

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
DETERMINATION OF DEVELOPMENT APPLICATION No. 371-11-2002

The reshaping of Distillery Hill including the demolition of retaining walls, excavation of rock and bulk earthworks; miscellaneous demolition in the Waterfront West Precinct; construction of retaining walls, and creation of infrastructure services.

I, the Minister for Infrastructure and Planning and the Minister for Natural Resources pursuant to section 80 of the *Environmental Planning and Assessment Act, 1979* ("the Act"), clause 14 of the Sydney Regional Environmental Plan No. 26 – City West, determine the development application referred to in Schedule 1 by granting consent to the application subject to the conditions in the attached Schedule 2.

The reasons for the imposition of conditions are:

- To protect the environment and amenity of the locality while construction works are in progress;

Craig Knowles
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney

2003

SCHEDULE 1.

APPLICATION MADE BY: Lend Lease Development
Attention: Mr Warwick Bowyer
Level 1
19 Harris Street, Pyrmont

TO: Minister for Infrastructure and Planning
Minister for Natural Resources

DEVELOPMENT APPLICATION: DA No. 371-11-2002

ON LANDING BEING: Lots 4, 15, 16, 20, Pt. 30 DP270251

FOR THE CARRYING OUT OF: The reshaping of Distillery Hill including the demolition of retaining walls, excavation of rock and bulk earthworks; miscellaneous demolition in the Waterfront West Precinct; construction of retaining walls, and creation of infrastructure services.

Notes relating to Minister's Determination of Development Application No. 371-11-2002.

All references to:

Director-General means to the Director-General of the Department of Infrastructure, Planning and Natural Resources.

Department means the Department of Infrastructure, Planning and Natural Resources;

PCA means Principle Certifying Authority;

Council means the Council of the City of Sydney; and

"Notes" included in the consent notice are advisory and do not form part of the approval.

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

**SCHEDULE 2
CONDITIONS OF CONSENT**

DEVELOPMENT APPLICATION NO. 371-11-2002

The reshaping of Distillery Hill including the demolition of retaining walls, excavation of rock and bulk earthworks; miscellaneous demolition in the Waterfront West precinct; construction of retaining walls, and creation of infrastructure services.

1. Approved Plans

The development must be in accordance with Development Application No. 371-11-2002, submitted by Lend Lease Development Pty Ltd in respect of the following:

- Statement of Environmental Effects (and appendices) dated October 2002 prepared by BBC Consulting Planners;
- Drawings prepared by Lend Lease Developments & Jeff Mouldsdale Associates, identified as follows:

Plan No.	Title	Date
C0200000 Issue 03	Title Sheet, Notes and Legends	AUG 2002
C0200001 Issue 03	Bulk Earthworks Plan	AUG 2002
C0200002 Issue 03	Bulk Earthworks Plan	AUG 2002
C0200003 Issue 03	Typical Sections	JAN 2002
C0200004 Issue 02	Typical Sections	JAN 2002
C0200005 Issue 03	Bowman Street & John Street Longitudinal Sections & Pavement Joining Details	JAN 2002
C0200006 Issue 03	Bowman Street Cross Sections	JAN 2002
C0200007 Issue 03	John Street Cross Sections	JAN 2002
C0200008 Issue 03	Siteworks and Stormwater Details	JUN 2002
C0200009 Issue 03	Overall Site Plan and Areas of Material Placement	APRIL 2002
C0105000 Issue 06	Title Sheet, Notes and Legends	JAN 2002
C0105001 Issue 08	Services Coordination Plan	JAN 2002
C0105002 Issue 07	Services Coordination Plan	JAN 2002
C0105003 Issue 08	Services Coordination Plan	JAN 2002
C0105004 Issue 06	Typical Services Road Cross Sections	JAN 2002
C0500005 Issue 06	Siteworks and Stormwater Details	JUN 2002
C0105006 Issue 07	Stormwater Catchment Plan	JUNE 2002
C0105007 Issue 04	Stormwater Longitudinal Sections	JAN 2002
C0105008 Issue 04	Stormwater Longitudinal Sections	JAN 2002

The development shall be carried out in accordance with the approved stamped plans and supporting documents, except where amended by conditions of this consent.

Note: Consent is not granted nor implied for the following:

- Operation of the concrete crushing plant and associated machinery.
- Basement carparks or there finished floor levels.

2. Limitation of Consent

This consent does not grant approval for the finished ground levels or final detail of the and landscaped concept for the Waterfront West public open space area. A separate development application for the final detail of the landscaping of the site is to be submitted to the consent authority for consideration prior to any landscaping works occurring.

