who raised no objection subject to conditions.

Council's Building Surveyor advised that no building conditions are required as the works are not considered building works under the BCA.

NOTIFICATION, ADVERTISING AND DELEGATION (No Notification)

In accordance with Schedule 1, the proposed development is not required to be notified or advertised development under the Sydney DCP 2012. As such the application was not notified as it is by way of scale, character and operation is likely to have minimal or acceptable impacts.

FINANCIAL IMPLICATIONS/S94 CONTRIBUTION

Section 94 Contributions

The development is not subject to a Section 94 Contribution.

CONCLUSION

Having regard to all of the above matters, it is considered that the proposal for construction of services trenches generally satisfies the relevant strategy, objectives and provisions of the Sydney LEP 2012 and the Sydney DCP 2012, is acceptable and is recommended for approval subject to conditions as shown in the attached Decision Notice.

The application is Approved under delegated authority of Council.

The undersigned declare, to the best of their knowledge that they have no interest, pecuniary or otherwise, in this development application or persons associated with it and have provided an impartial assessment.

Report Prepared by:

Application determined by:

Kate Bartlett
Specialist Planner

Andrew Rees
Area Planning Manager

NOTICE OF DETERMINATION - APPROVAL

Issued under Section 80(1)(a) of the Environmental Planning and Assessment Act 1979

Development Application No.	D/2015/1450
Applicant	BROOKFIELD ENERGY AUSTRALIA
Land to be developed	62-98 BROADWAY, CHIPPENDALE NSW 2008; 4050 BROADWAY AND 5120 JONES STREET, ULTIMO NSW 2007 Lot A DP 430090, Lot 12 DP 1194122
Approved development	Construction of a thermal energy and recycled water link between Central Park and UTS City Campus Building 1, involving borehole drilling and installation of pipes under Broadway and Jones Street.
Cost of development	\$2,000,000
Determination	The application was determined under delegation of Council and was granted consent subject to the conditions in Schedules 1 and 2.
Other Approvals	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifying Authority for any <i>subdivision work</i> under the Act.
Consent is to operate from	6 January 2016
Consent will lapse on	6 January 2021

Reasons for conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Right of appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged and determined within six (6) months of the date in which you received this notice.

NOTICE OF DETERMINATION – APPROVAL D/2015/1450

Note: To enable the section 82A review to be considered within the six (6) month time frame prescribed under the Environmental Planning and Assessment Act 1979, it is advisable to lodge the application for review under Section 82A as soon as possible (within 4 months) to facilitate the statutory timeframes.

Section 82A does not apply to complying development, designated development, integrated development or a determination made by Council under Division 4 in respect of Crown applications. For further information please contact **Silvia Correia on ph. 9246 7598.**

GRAHAM JAHN AM

Director - City Planning, Development & Transport

NOTICE OF DETERMINATION – APPROVAL D/2015/1450

CONDITIONS OF CONSENT

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/1450 dated 9 October 2015 and the following drawings:

Drawing Number	Architect	Date
Figure 3-1 (Concept Design)	WSP / Parsons Brinckerhoff	21/08/15
WSP-001 P1	WSP	24/08/15
WSP-002 P1	WSP	24/08/15

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) LICENCE UNDER ROADS ACT

Prior to the commencement of works, the owner(s) of the properties adjoining the subject portion of Broadway and Jones Street are to make a separate application for a Licence under Section 139(1)(d) of the *Roads Act 1993*, in respect of the stratum below Broadway and Jones Street occupied by the conduits for private service connections beneath the surface of that public road. Such Licence is to be subject to terms and conditions considered necessary to protect Council's interests and those of the public, including indemnifying Council against costs and damages arising from the proposal.

All costs associated with such Licence are to be borne by the owner(s) of the properties adjoining the subject portion of Broadway and Jones Street.

(3) SECTION 138 APPROVAL

Prior to the commencement of any work within the public way, a separate application is to be made to Council to obtain approval for the works and installation of private conduits under Section 138 of the *Roads Act 1993*.

(4) DESIGN AND CONSTRUCTION OF WORKS

- (a) Detailed engineering, road, drainage and infrastructure works, design and construction plans for boring of lateral holes, the construction of pits and trenches (if required), installation of conduits, and reinstatement of the roadway and footway within Broadway and Jones Street are to be submitted to Council and approval gained prior any works commencing. The design and documentation is to include any requirements and approvals from external parties such as public utility service authorities and is to be in accordance with Council's *"Development Specifications for Civil Works Design and Construction"*.

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- (b) The submission to Council required under (a) above is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage and infrastructure works for the lateral boreholes, the construction of trenches (if required) and reinstatement of the roadway and footway prepared and certified by a Professional Engineer. The engineering plans are to include:
 - (i) Details and specifications for the roadway formation restoration works required upon installation of the private service conduits,
 - (ii) Details and design of any public stormwater system deviation or relocation as a consequence of the proposed works,
 - (iii) Details of design and specifications for the reinstatement of the footway formation, kerb and gutter and carriageway formation upon installation of the private service conduits,
 - (iv) Details of structures and conduits for the provision and installation of any public utility services and any adjustment or deviation to existing services required,
 - (v) Details of structures, procedures and measures adopted to address erosion and sediment control during the earthworks and construction process,
 - (vi) Details of traffic management and site management procedures during the construction process,
- (c) The certification is to include confirmation from a Professional Engineer that the design complies with Council's Development Specifications for Civil Works Design and Construction.

