

# Development Consent – Key Sites

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

As the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

**The Hon. Rob Stokes MP**  
**NSW Minister for Planning and Public Spaces**

Sydney

6<sup>th</sup> July 2020

File: SSD 10294

***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

## **SCHEDULE 1**

## CONSOLIDATED CONSENT

<b>Application Number:</b>	SSD 10294
<b>Applicant:</b>	Lend Lease (Victoria Cross) Pty Limited
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	<p>155-167 Miller Street, 181 Miller Street &amp; 187-189 Miller Street, North Sydney</p> <p>(SP 35644 (which incorporates lots 40 and 41 of Strata Plan 81092 and lots 37, 38 and 39 of Strata Plan 79612), Lot 15/DP 69345, Lot 1 &amp; 2/DP 123056, Lot 10/DP 70667, Lot A/DP 160018, Lot 1/DP 633088, Lot 1/DP 1230458)</p>
<b>Development:</b>	<p>Construction of the Victoria Cross Over Station Development, including</p> <ul style="list-style-type: none"><li>• a commercial office tower with a maximum building height of RL 230</li><li>• a maximum gross floor area of 61,500 m<sup>2</sup> (excluding gross floor area approved under CSSI 7400)</li><li>• staged stratum subdivision</li><li>• signage zones</li><li>• use of basement (approved under CSSI 7400) for:<ul style="list-style-type: none"><li>○ 150 car parking spaces</li><li>○ 439 bicycle spaces</li><li>○ end of trip facilities</li><li>○ loading dock and associated facilities.</li></ul></li></ul>

**Summary of Modifications**

Application Number	Determination Date	Decider	Modification Description
SSD 10294	6 July 2020	NSW Minister for Planning	Original consent
SSD 10294 MOD 1	26 June 2023	Team Leader, Key Sites Assessments	<ul style="list-style-type: none"><li>• design changes to office levels and plant levels</li><li>• extension of construction hours</li></ul>
SSD 10294 MOD 2	14 August 2023	Team Leader, Key Sites Assessments	<ul style="list-style-type: none"><li>• modify the approved staged stratum subdivision plans</li></ul>

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## DEFINITIONS

<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Lendlease (Victoria Cross) Pty Limited, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Certifying Authority</b>	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
<b>Council</b>	North Sydney Council
<b>CSSI approval</b>	The Sydney Metro City and Southwest Chatswood to Sydney critical state infrastructure approval (CSSI 7400)
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and RtS, including the works and activities comprising the Victoria Cross over station development, as modified by the conditions of this consent
<b>DRP</b>	Design Review Panel
<b>EIS</b>	The Environmental Impact Statement titled Sydney Metro Victoria Cross Over Station Development, prepared by Urbis Pty Ltd and dated October 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <b>Note:</b> “material harm” is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of approved land uses upon completion of construction.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee

## CONSOLIDATED CONSENT

<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>RtS</b>	The Response to Submissions report and appendices titled Sydney Metro Victoria Cross OSD Concept SSD DA Modification (SSD-8874-MOD-1) & Detailed SSD DA (SSD-10294), prepared by Urbis Pty Ltd and dated 1 May 2020
<b>Sensitive Receiver</b>	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
<b>SSD</b>	State Significant Development
<b>Subject site / site</b>	Land referred to in Schedule 1
<b>TfNSW</b>	Transport for NSW



## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

- A2. The development may only be carried out:
- in compliance with the conditions of this consent;
  - in accordance with all written directions of the Planning Secretary;
  - in accordance with the EIS and RtS;
  - in accordance with the management and mitigation measures;
  - in accordance with the approved plans in the table below (except where modified by the conditions of this consent):

Architectural drawings prepared by Bates Smart			
Drawing Number	Rev	Name of Plan	Date
SMCSWSVO-LLC-SVC-AT-DWG- 401010	02	SITE PLAN	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420000	02	LEVEL 00 DENISON STREET PLAN	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420001	03	LEVEL 00 MILLER STREET PLAN	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420010	03	LEVEL 01 PLAN (PODIUM OFFICE)	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420020	03	LEVEL 02 PLAN (OSD LOBBY)	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420030	03	LEVEL 03 PLAN (PODIUM OFFICE + PLANT)	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420035	03	LEVEL 03 MEZZANINE PLAN (PODIUM OFFICE L04)	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420040	04	LEVEL 04 PLAN (PODIUM OFFICE)	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420050	05	LEVEL 05 (PODIUM OFFICE + TOWER)	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420060	05	LEVEL 06-13 LOW RISE TYPICAL	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG-420141	01	LEVEL 14 TRANSFER FLOOR	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420150	05	LEVEL 15 MID LEVEL PLANT	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420160	05	LEVEL 16-26 MID RISE TYPICAL	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG-420270	01	LEVEL 27 TRANSFER LEVEL	18.05.22