3. Where applicable, the development must comply with the requirements of the requirements of the *Contaminated Land Management Act, 1997*, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA).
4. All works are to be carried out at all times so as not to breach the provisions of the *Protection of the Environment Operations Act, 1997*.
5. All requirements as specified by the Environmental Protection Authority (EPA) and WorkCover shall be implemented at all times.
6. No Obstruction of the Public Way
- The public way must not be obstructed by any materials, vehicles refuse skips or the like (except during closure to accommodate the Bowman Street works). Non-compliance with this requirement will result in the issue of a notice to stop all work on site.
7. Disposal of any waste material (as defined in the *Waste Minimisation and Management Act, 1995*) shall be to a New South Wales Environmental Protection Authority (EPA) registered waste facility. Documentary evidence confirming the removal and disposal of the waste material shall be submitted to Council on a six (6) monthly basis from the commencement of work until completion. This shall include receipts from the waste facility confirming the volume and origin of waste material.
8. All demolition work shall be carried out in accordance with Australian Standard No. 2601-1991.
9. Toilet facilities are to be provided, at or in vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer, or if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility approved by the Council. The provision of toilet facilities in accordance with this condition must be completed before any work is commenced.
10. Stockpiling/storing of materials is limited to a period of 12 months. Stockpiles shall not exceed 3 metres in height.
11. No work is permitted on land owned by the Waterways Authority without gaining the Authority's permission.

Conditions that must be complied with prior to the commencement of works

12. No works within 40 metres of the waterway are to commence at the site prior to a Part 3A Permit under the *Rivers and Foreshores Improvement Act, 1948* being obtained from the Waterways Authority.

13. Environment Protection – Water and Sediment Control

Sediment and erosion control devices are to be installed prior to commencement of works and maintained for a minimum period of 3 months after the completion of all works. Periodic maintenance of the erosion and sediment control devices is to be undertaken to ensure their effectiveness.

14. Traffic and Pedestrian Management Plan

The Pedestrian and Traffic Management Plan shall be endorsed by the City of Sydney prior to the commencement of any works on site. A copy of the Council's endorsement is to be submitted to the Department of Infrastructure, Planning and Natural Resources - Urban Assessments Unit.

The endorsed Traffic Management Plan is to be adhered to at all times during the remediation, excavation and filling stages.

15. Construction Management Plan

The project's Construction Management Plan shall be endorsed (and if required amended) by the City of Sydney prior to the commencement of any works on site. A copy of the Council's endorsement is to be submitted to the Department of Infrastructure, Planning and Natural Resources – Urban Assessments Unit. The endorsed Construction Management Plan is to be adhered to at all times during the works.

16. Works Program

Prior to commencement of works, the applicant shall provide to Council, a comprehensive works program, inclusive of:

- a). Type and quantity of material to be removed from site;
- b). Name and address of the company/contractor undertaking the on-site works, and the name and if applicable the address of the company/contractor undertaking off-site disposal works;
- c). Name and address of the transport contractor, and location of the disposal site/s;

17. On completion of removal of materials, a certificate shall be submitted to the Council, testifying to the safe and proper disposal, and amount of all such material.

18. Dilapidation Report

Prior to the commencement of any works the applicant shall submit to the Department of Infrastructure, Planning and Natural Resources a dilapidation report for any buildings located within close proximity of the subject area.

19. Application for Hoarding

Prior to the commencement of any works the applicant shall apply to Sydney City Council for a separate shoring and hoarding approval.

Conditions that must be complied with during construction

20. Dust Control

Dust Control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the New South Wales Environmental Protection Authority (EPA).

21. Noise from all works associated with the development shall comply with the Environmental Protection Authority's (EPA) Noise Manual and the *Protection of the Environment Operations Act, 1997*.

22. Vehicles to be used to transport contaminated materials from the site shall be EPA licensed and all necessary measures shall be in place to avoid spillage of contaminated or toxic materials onto roads from these vehicles including the covering of all laden vehicles.

22. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways.

23. Under no circumstance is sediment material to be disposed of in the stormwater system, for example any sediment deposited on adjoining roadways shall be removed by means other than hosing. All sediment material is to be disposed in a manner which will prevent its mobilization.

24. In addition to requirements for sampling devices, dust monitoring and reporting, work processes must be planned and executed in such a manner so as to minimise dust emissions from the site. Details of proposed systems are to be submitted to the Department of Infrastructure, Planning and Natural Resources (Urban Assessments Unit) prior to the commencement of works in the form of a Construction Management Plan.

Such initiatives should aim to minimise the generation of noise and dust at source and should include details of:

- a). the types of plant and equipment proposed to be used and the sequence and projected timing of particular operations that may be considered highly intrusive;
- b). work methods that will at any time minimise the exposure of the immediate work area to the direct affect of the wind;
- c). specific methods of quelling dust generated by the work (eg. by the use of water or other agents, whether by inundation or otherwise), with particulars to show the adequacy of such methods relative to each item of plant or equipment;
- d). the means of containment of loose or stockpiled material;

- e). how through the careful staging of excavation works, dust generation may be reduced;
 - f). the means to avoid dust generation during loading and hauling operations; and
 - g). procedures for the maintenance of haul roads and the avoidance of downdraft from trucks.
25. All dust generating activities, including the loading of spoil, shall cease, regardless of the wind direction, when the mean wind speed (for the previous 10 minute period), as published on the website of the Bureau of Meteorology for "Sydney Harbour", exceeds 36km/hour.