(5) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 18.8 lineal metres of asphalt footway along Broadway must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to the commencement of works.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

(6) COMPLIANCE WITH CONSTRUCTION TRAFFIC MANAGEMENT PLAN

All works conducted on site which form part of this development must be carried out in accordance with the Traffic Management and Access Plan (Central Thermal Plant and Recycled Water Plant connection between Central Park and

NOTICE OF DETERMINATION – APPROVAL D/2015/1450

UTS) Revision D, prepared by Brookfield Energy Australia and dated 10 December 2015.

(7) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the Noise and Vibration Management Plan prepared by Brookfield Energy Australia, 26th August 2015, 2269592A-ENV-REP-001 Rev A.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are 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. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

(8) ROADS AND MARITIME SERVICES (RMS) REQUIREMENTS

- (a) Any road crossings should be by underboring and are to be maintenance free.
- (b) Prior to the commencement of works / issue of the Construction Certificate, whichever is earlier, the following information shall be submitted for RMS approval:
 - (i) Ground condition, the geotechnical investigation within the vicinity of the underbore location.
 - (ii) Typical longitudinal and cross sections of the proposed underbore (diameter and depth of the proposed underbore).
 - (iii) Detail analysis and predicted surface settlement of the underbore works.
 - (iv) Proposed monitoring plan that required before, during the underbore work.

Based on the information the RMS will determine whether a detailed review will be required. If detail review is required the proponent is to meet the cost for the review

- (c) The Utility Owner or their agent is to ensure all work is performed to the relevant construction standards and work practices. Design of bore pits, shoring and bracing or other supports must be undertaken by a qualified professional Engineer (CP Eng-Aust) belonging to the Institute of Engineers, Australia. or other Engineering qualification acceptable to the

NOTICE OF DETERMINATION – APPROVAL D/2015/1450

RMS. A copy of the documentation & certification must be held by the Contractor on-site.

- (d) A site meeting must be conducted with Roads and Maritime Service Provider prior to the commencement of work.

Contact details:

Ventia Boral Amey Joint Venture
Stewardship Maintenance Contract – Sydney South
422 West Botany Street Rockdale NSW 2216
E: nswenquiries@lbaiv.com.au
T: [1800 677 700](tel:1800677700)

- (e) If the works will have an impact on Roads and Maritime assets the Service Provider will determine the amount of Bank Guarantee required for the proposed work.
- (f) Roads and Maritime Services (RMS) approval for the construction work will only be issued when we receive the Bank Guarantee and Copy of Public Liability Insurance and agreement to the following conditions. The Bank Guarantee and the copy of the Public Liability Insurance must be mailed to: Project Engineer External Works, Asset Sydney PO Box 973, Parramatta CBD 2124, prior to the commencement of work.

Bank Guarantee requirements:

- (g) An unconditional Bank Guarantee, original with no end date and issued in favour of the Roads and Maritime Services must be submitted to the RMS Sydney Asset Project Engineer External Works prior to the work. The amount of the Bank Guarantee will be advised by Service provider.
 - (i) Site location and details of proponent address are to be included in the Bank Guarantee.
 - (ii) The Bank Guarantee is to cover a defects liability period of 12 or 6 months will be determined by Service provider
 - (iii) The proponent to contact Service provider to obtain the date of practical completion, which is issued by Service provider. At the end of the defects liability period, the proponent contact Service provider to inspect the site.
 - (iv) The RMS will, on written request from you return the Bank Guarantee or balance thereof subject to any deduction which may have occurred to rectify any unacceptable work by our Service provider or its Agent

Insurances:

- (h) The Public Liability Insurance in the amount of not less than 20 million dollars should be affected and extended to cover the interest of the RMS, or its agent and Council by any contractor engaged on the construction and/or maintenance of the work. Evidence of such insurance must be submitted to the RMS prior to commencement of work.

NOTICE OF DETERMINATION – APPROVAL D/2015/1450

Indemnities:

- (i) The RMS shall be indemnified by the Utility Owner against any suit, action, claim etc, which may arise from the presence of the utility within the Authority's road or median or generally within the road boundaries.
- (j) The RMS shall be indemnified by the Utility Owner from and against all actions, suits, proceedings, losses, costs, damages, charges, claims and demands in any way arising from the proposed work.

RMS Assets:

- (k) Restoration and any modification of RMS assets will need to be carried out to Roads and Maritime standards or as agreed by the Service provider and no cost to the RMS. Generally the pavement restoration will need to be carried out in accordance with Specification No. M209. You must note that the extent to which restoration is required will be determined by the service provider and may extend beyond the limits of the contractors excavation. A copy of M209 is available on the website

Other Authorities to be Contacted:

- (l) The appropriate Local Government Authority's approval must be obtained.
- (m) Please contact Dial Before You Dig (telephone 1100) prior to the commencement of work to ascertain whether other utility services may be involved.

Road Occupancy Licence – Traffic Management:

- (n) All Road Occupancy Licence Applications (ROLA) are now processed through this new online system called OPLINC 2 and we are no longer accepting applications through TMC inbox or fax. To submit ROLA the proponent must first register online. The proponent must use Google Chrome as your web browser (there is a map function that only work in Chrome) Please access the following link and proceed to register <https://myrta.com/oplinc2>

Any clarification on the above matter, please contact the Road Occupancy Unit on T: 02 8396 1513 during normal business hours.

(9) SYDNEY TRAINS / RAILCORP REQUIREMENTS

- (a) Prior to the commencement of works, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the applicant must discuss with the RailCorp as to whether these services are to be relocated or incorporated within the development site.
- (b) For future West Metro tunnels design and construction, as-built plans and information is to be submitted to Sydney Trains Property (Transport for NSW) within 60 days of the completion of works.

