



PLANNING PERMIT AND CONDITIONS – DA 2020/21

Permit issued pursuant to Regulation 25 of the *Sydney Harbour Federation Trust Regulations 2001*.

Approval was granted by the Sydney Harbour Federation Trust on 12 May 2021.

DESCRIPTION OF THE PROPOSED ACTION

The Harbour Trust's Torpedo Factory Renewal Project proposes to:

- Demolish the multi-level, harbour-facing portion of the Torpedo Factory building and part of the High Street-facing portion of the Torpedo Factory, to create:
 - A new park on the foreshore focussed on First Nations Interpretation
 - A welcoming entry forecourt at High Street
 - Reveal the sandstone cliff beneath the factory building
- Adaptively re-use the retained portion of the Torpedo to:
 - Interpret the heritage values of the factory building and site
 - Provide public domain spaces
 - Provide public and visitor access including pedestrian connections and car parking
 - Create an 'Interpretation Walk' to interpret the site's multi-layered history
- Interpret the site's multi-layered history - First Nation interpretation and recognition for the Cammeraygal people; and the defence heritage of Sub Base Platypus

Works are scheduled to commence in late 2021 and take approximately one year to complete.

DOCUMENTATION

This approval and conditions relate to the following supporting documentation:

- Torpedo Factory Renewal Project- Proposal Document, dated November 2020 and prepared by the Harbour Trust
 - Planning Statement, dated 10 November 2020 and prepared by Lucas, Stapleton, Johnson and Partners Pty Ltd
 - Heritage Impact Assessment, dated 9 November 2020 and prepared by Lucas, Stapleton, Johnson and Partners Pty Ltd
 - Transport Impact Assessment, dated 10 November 2020 and prepared by Arup Pty Ltd
 - Construction Traffic Management Guidelines, dated 10 November 2020 and prepared by Arup Pty Ltd
 - Noise Management Guidelines, dated November 2020 and prepared by Benbow Environmental Pty Ltd
-

Approval is granted to the above action, subject to compliance with the following site-specific and general conditions:

NOTE

Works or activities other than those authorised by this approval, including changes to building configuration or use required to ensure compliance with codes, standards or regulations, are to be provided for separate planning approval from the Harbour Trust.

The Harbour Trust may, at its absolute discretion, revoke approval for the proposed action should the conditions of the approval at any time not be met.

A copy of the Conditions of Consent must be provided to all contractors engaged to carry out the works as approved by this consent.

The contractors engaged to undertake the building works as per this consent, must comply and carry out the works in accordance with the Conditions of Consent.

Exemptions to certain NSW Laws afforded by SHFT Act:

In the event that the property is no longer owned by the Harbour Trust, exemptions to certain NSW laws afforded by section 71 of the *Sydney Harbour Federation Trust Act 2001* may no longer apply and therefore, additional approvals may be required.

CONDITIONS 1-34

A: SITE SPECIFIC CONDITIONS

1. Compliance with relevant Australian Standards and the Building Code of Australia

The detailed design must comply with the relevant Australian Standards and the Building Code of Australia. In particular, the following must be considered during the detailed design development:

- a) **Works to the Southern Façade** – The portion of the Southern façade of the Torpedo Factory that is proposed to be retained, adjacent to 140 High Street, must be structurally adequate and must be made compliant with the relevant requirements of the Building Code of Australia.
- b) **Crossover** – Any changes to the existing crossover at High Street, must be coordinated with North Sydney Council.
- c) **Lighting** – All lighting must be designed to comply with:
 - a. Public domain lighting AS/NZS1158
 - b. Control of the obtrusive effects of outdoor lighting AS/NZS4282
- d) **Public Toilets** – Public toilets are to be provided within the retained portion of the Torpedo factory to comply with the requirements of the Building Code of Australia. This sanitary facility must be designed in accordance with AS 1668.2 – Discharge of Sanitary Facilities.

B: PRIOR TO ISSUE OF CONSTRUCTION APPROVAL

2. Appointment of a Project Certifier

The applicant must engage and appoint a project certifier prior to the issue of the Construction Approval. The project certifier must be a suitably accredited person (this person is to be accredited as an 'Accredited

Certifier' under the *NSW Building Professionals Act 2005*). The project certifier will be responsible for endorsing and submitting relevant documentation required under this planning permit to the Harbour Trust. Based on the advice of the project certifier the Harbour Trust will then issue a Construction Approval and Occupation Approval for the proposed action.