SMCSWSVO-LLC-SVC-AT-DWG- 420280	05	LEVEL 28 MID RISE LIFT OVERRUN	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420290	05	LEVEL 29 HIGH RISE TERRACE	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420300	05	LEVEL 30-39 HIGH RISE TYPICAL	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420400	05	LEVEL 40 ROOF PLANT	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 420430	05	LEVEL 41 ROOF	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 430001	05	NORTH ELEVATION	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 430002	05	WEST ELEVATION	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 430003	05	SOUTH ELEVATION	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 430004	05	EAST ELEVATION	18.05.22
SMCSWSVO-LLC-SVC-AT-DWG- 440001	3.0	NORTH / SOUTH SECTION	22.04.20
SMCSWSVO-LLC-SVC-AT-DWG- 440002	5.0	EAST / WEST SECTION	22.04.20
SMCSWSVO-LLC-SVC-AT-DWG- 440005	3.0	NORTH / SOUTH SECTION	22.04.20
SMCSWSVI-LLC-SVC-AT-DWG-521001	1.0	B6-S PLANT LEVEL - TILE A1 - CSSI	22.04.20
SMCSWSVI-LLC-SVC-AT-DWG-521002	1.0	B5-OSD CAR PARK LEVEL - TILE A1 - CSSI	22.04.20
SMCSWSVI-LLC-SVC-AT-DWG-521003	1.0	B4-OSD CAR PARK LEVEL - TILE A1 - CSSI	22.04.20
SMCSWSVI-LLC-SVC-AT-DWG-521004	1.0	B3-OSD CAR PARK LEVEL - TILE A1 - CSSI	22.04.20
SMCSWSVI-LLC-SVC-AT-DWG-521005	1.0	B2-FFL-CONCOURSE LEVEL - TILE A1 - CSSI	22.04.20
SMCSWSVI-LLC-SVC-AT-DWG-521006	1.1	B1-FFL-PLANT LEVEL - TILE A1 - CSSI	27.05.20
<b>Subdivision plans prepared by Patrick John Walsh</b>			
Drawing Number	Level	Name of Plan	Date
Sheet 1 of - Sheets	Location Plan	Plan of Subdivision of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP1230458, SP35644, SP79612 & SP81092	10.03.23
Sheet 2 of - Sheets	Basement Level 07	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23

Sheet 3 of - Sheets	Basement Level 06	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 4 of - Sheets	Basement Level 05	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 5 of - Sheets	Basement Level 04	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 6 of - Sheets	Basement Level 03	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 7 of - Sheets	Basement Level 02	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 8 of - Sheets	Basement Level 01	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 9 of - Sheets	Ground Level – Denison Street	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 10 of - Sheets	Ground Level – Miller Street	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 11 of - Sheets	Level 1	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 12 of - Sheets	Level 2	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 13 of - Sheets	Level 3 Podium	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 14 of - Sheets	Level 4 Podium	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 15 of - Sheets	Level 4	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 16 of - Sheets	Level 5	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 17 of - Sheets	Level 6-14	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23

Sheet 18 of - Sheets	Level 15	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 19 of - Sheets	Level 16-27	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 20 of - Sheets	Level 28	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 21 of - Sheets	Level 29	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 22 of - Sheets	Level 30-39	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 23 of - Sheets	Level 40	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23
Sheet 24 of - Sheets	Roof Level and Above	Plan of Subdivision of Lot 1 in DP1288164 (being a consolidation of Lot 1 in DP633088, Lot A in DP160018, Lots 1 & 2 in DP123056, Lot 15 in DP69345, Lot 10 in DP70667, Lot 1 in DP123045 and Lot 1 in DP792740)	25.05.23

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LAPSING OF APPROVAL

- A5. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

#### LIMITS ON CONSENT

- A6. This consent does not approve the following:
- the detailed design and construction of the station box being delivered under the CSSI approval
  - the detailed fitout and operation of the commercial premises being delivered under the CSSI approval
  - the installation of signage
- Where required, separate approvals shall be obtained from the relevant consent authority (except where exempt and/or complying development applies).

#### PRESCRIBED CONDITIONS

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

#### PLANNING SECRETARY AS MODERATOR

- A8. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

## LEGAL NOTICES

A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

## EVIDENCE OF CONSULTATION

- A10. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## STRUCTURAL ADEQUACY

A11. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

**Notes:**

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and Occupation Certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

## OPERATION OF PLANT AND EQUIPMENT

- A12. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## APPLICABILITY OF GUIDELINES

- A13. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A14. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## MONITORING AND ENVIRONMENTAL AUDITS

A15. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

**Note:** For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

## INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A16. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A17. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

## NON-COMPLIANCE NOTIFICATION

- A18. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A19. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A20. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

A21. Within three months of:

- (a) the submission of a compliance report under conditions A32;
- (b) the submission of an incident report under conditions A16 and A17;
- (c) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or
- (d) the issue of a direction of the Planning Secretary under condition A3 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

A22. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

**Note:** This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

## LONG SERVICE LEVY

A23. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

## DEVELOPER CONTRIBUTIONS

A24. A monetary contribution pursuant to the provisions of section 7.11 of the EP&A Act, in accordance with the North Sydney Council Section 7.11 Contributions Plan for the public amenities/services detailed in column A below, and for the amount detailed in column B below, must be paid to Council.