(10) TRANSGRID REQUIREMENTS

- (a) All works will need to be carried out in accordance with the NSW WorkCover 'Work Near Overhead Powerlines' Code of Practice – (link below) and TransGrid's Easement Guidelines for Third Party Development <http://www.workcover.nsw.gov.au/health-and-safety/industry-safety/electrical-and-power/power-lines/publications/work-near-overhead-power-lines-code-of-practice-2006>
- (b) 'Dial Before you Dig' is to be contacted prior to commencement of works.

(11) AUSGRID REQUIREMENTS

- (a) The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site).
- (b) In general, works to be considered by Ausgrid include, but are not limited to, the following:
 - Changes in electrical load requirements
 - Changes to Ausgrids infrastructure (ie. asset relocations, decommissioning substations etc.)
 - Works affecting Ausgrids easements, leases and/ or right of ways
 - Changing the gradients of any roads or paths
 - Changing the level of roads or foot paths
 - Widening or narrowing of roads
 - Closing roads or laneways to vehicles
 - In all cases Ausgrid is to have 24 hour access to all its assets
- (c) Any work undertaken near Overhead Power lines needs to be done in accordance with:
 - Workcover Document ISSC 23 "Working Near Overhead Power Lines"
 - Ausgrids Network Standards
 - Ausgrids Electrical Safety Rules
- (d) The developer is to ensure that the proposed works do not contravene Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.

(12) ROAD OPENING PERMIT

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

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

(13) BARRICADE PERMIT

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

(14) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the commencement of works a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) 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 developer.

(15) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

(16) SPILLAGE-MATERIALS AND EQUIPMENT TO CONTAIN & CLEAN UP

Appropriate materials and equipment are to be available on site at all times to contain and clean up spills of potentially polluting materials. An inventory of all clean up and containments materials and equipment, and clean up procedures must be kept on site.

(17) WASTE LIQUIDS

All storage areas where spillages may reasonably occur shall be bunded. The capacity of the bunded area shall be calculated as being equal to 110% of the largest vessel or container in the area or 10% of the total volume of vessels/containers accommodated in the area, whichever is greater. All bunded areas shall be graded to a blind sump to facilitate testing of collected wastewater and provide a low point for pump out. Bunded areas shall be suitably treated to prevent the ingress of water.

(18) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:

NOTICE OF DETERMINATION – APPROVAL D/2015/1450

- (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW EPA Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.
- (b) An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that:
- (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq, 15 \text{ minute}}$ noise level and the $L_{A90, 15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the *NSW EPA Industrial Noise Policy* and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
 - (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
 - (v) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

(19) EMISSIONS

- (a) The use of the pipes must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

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- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the *Environment Operations Act, 1997* and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

(20) ASBESTOS REMOVAL WORKS

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.

(21) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(22) DISCHARGE OF CONTAMINATED GROUNDWATER

Prior approval must be sought from the City's Public Domain Department to discharge any groundwater into the City's stormwater drainage system.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(23) IMPORTED FILL MATERIALS

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

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(24) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

(25) STOCKPILES

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

(26) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation 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 between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436 - 1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Note: The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the *Environmental Planning and Assessment Act 1979*.

(27) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (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:
 - (i) 8:30am -12:00pm and 1:00 pm– 4:30pm Mondays to Friday

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- (ii) 9:00am – 1:00pm on Saturdays
- (iii) No work is permitted on Sundays or Public Holidays
- (b) The approved hours may be varied on receipt of written notification from the City's Area Planning Manager.
- (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*.

(28) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Waste water arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

(29) COVERING OF LOADS

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

(30) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of 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 2005*
- (c) *Waste Avoidance and Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2011*.

(31) COVERING OF LOADS

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

(32) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by

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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.

(33) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

The proposed work must comply with the *Building Code of Australia* (BCA).

(34) OCCUPATION CERTIFICATE TO BE SUBMITTED

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

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SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

IMPORTANT ADDITIONAL INFORMATION

Advisory note: The State Government has commenced planning for the construction of the CBD South East Light Rail (CSELR). You may need to consider the potential impacts of this project in programming your development. The CSELR route includes Alfred St, George St, Rawson Place, Eddy Ave, Chalmers St, and Devonshire St. For construction and programming information contact the Transport for NSW Infoline on 1800 684 490 or www.transport.nsw.gov.au/projects.

The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. **Note: it is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to the link below for any further information about digital requirements and electronic files.**
<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/digital-requirements>.
3. Nominate a **Principal Certifying Authority** (PCA) which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
4. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
5. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

You may also need to:

6. Lodge an **Application for Approval** under Section 68 of the *Local Government Act 1993* for an activity under that Act, including the **erection of a hoarding**.
7. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act, if strata title of the development is proposed.
8. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
9. Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
10. Carry out critical stage inspections in accordance with Section 109E of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000.

Applications and submissions referred to in this consent may be lodged at:

CBD Level 2, Town Hall House, 456 Kent St, Sydney.

KINGS CROSS 50-52 Darlinghurst Rd, Kings Cross.

GLEBE Customer Service Centre, 186 Glebe Point Rd, Glebe.

If you have any enquiries on any aspect of this consent, contact Silvia Correia ph. 9246 7598, email scorreia@cityofsydney.nsw.gov.au.

DEVELOPMENT APPLICATION ASSESSMENT

Application No:	D/2015/1450
Date of Lodgement	9 October 2015
Applicant / Developer	BROOKFIELD ENERGY AUSTRALIA
Application Site:	62-98 BROADWAY, CHIPPENDALE; 4050 BROADWAY & 5120 JONES STREET, ULTIMO
Proposal:	Construction of a thermal energy and recycled water link between Central Park and UTS City Campus Building 1. The works involve borehole drilling and installation of pipes under Broadway and Jones Street.