A copy of the person's current accreditation and relevant insurances are to be provided to the Harbour Trust prior to the commencement of works.

See **Condition 3** (Construction Approval), **Condition 10** (Notification of Works), **Condition 28** (Periodic Inspections) and **Condition 33** (Occupation Approval/Completion Certificate) for further details.

3. Construction Approval

The appointed project certifier is to review the documentation prepared for the Construction Approval application, and provide the Harbour Trust with a written Design Certificate attesting to:

- (a) the compliance of that documentation with the relevant provisions of the Building Code of Australia; and
- (b) the satisfaction of those conditions of this Consent requiring resolution prior to the issue of Construction Approval.

Upon satisfactory receipt of this Design Certificate and supporting documentation, the Harbour Trust will issue Construction Approval for the proposed development. No works are permitted to commence until the Harbour Trust issues Construction Approval.

C: PRIOR TO COMMENCEMENT OF WORKS

4. Construction Management Plan

A detailed construction management plan is to be submitted to the Harbour Trust prior to the commencement of works. The plan is to include, but is not limited to:

- Site Management Plan
- Construction and demolition methodology for undertaking the works
- Procedures for preventing debris from entering into the harbour and monitoring the water quality in the harbour;
- Location and methodology for the storage of plant and equipment associated with the works, including the location of any storage compounds;
- Location of any site offices and contractor amenities
- Location of any site compounds, temporary fencing and/or hoardings
- Location of proposed contractor parking

Note: All site sheds and compounds are to be within the boundaries of Sub Base Platypus, except where prior approval has been obtained from an adjoining land owner or authority.

5. Construction Environmental Management Plan

A detailed construction environmental management plan is to be submitted to the Harbour Trust prior to the commencement of works. The plan is to include, but is not limited to:

- Control and proposed mitigation measures for dust, noise, protection of Harbour, erosion, sediment control and fumes associated with the works;
- Neutralisation of any chemicals used with the works in accordance with NSW EPA legislation, regulations and guidelines.

- Procedures for waste management and disposal of all generated waste from the project in accordance with EPA waste disposal practices;
- All equipment required for the implementation of the environmental controls, including monitoring programs for these controls; and
- Details of necessary protective and mitigation measures to ensure that the construction process has minimal impact on nearby vegetation
- Details on how any native fauna will be managed

6. Construction Traffic Management Plan

A detailed construction traffic management plan (CTMP) is to be submitted to the Harbour Trust prior to the commencement of works. The CTMP is to address the requirements set out in the Construction Traffic Management Guidelines prepared by Arup, dated November 2020 for the Torpedo Factory Renewal Project. The CTMP should include but is not limited to:

- detail how pedestrian access in and around the site will be managed and maintained throughout the works
- detail how traffic in and around the site will be managed throughout the works
- detail proposed vehicle routes, estimated number of trucks, access arrangements and traffic control measures
- Include an estimated number and type of construction vehicles and machinery to be brought onto the site throughout the project
- Include detail on the management of truck movements during the demolition works
- address how vehicle movements associated with the construction works will not adversely affect the operation of signalised intersection of Clark Road/High Street
- Include a site plan to indicate where construction vehicles, plant and equipment are proposed to park during the works, access arrangements and traffic control measures. Where practically possible lay down areas and parking is to be maintained within the confines of Sub Base Platypus. Other arrangements outside these extents are to be detailed in the CTMP, however any approvals required for these arrangements are the responsibility of the appointed principal contractor.
- consider and outline any co-ordination that may be required with North Sydney Council and Transport for NSW (Note: High Street has a Gross Load Limit of 15 tonnes)

7. Construction Noise Management Plan

A detailed Construction Noise Management Plan (CNMP) is to be submitted to the Harbour Trust prior to the commencement of works. The plan is to have regard to the Construction Noise Management Guidelines prepared by Benbow Environmental, dated November 2020 for the Torpedo Factory Renewal Project and must address the following:

- a. Clearly indicate sensitive receptors throughout the proposed works
- b. Clearly indicate the location of proposed noise monitoring throughout the works
- c. Indicate Baseline Monitoring prior to the works or adopt
- d. Indicate construction hours of work
- e. Indicate proposed Operation Management and Mitigation Measures
- f. Indicate site specific controls
- g. Indicate where practical compliance with universal work practices
- h. Indicate proposed plant and equipment with procedures to minimise and mitigate obtrusive noise
- i. Provide details on community notification and complaints procedure. Procedure should

include:

- a. A brief outline of proposed construction activities
 - b. Proposed times and dates of construction
 - c. Outline in the Construction Program when noisy works are expected to occur
 - d. Details on noise mitigation measures
 - e. Details of the noise complaints procedure
 - f. Contact details of the nominated community liaison officer
- j. Noise Monitoring - During the demolition, on-site and offsite noise monitoring must be conducted by a suitable qualified acoustic consultant during the construction period. Monitoring is to take place during the period predicted to have the highest noise impact (i.e. jackhammering).

Baseline measurements shall be established prior to the commencement of the works. Throughout the works, on-site measurements shall be taken at a reference point from the noise generating activities. Offsite noise monitoring shall be undertaken at the most exposed residential receivers. An independent firm of suitably qualified noise consultants should undertake the noise monitoring program.

An alternative to in-person acoustic measurements is noise monitoring on a continual basis using a noise monitoring system.

8. Dilapidation Survey

A pre and post **dilapidation survey** is to be conducted to establish the condition of the existing infrastructure, which may be affected by the proposed works.

These areas of inspection will include:

- The Sub Base Platypus site internally and externally (including Kiara Close Car Park, The Retort House and surrounds)
- The adjoining property at 140 High Street, North Sydney
- The adjoining Crown Lands
- Foreshore
- High Street residents including properties between 141 – 165 High Street
- High Street retaining wall located between 98 – 116 High Street
- Pedestrian walkway between Kesterson Park and Sub Base Platypus

The dilapidation survey shall include detailed photographs and a written record, to be prepared by a suitably qualified person and submitted to the Harbour Trust.

Any access to non Harbour Trust land would require agreement of the relevant landholder.

Note: This documentation will be used to resolve any dispute over damage to infrastructure and must be as full and detailed as possible.

9. Work, Health and Safety

All matters related to work, health and safety, must be addressed in the contract between the Harbour Trust and the appointed contractor. These matters include but are limited to:

- Workplace Health & Safety Policy
- Workplace Health & Safety (WHS) Management Plan which includes

- Risk assessment
- Safe work procedures
- Roles and responsibilities
- Inductions
- Accident and incident reporting
- Rehabilitation
- Manual Handling
- Safety Committees

Copies of all these documents must be provided to the Harbour Trust for their records.

10. Notification of works

The appointed project certifier must review and endorse all the documentation required as per this consent, prior to the commencement of works, and give the Harbour Trust at least five working days' notice before works are due to commence.

The Harbour Trust is to keep RMS, North Sydney Council, Crown Lands NSW, nearby residents and relevant stakeholders informed about the scheduling of works.

D: DURING WORKS

11. Compliance with all relevant legislation, standards, regulations, codes and guidelines

All works are to be carried out properly and in accordance with the conditions of this approval, including compliance with all relevant legislation, standards, regulations, codes and guidelines. This may include (where relevant), but is not limited to:

- *National Construction Code (comprising the Building Code of Australia and Plumbing Code of Australia)*
- *All relevant Australian Standards*
- *Disability Discrimination Act 1992 (Cth)*
- *All relevant Occupational/Workplace Health and Safety requirements, including the Work Health and Safety Act 2011 (Cth)*
- *Protection of the Environment Operations Act 1997 (NSW)*
- *Building and Construction Industry Long Service Payments Act 1986 (NSW)*
- *Guidelines prepared by NSW WorkCover, Department of Environment and Climate Change (in relation to noise, hazardous materials, and potentially polluting activities)*
- *“Blue Book” (“Managing Urban Stormwater: Soils & Construction” (4th edition, Landcom, 2004)*
- *Sub Base Platypus –Site Operations Manual (Harbour Trust)*
- *Long Term Environmental Management Plan for Sub Base Platypus, dated 2020 (prepared by Consara for the Harbour Trust)*

12. Demolition Works

Demolition must be undertaken in accordance with AS2601-2001 - The Demolition of Structures and any other legislation or Code of Practice and any other relevant legislation.