A	B (\$)
Administration	\$96,882.57
Community Centres	\$236,201.15
Child Care Facilities	\$410,201.03
Library and Local Studies Acquisitions	\$48,165.06
Library Premises and Equipment	\$146,418.52
Multi Purpose Indoor Sports Facility	\$55,428.70
Olympic Pool	\$180,547.38
Open Space Acquisition	\$176,557.49
Open Space Increased Capacity	\$349,984.46
North Sydney Public Domain	\$3,961,034.34
St Leonards Public Domain Improvements	\$0.00
Public Domain Improvements	\$0.00
Traffic Improvements	\$239,167.99
<b>Total Contribution is</b>	<b>\$5,900,588.69</b>

The contribution MUST BE paid prior to the issue of any Construction Certificate.

The above amount will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contributions.

A copy of the North Sydney Section 7.11 Contributions Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).

## AIRSPACE PROTECTION

A25. The building must not exceed a maximum height of RL 230 metres Australian Height Datum, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc

A26. The building must be obstacle lit by medium intensity steady red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 -

degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 – Aerodromes. Characteristics for medium intensity lights are stated in subsection 9.4.7 of Manual of Standards Part 139 – Aerodromes.

- A27. The Applicant must ensure obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert Sydney Airport Corporation Limited reporting staff of any outage. For detailed requirements for obstacle lighting monitoring with the Obstacle Limitation Surface of an aerodrome, refer to subsection 9.4.10 of the Manual of Standards Part 139 – Aerodromes.
- A28. The Applicant must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting SY-CA-562.
- A29. The Applicant must consult with NSW Health Infrastructure and the Air Ambulance Helicopter Operators regarding the proximity to the Royal North Shore Hospital Helicopter landing site.
- A30. Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any construction equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
- A31. At the completion of the construction of the building, a certified surveyor is to notify (in writing) Sydney Airport Corporation Limited of the finished height of the building.

#### **COMPLIANCE REPORTING**

- A32. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements (2020).
- A33. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed to by the Planning Secretary.
- A34. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- A35. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

#### **INDEPENDENT ENVIRONMENTAL AUDIT**

- A36. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- A37. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- A38. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- A39. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
  - (a) review and respond to each Independent Audit Report prepared under condition A36 of this consent, or condition A38 where notice is given by the Planning Secretary;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.
- A40. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.
- A41. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### DESIGN EXCELLENCE AND INTEGRITY

- B1. The architectural design team comprising Bates Smart (the Design Team) is to have direct involvement in the design documentation, contract documentation and construction stages of the project.
- B2. The Design Team is to have full access to the site, following safety induction, and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the project.
- B3. Evidence of the Design Team's commission is to be provided to the Planning Secretary prior to the release of the relevant Construction Certificate.
- B4. The Design Team is not to be changed without prior written notice and approval of the Planning Secretary.
- B5. To ensure the scheme retains, or is an improvement upon, the approved design excellence qualities, the Applicant shall notify the Planning Secretary of any proposed modifications to the approved architectural drawings.
- B6. The Planning Secretary is to determine whether any proposed modifications to the approved architectural drawings require review by the Sydney Metro Design Review Panel (DRP) or other appropriate person(s).
- B7. If the DRP is reconvened to review any proposed design changes, a Design Integrity Report (DIR) is to be prepared and submitted to the Planning Secretary with the lodgement of any section 4.55 modification application. The DIR shall include a summary of feedback provided by the DRP and responses by the Applicant to this advice.

### MAXIMUM BUILDING HEIGHT

- B8. The maximum height of the approved building must not exceed RL 230 m AHD, including plant and lift overruns, communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance with this condition must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

### GROSS FLOOR AREA CERTIFICATION

- B9. The gross floor area of the development must not exceed 61,500 m<sup>2</sup>. Details confirming compliance with this condition must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

**Note:** The GFA approved under this consent excludes any GFA attributed to development approved under the Sydney Metro City and Southwest station works (CSSI 7400).

### STRUCTURAL DETAILS

- B10. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
  - (a) the relevant clauses of the BCA; and
  - (b) this development consent.