SITE AND SURROUNDING DEVELOPMENT

The site comprises three allotments, including two roads (Broadway and Jones Street) and 'Block 1' in Central park, currently under development. Surrounding land uses are educational, residential and commercial. The site is not a heritage item or located in a conservation area.

A site visit was carried out on 18 November 2015. Photos of the site and surrounds are provided below:

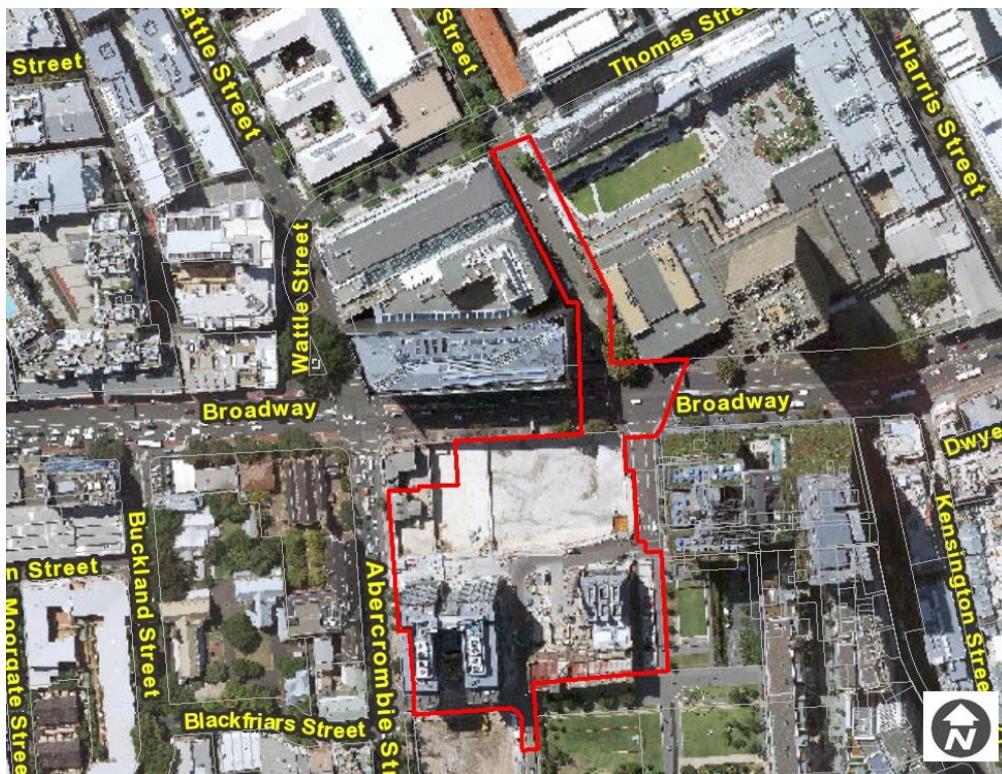


Figure 1: Aerial plan of combined sites.

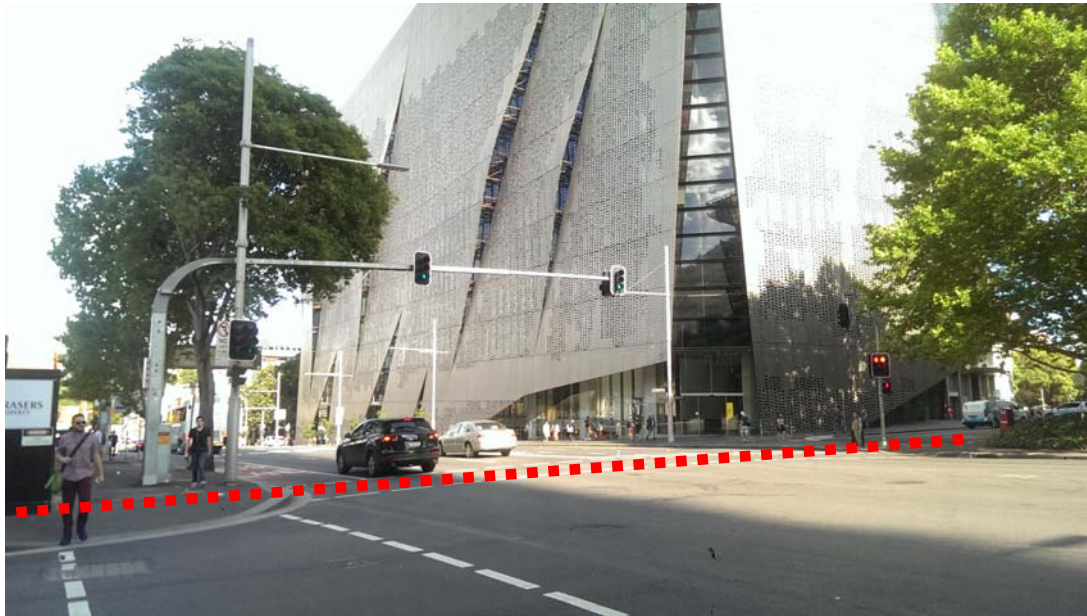


Figure 2: The general location of the proposed works (to be constructed underground). Looking west on Broadway.



Figure 3: The general location of the proposed works (to be constructed underground). Looking west on Broadway to Central Park.



Figure 4: The general location of the proposed works (to be constructed underground). Looking east on Broadway from Jones Street.