The applicant shall keep continuous records of the wind data, together with corresponding records showing the times and durations of consequent cessations of dust generating activities. These records shall be made available to officers of the Department of Infrastructure, Planning and Natural Resources - Urban Assessments Unit, the City of Sydney and the Environmental Protection Authority (EPA) when requested.

26. The applicant/developer shall ensure that the whole of the works are at all times under the continuous direct supervision of a responsible person. The name and contact telephone number of the nominated person shall be displayed prominently at the site boundary.

The responsible person shall direct an immediate cessation of any dust generating activity whenever and while ever any approved dust control measures for that activity are not in place or when, for whatever reason, visible dust escapes the site boundary.

The responsible person shall be fully aware of the requirements of any approved Construction Management Plan.

27. The developer/applicant shall establish a community forum comprised of at least 2 members of the developer/applicant and at least 3 community member representatives of community groups (but not more than 5) known to the developer/applicant. The community forum shall provide the opportunity to coordinate and communicate community concerns and agree ways to address them to the satisfaction of both parties. The developer/applicant shall take minutes of meetings and distribute them to each of the members. These minutes shall be submitted to the Director-General when so requested.

28. The developer/applicant shall retain the services of an environmental consultant with qualifications suitable to monitor and report upon construction impacts beyond the construction site including the impacts of noise, dust, vibration, fumes and odours. The consultant shall monitor the works regularly at times when the environmental impacts are likely to be most significant and shall prepare reports monthly on these impacts for tabling at the community forum. These reports shall be submitted to the Director-General when so requested.

29. The applicant must comply with the conditions and requirements of any excavation permit, and must ensure that allowance for compliance with these conditions and requirements is incorporated into the schedule of works and project timetable.
30. Prior to their construction, plans (to scale) shall be submitted to the Department of Infrastructure, Planning & Natural Resources – Urban Assessments Unit for the approval of a Senior Environmental Planning Officer detailing location, design, materials and engineering requirements for all retaining walls which exceed 900mm in height or 3 metres in length, or a combination of both

Conditions that must be complied with during construction

31. Site Controls

The following controls are to be complied with at all times during the construction period:

- a). All excavation and construction traffic shall use the Ultimo-Pyrmont Construction Traffic Route;
- b). Approved concrete driveways are to be constructed for all vehicular access to the construction site to the satisfaction of the Principal Certifying Authority;
- c). The adjoining areas or any public lands must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances.

32. The proposed works are carried out so that:

- a) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of waterways; and
- b) No materials are likely to be carried by natural forces to the bed, shore or waters of waterways.

33. Any material that enters any waterway is to be removed immediately in a manner that will not cause further damage to the environment.

34. Any material that is to be stockpiled on site is to be adequately stabilised to prevent erosion or dispersal of the material.

35. Any material to be used as fill is to be free from contaminants.

36. Vegetation not identified for removal is to be fully protected for the duration of the works. A plan of management for those trees identified for replanting elsewhere on the site shall be submitted to the Department of Infrastructure, Planning and Natural Resources - Urban Assessments Unit for endorsement. Archaeological Relics

37. During any excavation works at or below ground level a heritage consultant / archaeologist, employed at the applicant's expense shall be on site at all times. Such persons are to supervise the work and ensure that the requirements of the *Heritage Act, 1977* are met with regard to any relics that

may be discovered. Should any historical relics be discovered in any areas not subject to an excavation permit, all excavation of or disturbance to the area must stop immediately and the Heritage Office of New South Wales must be informed in accordance with Section 146 of the *Heritage Act, 1977*.

38. Aboriginal Relics

Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

39. Permissible Working Hours

The following requirements apply to the hours for work on the development :

- a). all work, in connection with the proposed development must only be carried out between the hours of 7.30am and 5.00pm – Monday to Friday, and between the hours of 7.30am and 3.00pm - Saturdays, with safety inspections being permitted from 7.00am on work days. No work must be carried out on Sundays or public holidays;
- b). prior to the commencement of the works the applicant shall forward to the Urban Assessments office of the Department of Infrastructure, Planning and Natural Resources a 24 hour telephone number and shall ensure that the number is continually attended by a person with authority over the works for the duration of the development. The 24 hour contact telephone number must also be prominently displayed at a publicly accessible boundary of the site;
- c). the approved hours of work and the 24 hour telephone contact number must be prominently displayed at all times on the building site and must be visible from a public street or public place;
- d). all work, including demolition, excavation and building work must comply with “City of Sydney Building Sites Noise Code” and Australian Standard 2436 1981 “Guide to Noise Control on Construction, Maintenance and Demolition Sites”;
- e). this development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the “City of Sydney Building Sites Noise Code”. A separate application for approval to use any of these appliances must be made to Council.

Conditions that must be complied with after completion of works

40. Certification of Quantity of Fill and Finished Levels

Within one month of the completion of the works associated with the subject consent, a survey plan indicating finished contour levels to AHD and certifying general compliance with the approved earthworks plan is to be submitted to the Director General. Details of the quantity of fill are also to be included within the report.