### EXTERNAL WALLS AND CLADDING

- B11. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B12. Before the issue of a relevant Construction Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- B13. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

### MECHANICAL VENTILATION

- B14. The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.
- B15. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1, AS1668.2, the BCA and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the BCA to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.



## **REFLECTIVITY**

- B16. The visible light reflectivity from building materials used on the facades of any buildings or structures shall not exceed 20 per cent so as to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## **SITE STABILITY AND CONSTRUCTION WORK**

- B17. A report must be obtained from a suitably qualified and experienced professional engineer/s, which includes the following details, and submitted to the Certifying Authority for the development:
- (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land
  - (b) details to demonstrate that the proposed methods of support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration
  - (c) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work
  - (d) written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the Certifying Authority.

## **MATERIALS AND FINISHES**

- B18. Prior to the issue of the relevant Construction Certificate, details of final materials and finishes must be lodged to the satisfaction of the Planning Secretary. The details must include:
- (a) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application
  - (b) confirmation of the process and methods in arriving at the final choice for all materials and finishes
  - (c) detailed architectural drawings of the façade details, including glazing specification and any sun shading. This must include snapshots at different points in the facade in plan, elevation and section to a scale of 1:20 or 1:50 as necessary.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

- B19. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit evidence to the Certifying Authority demonstrating that the design of the development has incorporated the CPTED management and mitigation measures included within the CPTED report Crime Prevention Through Environmental Design Assessment prepared by Harris Crime Prevention Services, dated August 2019.

## **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- B20. The development must incorporate all design, construction and operation measures as identified in the Sustainability Report prepared by Lendlease Building Pty Ltd, dated 15 August 2019. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.
- B21. The Applicant shall demonstrate that Ecologically Sustainable Development is being achieved by achieving a minimum 6 Star Green Star rating in accordance with the Green Star Design and As-Built V.1.2 (Green Building Council Australia). Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

## **INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS**

- B22. All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.
- B23. All taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.
- B24. New urinal suites, urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the issue of a Construction Certificate.
- B25. Systems must reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## CONSTRUCTION PARKING

- B26. Prior to the commencement of construction, the Applicant must submit to the Certifying Authority evidence that sufficient off-street parking has been provided for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

## MECHANICAL PLANT NOISE MITIGATION

- B27. Details of noise mitigation measures for all mechanical plant are to be detailed on relevant Construction Certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## ACCESS FOR PEOPLE WITH DISABILITIES

- B28. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of above ground works, the Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans

## SYDNEY WATER ASSETS

- B29. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation. The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

**Note:** Sydney Water's Tap in™ in online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

## LOADING AND UNLOADING AREAS

- B30. All loading and unloading operations associated with servicing the site must be carried out within the signposted loading spaces at all times and must not obstruct other properties/units or the public way.
- B31. The service vehicle docks, car parking spaces and access driveways must be kept clear of goods at all times and must not be used for storage purposes, including garbage storage.

## CAR PARKING

- B32. Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate:
- (a) all vehicles should enter and leave the subject site in a forward direction;
  - (b) all vehicles are to be wholly contained on site before being required to stop, unless required by the Freight and Serving Management Plan approved under condition E25;
  - (c) parking associated with the proposal (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS/NZS 2890.6:2009 and AS 2890.2-2002;
  - (d) appropriate pedestrian advisory signs are to be provided at the egress from parking areas;
  - (e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority; and
  - (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, shall be in accordance with AUSTROADS.

## BICYCLE PARKING AND FACILITIES

- B33. A minimum of 439 on-site bicycle parking shall be provided.
- B34. Minimum end of trip facilities are as follows:
- (a) 527 personal lockers; and
  - (b) 60 showers.
- B35. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of *Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities*.
- B36. Storage, change room and shower facilities shall be provided and designed in accordance with the details provided within the application. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

## PRE-CONSTRUCTION DILAPIDATION REPORTS

- B37. Unless already carried out under CSSI 7400 for all relevant affected adjoining buildings, infrastructure and roads, the Applicant is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report. The Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report is to be forwarded to the Certifying Authority and each of the affected property owners.
- B38. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Planning Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- B39. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant. Damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

## FREIGHT AND SERVICING

- B40. Prior to the issue of any Construction Certificate the Applicant shall demonstrate, to the satisfaction of the Sydney Coordination Office within TfNSW, the following:
- (a) loading and servicing facilities within the subject site adequately accommodate the forecast demand of the development (including long dwell time service vehicles) so as to not rely on the kerbside restrictions to conduct the development's business, including any necessary provision of greater loading bay capacity; and
  - (b) provision of space for secure on-site storage of goods both to reduce peak demand on loading dock use and to support freight consolidation and alternative last mile delivery modes.

## CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- B41. Prior to the issue of any Construction Certificate or any works, whichever is the earlier, the Applicant shall:
- (a) amend, or prepare an addendum to, the Construction Pedestrian and Traffic Management Plan (CPTMP) applicable to the CSSI approval (CSSI 7400) to apply to the development. The amended CPTMP must be prepared in consultation with the Sydney Coordination Office within TfNSW, and submitted to the Planning Secretary and Certifying Authority; or
  - (b) Prepare a final CPTMP in consultation with the Sydney Coordination Office within TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:
    - (i) a description of the development;
    - (ii) location of any proposed work zone(s);
    - (iii) details of crane arrangements including location of any crane(s) and crane movement plan;
    - (iv) haulage routes;
    - (v) proposed construction hours;
    - (vi) predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;
    - (vii) construction vehicle access arrangements;
    - (viii) construction program and construction methodology, including any construction staging;
    - (ix) a detailed plan of any proposed hoarding and/or scaffolding;
    - (x) measures to avoid construction worker vehicle movements within the precinct;
    - (xi) consultation strategy for liaison with surrounding stakeholders, including other developments under construction and Sydney Metro City and Southwest;
    - (xii) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures should be clearly identified and included in the CPTMP; and
    - (xiii) identify the cumulative construction activities of the development and other projects within or around the development site, including the Sydney Metro City and Southwest and private development. Proposed measures to minimise the cumulative impacts on the surrounding road network should be clearly identified and included in the CPTMP.

- (c) Submit a copy of the final development specific CPTMP to Sydney Coordination Office within TfNSW for endorsement;
- (d) Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Sydney Coordination Office within Transport for NSW to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The Applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction; and
- (e) A copy of the final development specific CPTMP must be submitted to the Planning Secretary and Certifying Authority.

#### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

B42. Prior to the issue of the relevant Construction Certificate, the Applicant shall:

- (a) amend, or prepare an addendum to, the Construction Environmental Management Plan (CEMP) applicable to the CSSI approval (CSSI 7400) to apply to the development. The amended CEMP must be submitted to the Planning Secretary and Certifying Authority, or
- (b) prepare a Construction Framework Environmental Management Plan (CFEMP) for the development, independent of the CEMP approved with the CSSI station works. A copy of the final CFEMP must be submitted to the Planning Secretary and Certifying Authority. The CFEMP must:
  - (i) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;
  - (ii) describe all activities to be undertaken on the site during site establishment and construction of the development;
  - (iii) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
  - (iv) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
  - (v) include specific consideration of measures to address any requirements of the EPA during site establishment and construction;
  - (vi) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
  - (vii) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts;
  - (viii) document and incorporate all sub environmental management plans (Sub-Plans), studies and monitoring programs required under this consent; and
  - (ix) include arrangements for community consultation and complaints handling procedures during construction.

B43. In the event of any inconsistency between the consent and the CFEMP, the consent shall prevail.

B44. The CFEMP and any associated Sub-Plans should be revised:

- (a) at each key stage of the works;
- (b) in response to future development consents;
- (c) in response to major changes in site conditions or work methods; and
- (d) in support of licence variations as necessary.
- (e) before commencing activities outside of standard construction hours as set out in Conditions D3 to D5A. The revised CFEMP must identify the types and durations of activities proposed to be undertaken under Conditions D3 to D5A and:
  - (i) include provision for a construction noise and vibration impact statement that forecasts construction impacts on surrounding receivers
  - (ii) identify the types of mitigations required for receivers based on the various levels of forecast noise and vibration impacts, including:
    - community notification and consultation requirements
    - individual briefings
    - noise monitoring
    - specific respites
    - other alternative arrangements as agreed with individual receivers

## CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

B45. Prior to the issue of the relevant Construction Certificate, the Applicant shall:

- (a) amend, or prepare an addendum to, the Construction Noise and Vibration Management Sub-Plan (CNVMP) applicable to the CSSI approval (CSSI 7400) to apply to the development. The amended CNVMP must be submitted to the Planning Secretary and Certifying Authority, or
- (b) prepare and implement a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development, independent of the CNVMP approved with the CSSI station works. A copy of the CNVMP must be submitted to the Planning Secretary and Certifying Authority. The Sub-Plan must include:
  - (i) identification of the specific activities that will be carried out and associated noise sources at the premises;
  - (ii) identification of all potentially affected sensitive residential receiver locations;
  - (iii) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS;
  - (iv) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;
  - (v) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;
  - (vi) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;
  - (vii) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;
  - (viii) where objectives cannot be met, additional measures including, but not necessarily limited to, the following should be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;
  - (ix) where night-time noise management levels cannot be satisfied, a report shall be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;
  - (x) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;
  - (xi) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan;
  - (xii) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
  - (xiii) measures to monitor noise performance and respond to complaints;
  - (xiv) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
  - (xv) procedures to allow for regular professional acoustic input to construction activities and planning; and
  - (xvi) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