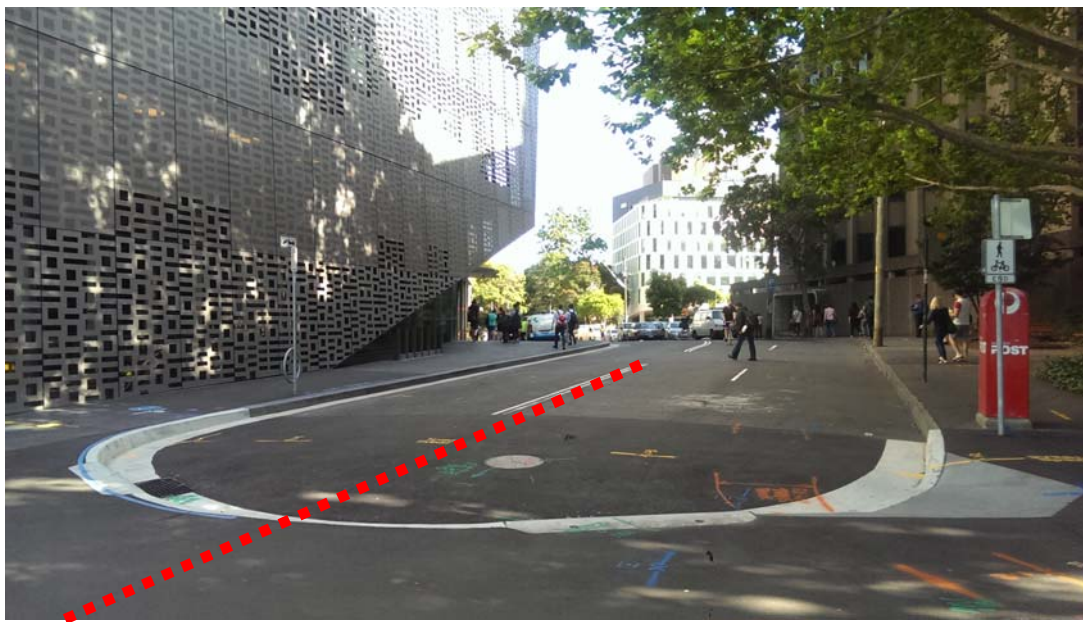


Figure 5: The general location of the proposed works (to be constructed underground) on Jones Street. The pipeline terminates underground.

PROPOSAL

The proposal is for the construction of a thermal energy and recycled water link between Central Park and UTS City Campus Building 1.

UTS propose to use the existing trigeneration (CTP) plant and recycled water treatment plant (RWTP) which is currently operating in Central Park. In order to serve UTS, four high density polyethylene pipes and an optical fibre cable conduit are proposed under Broadway to connect the two sites.

The link would comprise two flow and return pipes to allow the transfer of chilled water and two pipes to carry recycled water and grey water (return sewer).

The link is to be constructed horizontally by drilling four boreholes into bedrock (Hawkesbury sandstone) about 9 metres below Broadway.

The boreholes are proposed to be drilled from a temporary compound installed on the concrete basement slab of Block 1 in Central Park.

Images of the proposed development are provided below.

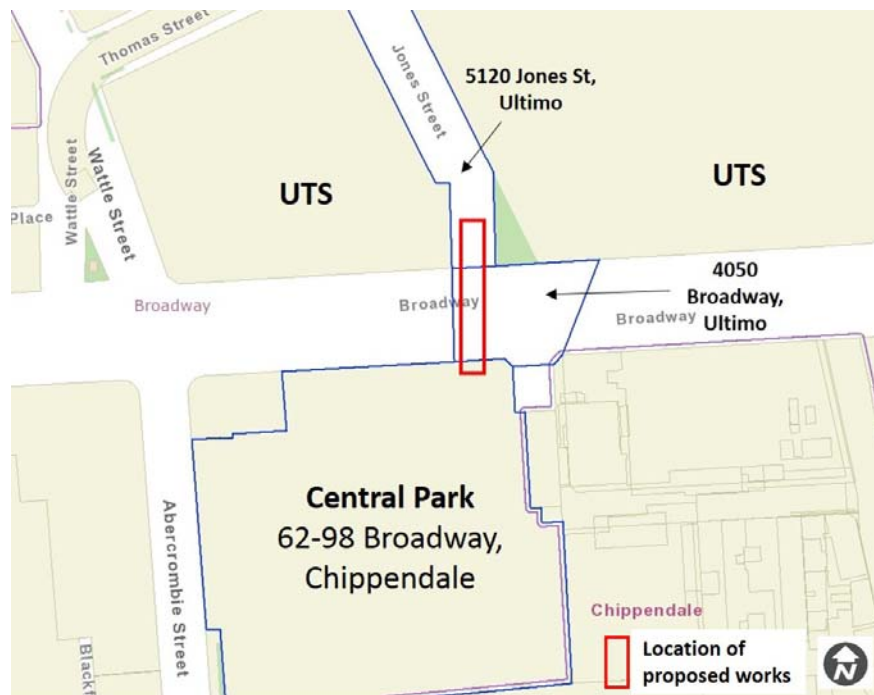


Figure 6: The site comprises three allotments. The location of the proposed works is shown boxed. The works are contained wholly underground.