13. Plumbing and Drainage

Any plumbing and drainage works must be carried out in accordance with the relevant legislation; including but not limited to the Plumbing Code of Australia, *Plumbing and Drainage Act 2011* and *Regulations 2012*. It is the responsibility of the plumber/person carrying out the works to ensure relevant documentation is submitted to NSW Fair Trading.

14. Public Liability Insurance

Public Liability Insurance to the value specified in the signed contract between the Harbour Trust and the appointed principal contractor must be taken out by the appointed principal contractor to protect any person, firm or company from injury, loss or damage sustained as a consequence of the carrying out of site works. Copies of the policies must be provided to the Harbour Trust upon request.

15. Reporting of Worksite Incidents

For the duration of works, the Harbour Trust is to be informed of any incidents that have been reported to WorkCover or any other NSW or Commonwealth government authority during the construction period.

16. Hours of Work

The hours of construction for all works shall be restricted as follows:

- 7am to 5pm, Mondays to Fridays inclusive;
- 8 am to 1 pm Saturday.
- No works on Sundays and public holidays.
- No hammering or sawcutting before 7.30 am Monday to Friday or before 8.30 am on Saturday

Unless otherwise approved, construction vehicles, machinery, goods or materials shall not be delivered to the Sub Base Platypus Precinct outside the approved hours of works.

Construction works are to comply with the NSW Interim Construction Noise Guideline prepared by Department of Environment and Climate Change NSW.

All works are to be undertaken in accordance with the NSW Department of Environment and Conservation Environmental Noise Control Manual – Construction Noise Criteria.

Any changes to Construction Hours, approved by the NSW Government in response to the COVID-19 pandemic, will apply to this project.

Out of hours work permits – In isolated instances, where works cannot be undertaken during the prescribed daytime or evening hours due to legitimate reasons such as pedestrian or worker safety, health or traffic reasons, the appointed principal works contractor must apply to the Harbour Trust for an out of hours work permit, at least 5 days prior to this permit being required.

17. Signs for Building Sites

A sign must be erected in a prominent position on any work site on which building work or demolition work is being carried out:

- (a) Showing the name of the person in charge of the work and a telephone number at which that person may be contacted outside work hours; and
- (b) Stating that unauthorised entry to the work site is prohibited.

Any such sign shall be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

18. Sediment, Erosion and Debris Control

Sedimentation, erosion and debris control including controls for protection of the Harbour, as detailed in the CEMP, must be maintained effectively at all times during the course of the works and shall not be removed until all works have been completed. Dust suppression controls including water sprays must be deployed during the works. All saw cutting must be wet.

All sediment control and management during construction works must be in accordance with the current best practice guidance material, such as 'Managing Urban Stormwater: Soils and Construction – Volume 1 (2004)', otherwise commonly referred to as the 'Blue Book'.

19. Dust Emission and Air Quality

The following must be complied with at all times:

- Materials must not be burnt on the site.
- Vehicles entering and leaving the site with soil or fill material must be covered.
- Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
- Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

20. Protection of local vegetation

During the works, the appointed principal contractor must ensure protective measures are placed to protect the local vegetation.

21. Damage to Infrastructure – Buildings, Services and Public Areas

Contractors shall bear the cost of all restoration works to any property owned or managed by the Harbour Trust or any other authority damaged during the course of works. The contractor shall advise the Harbour Trust, in writing, of any existing damage to public or private property before the commencement of the works.

Any infrastructure displaced, damaged or destroyed by the works will be required to be replaced with like for like replacement infrastructure, in terms of colour, texture, materials and sizing.

22. Waste Management

Any waste associated with the works is to be separated, reused or recycled, or disposed of at a suitable landfill.

23. Use of Passenger Lifts

The lifts at Sub Base Platypus are to be used as passenger lifts only. No transportation of goods is to be undertaken via these lifts.