## AIR QUALITY MANAGEMENT SUB-PLAN

B46. Prior to the issue of the relevant Construction Certificate, the Applicant shall:

- (a) amend, or prepare an addendum to, the Air Quality Management Sub-Plan (AQMP) applicable to the CSSI station works (CSSI 7400) to apply to the development. The amended CNVMP must be submitted to the Planning Secretary and Certifying Authority, or
- (b) prepare an Air Quality Management Sub-Plan (AQMP) for the development, independent of the AQMP approved with the CSSI station works. A copy of the AQMP must be submitted to the Planning Secretary and Certifying Authority. The Sub-Plan must include, as a minimum, the following elements:
  - (i) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods);
  - (ii) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);
  - (iii) mission statement;
  - (iv) dust and VOCs/odour management strategies consisting of:
    - objectives and targets;
    - risk assessment;

- suppression improvement plan.
  - (v) monitoring requirements including assigning responsibility (for all employees and contractors);
  - (vi) communication strategy; and
  - (vii) system and performance review for continuous improvements.
- B47. The Sub-Plan must detail management practices to be implemented for all dust and VOC/odour sources at the site. The Sub-Plan must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (eg. frequency, duration and method of monitoring) to be undertaken for the project.
- B48. The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

#### **CONSTRUCTION WASTE MANAGEMENT SUB-PLAN**

- B49. Prior to the issue of the relevant Construction Certificate, the Applicant shall:
- (a) amend, or prepare an addendum to, the Construction Waste Management Sub-Plan (CWMP) applicable to the CSSI station works (CSSI 7400) to apply to the development. The amended CWMP must be submitted to the Planning Secretary and Certifying Authority, or
  - (b) prepare a Construction Waste Management Sub-Plan (CWMP) for the development, independent of the CWMP approved with the CSSI station works. A copy of the CWMP must be submitted to the Planning Secretary and Certifying Authority. The Sub-Plan must include, as a minimum, the following elements:
    - (i) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
    - (ii) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
    - (iii) procedures for minimising the movement of waste material around the site and double handling;
    - (iv) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour;
    - (v) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
    - (vi) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises;
    - (vii) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
      - a traffic plan showing transport routes within the site;
      - a commitment to retain waste transport details for the life of the project to demonstrate compliance with the Protection of the Environment Operations Act 1997; and
      - the name and address of each licensed facility that will receive waste from the site (if appropriate).

## **PART C PRIOR TO COMMENCEMENT OF WORKS**

### **NOTIFICATION OF COMMENCEMENT**

- C1. The Department must be notified in writing of the dates of commencement of physical work at least 48 hours before those dates.
- C2. If the construction of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of proposed commencement and the development to be carried out in that stage.

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

- C3. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

### **ACCESS TO INFORMATION**

- C4. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
  - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.
  - (c) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- C5. Before the commencement of construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (c) submit a copy of the dilapidation report to the Certifying Authority and Council.

### **UTILITIES AND SERVICES**

- C6. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- C7. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### **COMMUNITY COMMUNICATION STRATEGY**

- C8. Before the commencement of construction, the Applicant must either:
  - (a) amend, or prepare an addendum to, the Community Consultation Strategy (CCS) applicable to the CSSI approval (CSSI 7400) to apply to the development; or
  - (b) prepare a CCS for the development, independent of the CCS applicable to the CSSI approval, to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development),

during the design and construction of the development and for a minimum of 12 months following the completion of construction. The CCS for the development must:

- (i) identify people to be consulted during the design and construction phases;
- (ii) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (iii) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (iv) set out procedures and mechanisms:
  - through which the community can discuss or provide feedback to the Applicant;
  - through which the Applicant will respond to enquiries or feedback from the community; and
  - to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

- C9. The CCS must be submitted to the Planning Secretary for approval no later than one month before the commencement of construction.
- C10. Construction must not commence until the CCS has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.
- C11. The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

#### **COMMUNITY CONSULTATIVE COMMITTEE**

- C12. Unless the CCS applicable to the CSSI approval (CSSI 7400) has been amended in accordance with condition C8(a), before the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects*. The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so for the duration of construction and for at least six months following the completion of construction.

##### **Notes:**

- The CCC is an advisory committee only.
- In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.

#### **COMPLIANCE**

- C13. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

#### **BARRICADE PERMIT**

- C14. 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 the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

#### **HOARDING**

- C15. Unless already carried out under CSSI 7400 for the relevant street frontages and duration of the development, a separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- (a) architectural, construction and structural details of the design as well as any proposed artwork
  - (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.
- C16. Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

#### **MECHANICAL VENTILATION**

- C17. All mechanical ventilation systems must be installed in accordance with the BCA and must comply with the AS 1668.2:2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings – Microbial control to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection*. Details must be submitted to the satisfaction of the Certifying Authority prior to the relevant Construction Certificate.