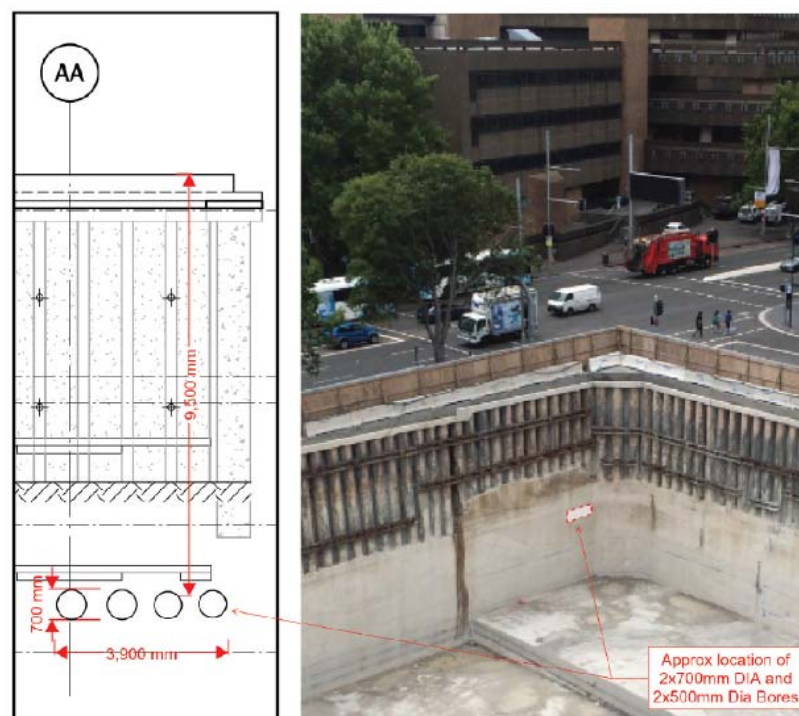


Figure 7: The bore construction commences on Block 1 at Central Park.

Compliance Action

The development site is comprised principally of roads that are not subject to a current compliance action.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

(a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy No 55—Remediation of Land

The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed. The City's Health Unit is satisfied that subject to conditions, the proposal is satisfactory in regard to contamination (from the use).

State Environmental Planning Policy (Infrastructure) 2007 (*Infrastructure SEPP*)

Electricity corridors and infrastructure

The provisions of Clauses 44 and 45 of the *Infrastructure SEPP*, relating to impacts on electricity corridors and infrastructure, have been considered in the assessment of the development application. Conditions from Transgrid and Ausgrid have been incorporated in the conditions, as required.

Sydney Trains / RailCorp

Under Clause 88 of the *Infrastructure SEPP*, as the projected excavation/ground penetration is within 25 metres and below 2 metres of ground level of a future corridor (Sydney Metro), RailCorp/Sydney Trains' concurrence is required. Concurrence was provided and conditions have been included.

Roads and Maritime Service (RMS)

The application was submitted as integrated development and referred to the RMS for concurrence. The RMS advised Council that the development was not integrated development under Section 91(3) of the *Environmental Planning and Assessment Act*, as Council is both the consent authority and the approval authority for Broadway.

Notwithstanding, the concurrence of the RMS was provided as required under Section 138 of the *Roads Act 1993*. The terms of that concurrence has been included in the consent conditions.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP. The development is consistent with the controls contained with the deemed SEPP.

Sydney LEP 2012 and Sydney LEP 2005

The development site comprises three (3) allotments. The zoning of the allotments and the applicable LEP is as follows:

- 62-98 Broadway, Chippendale – zoned City Edge under the Sydney LEP 2005;
- 4050 Broadway, Ultimo – zoned SP2 Infrastructure (Classified Road) zone under the Sydney LEP 2012; and
- 5120 Jones Street, Ultimo – zoned B4 Mixed Uses under the Sydney LEP 2012.

The proposed use is permissible in each of the zones.

The proposal is limited to works underground. It does not alter the height or FSR of any buildings.

None of the sites are listed heritage items or located in a conservation area.

The development does not impact on any existing trees or vegetation.

Sydney DCP 2012

The proposal has been considered against the relevant matters to be considered under Sydney Development Control Plan 2012. The proposal is limited to underground works. The infrastructure will not be visible or detract from the public domain.

(b) Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

(c) Suitability of the site for the Development

The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.

(d) CONSULTATION

External Referrals

Comments were received from:

- Transgrid;
- Ausgrid;

- RMS; and
- Sydney Trains / RailCorp.

The requirements of those external authorities have been included as consent conditions, where relevant.

Internal Referrals

The conditions of other sections of Council have been included in the proposed conditions.

Council's Properties Unit has provided owner's consent for works under roads and footpaths under Council's ownership.

Conditions recommended by other units of Council have been incorporated in the consent conditions, including requirements for a licence under the Roads Act and compliance with a Construction Traffic Management Plan during works.

NOTIFICATION, ADVERTISING AND DELEGATION (No Submissions received)

The application submitted as integrated development and as such notified and advertised for 30 days in accordance with the provisions of Environmental Planning and Assessment Regulations 2000.

During the exhibition period, the integrated referral authority (RMS) advised that the DA was not integrated development.

No submissions were received.

Comments received from external authorities are discussed above.

(e) Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

FINANCIAL IMPLICATIONS/S94 CONTRIBUTION

Section 94 Contributions

The development is not subject to a Section 94 Contribution.

CONCLUSION

Having regard to all of the above matters, it is considered that the proposal generally satisfies the relevant strategy, objectives and provisions of the Sydney LEP 2012 and the Sydney DCP 2012, is acceptable and is recommended for approval subject to conditions as shown in the attached Decision Notice.

The application is approved under delegated authority of Council.

The undersigned declare, to the best of their knowledge that they have no interest, pecuniary or otherwise, in this development application or persons associated with it and have provided an impartial assessment.

Report Prepared by:

Application determined by:

Silvia Correia
Senior Planner

Chris Corradi
Area Planning Manager

1 July 2016

BROOKFIELD ENERGY AUSTRALIA
Level 26 135 King St
SYDNEY NSW 2000

NOTICE OF DETERMINATION - APPROVAL
APPLICATION NO: D/2016/434

Dear Sir/Madam,

Please find enclosed the Notice of Determination and advisory notes relating to your development application for 5120 Jones Street , ULTIMO NSW 2007.