24. Unforeseen Archaeological Discoveries

In the event that relics are unintentionally uncovered, work must cease in the area where the relics were found and the Harbour Trust immediately informed. The Harbour Trust will arrange for an archaeologist or (if relevant), a member of the Metropolitan Local Aboriginal Land Council to visit the site and undertake an assessment before determining the appropriate course of action.

It is the appointed contractors' responsibility to immediately notify the Harbour Trust of any such relics, including if footings or services etc, are discovered.

25. Protection of Sub Base Platypus and Adjoining Areas

Prior to the commencement of any works, a temporary hoarding, fence, awning or safety tape must be erected between the work site and adjoining public areas and private areas potentially affected by the works. This must be removed when the work has been completed.

26. Protection of Heritage Assets

All works should be carried out in such a manner which does not adversely impact on the heritage significance of the site.

27. Periodic Inspections

The project certifier is responsible for the undertaking of periodic inspections of the works under construction and at the completion of works.

The project certifier is to provide the Harbour Trust with copy of written report following each site inspection, identifying:

- (a) Any instructions issued to the builder or other project team members;
- (b) Any elements of non-compliance with the Building Code of Australia observed; and
- (c) The compliance of the works with any conditions of Consent applicable during the undertaking of the works.

28. Hazardous Materials and Contamination & the Long-Term Environmental Management Plan (LTEMP)

Previous remediation projects have treated, capped or contained any contaminants beneath the site's ground surface to NSW EPA standards. The site has a Long Term Environmental Management Plan (LTEMP) prepared by Consara Pty Ltd, in 2020 that sets out the requirements for the management of the presence and potential presence of contaminants sub-surface environment at the site.

All works must comply with the LTEMP.

All persons engaged by the applicant to carry out the works must be made aware of the possible presence of hazardous or contaminated material in the vicinity of the site, the presence of hazardous materials in the sub floor of the building is unknown.

All contractors must refer to the Hazardous Materials Register upon commencement of works. The Register will identify any potentially hazardous materials remaining on the site.

Any use, removal or modification of hazardous or dangerous materials is to be undertaken in accordance with relevant safe work practices, and all applicable standards relating to safe management of hazardous materials.

Hazardous materials must only be removed by a suitably qualified professional. Any removed hazardous materials must be disposed of appropriately and to a licensed facility.

Any soil removed as part of the works must be tested for the presence of contaminants. If the soil is confirmed to contain contaminants, it must be disposed of at a suitably licensed facility in accordance with the relevant Guidelines, Standards, Codes, Acts and Regulations that may apply.

The Long-Term Environmental Management Plan (LTEMP) must be updated on completion and certification of any remediation works carried out.

29. Construction Traffic and Parking Management

Construction Traffic and parking must be managed in accordance with the approved CTMP and the requirements of **Condition 6** above.

30. Construction Noise Management

Construction noise management must be managed in accordance with the approved CNMP and the requirements of **Condition 7** above.

31. Work, Health and Safety

All work, health and safety matters during construction must be in accordance with the approved Workplace Occupational Health and Safety Plan and the requirements of **Condition 9** above.

E: FOLLOWING COMPLETION OF WORKS**32. Completion of Works – Occupation Approval/Completion Certificate**

Immediately following the finalisation of all works, the project certifier is to provide the Harbour Trust with a written Completion Certificate attesting to:

- (a) the compliance of completed works with the relevant provisions of the Building Code of Australia; and
- (b) the satisfaction of those conditions of this Consent requiring resolution during construction and prior to the issue of Occupation Approval.

Upon satisfactory receipt of this Completion Certificate and supporting documentation, the Harbour Trust will issue Occupation Approval/Completion Certificate for the proposed development. No occupation and / or use is permitted to commence until the Harbour Trust issues an Occupation Approval/Completion Certificate.

F: ONGOING OPERATION**33. Site Operations Manual**

A Site Operations Manual must be prepared covering operational arrangements, including opening hours, noise restrictions, waste management, lighting management, traffic and parking arrangements, an evacuation plan and the requirements of the updated Long Term Environmental Management Plan.

E: LAPSING OF CONSENT**34. Lapsing of Consent**

Works must commence within 5 years of the date of this approval, otherwise this approval will lapse, unless agreed in writing by the Harbour Trust.