## OUTDOOR LIGHTING

- C18. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifying Authority that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

## PART D DURING CONSTRUCTION

### APPROVED PLANS TO BE ON-SITE

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

### SITE NOTICE

- D2. A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period
  - (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 6pm, Saturdays.
- D4. No work may be carried out on Sundays or public holidays, except as permitted in Condition D5.
- D5. Work/activities may be undertaken outside of the hours specified in Conditions D3 and D4 under the following circumstances:
- (a) if required by the Police or a public authority for the delivery or removal of vehicles, plant or materials, or the installation and dismantling of plant or equipment; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm, or
  - (c) if a relevant utility service operator has advised the Applicant in writing that carrying out the works and activities would result in a high risk to the operation and integrity of the utility network, or
  - (d) concrete pours or finishing works may finish after 6pm and no later than 10pm Monday to Friday on a maximum of two occasions per calendar month, or
  - (e) materials delivery, tower crane and hoist operation between 6pm and 10pm Monday to Friday, provided there are no deliveries of impulsive noise generating materials such as scaffold, formwork and steel, or
  - (f) hoist maintenance and/or crane maintenance between 7am and 6pm on Sunday where it can be demonstrated that the work cannot be undertaken during the standard construction hours in Condition D3, or
  - (g) hoist and crane climbing or dismantling between 8am and 5pm on Sunday for a maximum of two Sundays over the duration of the project, or
  - (h) internal fit-out and services installation/commissioning up to 24 hours a day (excluding Sunday) behind a closed facade capable of achieving a minimum of 20dB(A) noise reduction from the equipment used.
- D5A. Additional construction hours under Condition D5 are subject to the following:
- (a) construction must not cause LAeq (15 minute) noise levels:
    - (i) more than 5 dB(A) above the rating background level at any residence in accordance with the Interim Construction Noise Guideline (DECC, 2009), and
    - (ii) more than the noise management levels specified in Table 3 of the Interim Construction Noise Guideline (DECC, 2009) at other sensitive land uses.
  - (b) construction must not cause L<sub>max,F</sub> noise levels more than 15dB(A) above the rating background level at any residence between 10pm to 7am
  - (c) construction must not cause vibration levels:
    - (i) more than those for human exposure to vibration specified in Table 2.2 of Assessing Vibration: a technical guide (DEC, 2006) for continuous or impulsive vibration values when measured at the most affected residence, and

- (ii) more than those for human exposure to vibration specified in Table 2.4 of Assessing Vibration: a technical guide (DEC, 2006) for intermittent vibration values when measured at the most affected residence.
  - (d) continuous real-time noise monitoring and reporting on compliance with noise management levels and efficacy of mitigation measures, with records kept for the life of the project and made available on request by the Planning Secretary, must be undertaken during all activities with a noise monitor installed on the podium of 1 Denison Street, North Sydney at a location directly facing the site and adjacent to 79-81 Berry Street, North Sydney
  - (e) should noise complaint(s) be received and the complaint(s) be substantiated by the Department's Compliance Team, the construction work occurring during extended construction hours in Conditions D5 above must cease and may not recommence until:
    - (i) compliance with the conditions of consent has been established;
    - (ii) compliance with the relevant noise management and mitigation measures identified in the Construction Noise and Vibration Impact Statement prepared under Condition B44 has been established; and
    - (iii) it can be satisfactorily demonstrated to the Planning Secretary that any additional management and mitigation measures, as recommended by the acoustic consultant, have been fully implemented.
  - (f) the Planning Secretary may suspend the works within the extended hours under Condition D5 if substantiated complaints are received and are not resolved to the satisfaction of the Planning Secretary
- D6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2 pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

#### **SAFework REQUIREMENTS**

- D8. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

#### **IMPLEMENTATION OF MANAGEMENT PLANS**

- D9. The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan and Construction Waste Management Plan required by Part B of this consent are implemented during construction.

#### **CONSTRUCTION NOISE LIMITS**

- D10. In accordance with Condition B45, the development must be constructed in accordance with the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.
- D11. Subject to Conditions D5 and D5A, the Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under condition D3.
- D12. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D13. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at the sensitive receiver must only be undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than one hour respite between ceasing and recommencing any of the work the subject of this condition.
- D14. Any noise generated during construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the site.

## **VIBRATION CRITERIA**

- D15. Vibration caused by construction at any residence or structure outside the Site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999);
  - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time);
  - (c) vibratory compactors must not be used closer than 30 metres from residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above; and
  - (d) these limits apply unless otherwise outlined in the amended CNVMP applicable to the CSSI approval (CSSI 7400) or the project specific CNVMP required by condition B45.

## **AIR QUALITY**

- D16. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D17. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## **CONSTRUCTION TRAFFIC**

- D18. All construction vehicles are to be contained wholly within the Site, except if located in an approved on street work zone, and vehicles must enter the Site before stopping.