A copy of the DA Assessment Report can be viewed online at the City of Sydney's website <http://development.cityofsydney.nsw.gov.au/DASearch/> or if you would like to purchase a copy please visit Council at one of the following locations:

CBD/One Stop Shop Town Hall House Level 2, 456 Kent Street Sydney; Kings Cross Neighbourhood Service Centre 50-52 Darlinghurst Road Kings Cross; Glebe Customer Service Centre, 186 Glebe Point Rd, Glebe; Redfern Neighbourhood Service Centre 158 Redfern St Redfern.

If further information is required, please contact **Alistair Smith ph. 9265 9112, email asmith1@cityofsydney.nsw.gov.au**.

Yours faithfully



ALISTAIR SMITH
SENIOR PLANNER

NOTICE OF DETERMINATION - APPROVAL

Issued under Section 80(1)(a) of the Environmental Planning and Assessment Act 1979

Development Application No.	D/2016/434
Applicant	BROOKFIELD ENERGY AUSTRALIA
Land to be developed	5120 JONES STREET , ULTIMO NSW 2007
Approved development	Construction of services trenches below Jones St (between Broadway & Thomas St) containing new pipes to provide thermal energy, recycled water and data link between Central Park and UTS City Campus Building CB02.
Cost of development	\$259,600.00
Determination	The application was determined under delegation of Council and was granted consent subject to the conditions in Schedules 1 and 2.
Other Approvals	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifying Authority for any <i>subdivision work</i> under the Act.
Consent is to operate from	1 July 2016
Consent will lapse on	1 July 2021

Reasons for conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Right of appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged and determined within six (6) months of the date in which you received this notice.

NOTICE OF DETERMINATION – APPROVAL D/2016/434

Note: To enable the section 82A review to be considered within the six (6) month time frame prescribed under the Environmental Planning and Assessment Act 1979, it is advisable to lodge the application for review under Section 82A as soon as possible (within 4 months) to facilitate the statutory timeframes.

Section 82A does not apply to complying development, designated development, integrated development or a determination made by Council under Division 4 in respect of Crown applications. For further information please contact **Alistair Smith on ph. 9265 9112.**



per.

GRAHAM JAHN AM

Director - City Planning, Development & Transport

NOTICE OF DETERMINATION – APPROVAL D/2016/434

CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2016/434 dated 13 April 2016 and the following drawings prepared by WSP Buildings Pty Ltd:

Drawing Number	Drawing Name	Date
WSP-M-01 Rev B	Mechanical Services Plan Layout	24.03.2016

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) LICENCE UNDER ROADS ACT

Prior to the commencement of works, the owner(s) of the properties adjoining the subject portion of Jones Street are to make a separate application for a Licence under Section 139(1)(d) of the *Roads Act 1993*, in respect of the stratum below Jones Street occupied by the conduits for private service connections beneath the surface of that public road.

Such Consent is to be subject to terms and conditions considered necessary to protect Council's interests and those of the public, including indemnifying Council against costs and damages arising from the proposal and is subject to the Council's fees and charges.

All costs associated with such Licence are to be borne by the owner(s) of the properties adjoining the subject portion of Jones Street.

(3) SECTION 138 APPROVAL

Prior to the commencement of any work within the public way, a separate application is to be made to Council to obtain approval for the works and installation of private conduits under Section 138 of the *Roads Act 1993*.

(4) DESIGN AND CONSTRUCTION OF WORKS

- (a) Detailed engineering, road, drainage and infrastructure works, design and construction plans for boring of lateral holes, the construction of pits and trenches (if required), installation of conduits, and reinstatement of the roadway and footway within Jones Street are to be submitted to Council and approval gained prior any works commencing. The design and documentation is to include any requirements and approvals from external

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parties such as public utility service authorities and is to be in accordance with Council's *"Development Specifications for Civil Works Design and Construction"*.

- (b) The submission to Council required under (a) above is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage and infrastructure works for the lateral boreholes, the construction of trenches (if required) and reinstatement of the roadway and footway prepared and certified by a Professional Engineer. The engineering plans are to include:
 - (i) Details and specifications for the roadway formation restoration works required upon installation of the private service conduits,
 - (ii) Details and design of any public stormwater system deviation or relocation as a consequence of the proposed works,
 - (iii) Details of design and specifications for the reinstatement of the footway formation, kerb and gutter and carriageway formation upon installation of the private service conduits,
 - (iv) Details of structures and conduits for the provision and installation of any public utility services and any adjustment or deviation to existing services required,
 - (v) Details of structures, procedures and measures adopted to address erosion and sediment control during the earthworks and construction process,
 - (vi) Details of traffic management and site management procedures during the construction process,
- (c) The certification is to include confirmation from a Professional Engineer that the design complies with Council's Development Specifications for Civil Works Design and Construction.

(5) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Noise Management Plan prepared by PND Civil Group Pty Ltd dated 31/03/2016 (Ref: IMS-D-008 Noise Management Plan V1).

(6) COMPLIANCE WITH CONSTRUCTION TRAFFIC MANAGEMENT PLAN

All works conducted on site which form part of this development must be carried out in accordance with the Traffic Management Plan prepared by PND Civil Group Pty Ltd, dated 31/03/2016 (Ref: IMS-D-008 Traffic Management Plan V1).

SCHEDULE 1B

PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING

(7) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 7 lineal metres asphalt footway along Jones Street must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

(8) COUNCIL TREE PROTECTION

- (a) All trees within the site compound must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and as follows:
- (b) All staff working on the contract shall be adequately inducted to ensure they are aware of all tree protection requirements described below.
- (c) Tree trunk and major limb protection shall be installed on all trees within the site compound and certification provided to Council's Area Planning Manager prior to the issuing of the Construction Certificate. The protection shall be installed by a qualified Arborist (AQF 3) and must include;
 - (i) An adequate clearance, minimum 500mm, must be provided between any structure and/or machinery and tree branches, limbs and trunk at all times,
 - (ii) Tree trunk/s and major branches must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) shall be placed around tree trunk/s. The timber planks shall be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion.
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and shall be removed by the contractor at the completion of the project.
- (d) Temporary signs, or any other items, shall not be fixed or attached to any street tree.

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- (e) Excavation must be undertaken using non-destructive methods (such as by hand or with a hydro vacuum) in any area known to, or suspected of having roots larger than 50mm diameter.
- (f) During any excavation works, the use of mechanical equipment must be adequately placed away from existing trees to ensure damage does not occur during operation. Machinery must stop and Council's Street Tree Coordinator or Tree Management Officer must be contact immediately, if tree roots greater than 50mm diameter are encountered during the works.
- (g) The consent from Council's Street Tree Coordinator or Tree Management Officer must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 50mm in diameter. Only minor pruning works will be approved by Council.
- (h) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, must not occur within 5 metres of the trunk of any tree.
- (i) Siting of temporary structures and site amenities require during the works must not be placed on any trees pits or garden areas surrounding existing trees. A minimum clearance of 1.5 metres must be provided between by any temporary structures and site amenities and tree trunks and/or branches.
- (j) Any damage sustained to any trees is to be immediately reported to the Council's Street Tree Contract Coordinator or Tree Management Officer, to determine required remedial action.
- (k) Any damage caused to Council's trees as a result of the works which cannot be rectified, as directed by Council's Street Tree Coordinator or Tree Management Officer, will result in the applicant being responsible for full replacement of trees, and all associated costs recovered by Council.

(9) TRANSGRID REQUIREMENTS

- (a) All works when working within a TransGrid easement/and or directly above an underground cable/stratum tunnel must be planned and carried out in accordance with the following documentation:
 - (i) Requirements for Working In the Vicinity of TransGrid's Underground Cables (please refer to the attached)
 - (ii) *NSW WorkCover Work Near Underground Assets Guide 2007* (please refer to the attached)
 - (iii) *NSW WorkCover 'Work Near Overhead Power Lines' Code of Practice 2006* (link attached below):
<http://www.workcover.nsw.gov.au/health-and-safety/industry-safety/electrical-and-power/power-lines/publications/work-near-overhead-power-lines-code-of-practice-2006>
- (b) No excavation and drilling (for example rock anchors) are undertaken near TransGrid's easement and subterranean infrastructure under the abovementioned subject lot. Any work on the subject site must not damage the structural integrity of TransGrid's nearby subterranean tunnel

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that is imminently close thereto. Please note, if any damage arises to TransGrid's tunnel and the high voltage infrastructure situated therein on account of the development, TransGrid will seek full reimbursement of costs from the developer. This would include penalty fees arising from any outages to the transmission cables caused by the development.

Note: TransGrid's Asset Management Contact Representative:
Jeffree Cairns
Transmission Lines and Cables Asset Strategist
(02) 9620 0639

- (c) The applicant/developer is to conduct a 'Dial before you dig' (DBYD) prior to commencement on site and carry out due diligence.

(10) ROAD OPENING PERMIT

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

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

(11) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) A separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);

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- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2011*).

(12) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) 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 developer.

(13) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

(14) EMISSIONS

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the *Environment Operations Act, 1997*

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and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

(15) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.

(16) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(17) DISCHARGE OF CONTAMINATED GROUNDWATER

Prior approval must be sought from the City's Public Domain Department to discharge any groundwater into the City's stormwater drainage system.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(18) IMPORTED FILL MATERIALS

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

(19) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

(20) STOCKPILES

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(21) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc.) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the *Environmental Planning and Assessment Act 1979*.

(22) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

(23) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (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 7:30am to 12:30pm and 1:30pm to 5:30pm Monday to Friday only.
- (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*.

(24) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Waste water arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

(25) COVERING OF LOADS

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

(26) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of 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 2005*
- (c) *Waste Avoidance and Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2011.*

(27) VEHICLE CLEANSING

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

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SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

IMPORTANT ADDITIONAL INFORMATION

Advisory note: The State Government has commenced planning for the construction of the CBD South East Light Rail (CSELR). You may need to consider the potential impacts of this project in programming your development. The CSELR route includes Alfred St, George St, Rawson Place, Eddy Ave, Chalmers St, and Devonshire St. For construction and programming information contact the Transport for NSW Infoline on 1800 684 490 or www.transport.nsw.gov.au/projects.

The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. **Note: it is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to the link below for any further information about digital requirements and electronic files.**
<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/digital-requirements>.
3. Nominate a **Principal Certifying Authority** (PCA) which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
4. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
5. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

You may also need to:

6. Lodge an **Application for Approval** under Section 68 of the *Local Government Act 1993* for an activity under that Act, including the **erection of a hoarding**.
7. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act, if strata title of the development is proposed.
8. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
9. Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
10. Carry out critical stage inspections in accordance with Section 109E of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000.

Applications and submissions referred to in this consent may be lodged at:

CBD Level 2, Town Hall House, 456 Kent St, Sydney.

KINGS CROSS 50-52 Darlinghurst Rd, Kings Cross.

GLEBE Customer Service Centre, 186 Glebe Point Rd, Glebe.

If you have any enquiries on any aspect of this consent, contact Alistair Smith ph. 9265 9112, email asmith1@cityofsydney.nsw.gov.au.