## **ROAD OCCUPANCY LICENCE**

- D19. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

## **NO OBSTRUCTION OF PUBLIC WAY**

- D20. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

## **CONTACT TELEPHONE NUMBER**

- D21. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

## **COVERING OF LOADS**

- D22. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

## **VEHICLE CLEANSING**

- D23. 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.

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

### **OCCUPATION CERTIFICATE**

- E1. An Occupation Certificate must be obtained from the Certifying Authority 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.

### **GFA AND BUILDING HEIGHT CERTIFICATION**

- E2. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of the final Occupation Certificate.

**Note:** The GFA approved under this consent excludes any GFA delivered under the Sydney Metro City and Southwest station works (CSSI 7400).

### **NOTIFICATION OF OCCUPATION**

- E3. The date of commencement of the occupation of the development must be notified to the Department in writing, at least one month before proposed occupation. If the operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **EXTERNAL WALLS AND CLADDING FLAMMABILITY**

- E4. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifying Authority demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of condition B12.
- E5. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- E6. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

### **MECHANICAL VENTILATION**

- E7. Prior to commencement of operation, the Applicant must provide evidence to the Certifying Authority that the installation and performance of the mechanical ventilation systems complies with:
- (a) AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes; and
  - (b) any dispensation granted by Fire and Rescue NSW.

### **THE 'HUB' OPERATIONAL MANAGEMENT PLAN**

- E8. Prior to the commencement of operation, the Applicant must prepare an Operational Management Plan for the 'Hub' space. The Operational Management Plan must address, but not limited to, the following:
- (a) management;
  - (b) programming, including uses for community groups to provide for the physical, social, cultural or intellectual development, safety or welfare of the community
  - (c) public access;
  - (d) hours of operation;
  - (e) amenity; and
  - (f) security measures.
- E9. The Operational Management Plan must be prepared in consultation with Council, Sydney Metro, building tenants and local community as identified by the Community Consultation Strategy required under condition C8 submitted to the Planning Secretary for approval. Documentary evidence of the consultation and how the plan considered and addressed responses received from consultation must be submitted together with any request for approval of the Operational Management Plan.

### **OPERATIONAL WASTE MANAGEMENT PLAN**

- E10. Prior to the commencement of operation, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifying Authority. The Waste Management Plan must:
- (a) be prepared in consultation with Council

- (b) confirm the location of waste collection and establish appropriate routes to the collection point
- (c) provide confirmation of the engagement of a qualified private waste collection contractor
- (d) detail the type and quantity of waste to be generated during construction and operation of the development;
- (e) describe the handling, storage and disposal of all waste streams generated on site, consistent with the Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (Department of Environment, Climate Change and Water, 2009);
- (f) detail the materials to be reused or recycled, either on or off site; and
- (g) include the Management and Mitigation Measures included in the EIS

#### **WASTE AND RECYCLING COLLECTION**

E11. Prior to the occupation or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way eg. the roadways, footpaths, plazas, and reserves at any time.

#### **POST-CONSTRUCTION DILAPIDATION REPORT**

- E12. Unless otherwise carried out under the requirements of CSSI 7400, prior to the issue of the relevant Occupation Certificate:
- (a) the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads;
  - (b) the report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
    - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - (c) a copy of this report is to be forwarded to the Planning Secretary and each of the affected property owners.

#### **ROAD DAMAGE**

E13. The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to the occupation or commencement of the use.

#### **FIRE SAFETY CERTIFICATION**

E14. Prior to the issue the relevant Occupation Certificate, a Fire Safety Certificate shall be obtained for all the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifying Authority and be prominently displayed in the building.

#### **STRUCTURAL INSPECTION CERTIFICATE**

- E15. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifying Authority. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifying Authority is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

#### **WARM WATER SYSTEMS AND COOLING SYSTEMS**

E16. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

#### **OUTDOOR LIGHTING**

E17. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifying Authority that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- (a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
- (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

#### **BICYCLE PARKING AND END-OF-TRIP FACILITIES**

- E18. Prior to occupation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifying Authority:
- (a) the provision of a minimum 439 bicycle parking spaces;
  - (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 Parking facilities - Bicycle parking, and be located in easy to access, well-lit areas that incorporate passive surveillance;
  - (c) the provision of end-of-trip facilities, which include at least 60 showers, a changing area and 527 lockers;
  - (d) appropriate pedestrian and cyclist advisory signs are to be provided; and
  - (e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant road authority.
- E19. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas

#### **STORMWATER**

- E20. A copy of the stormwater drainage design plans approved with the Construction Certificate shall be submitted to the Certifying Authority prior to the issue of any Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer experienced in the design of stormwater drainage systems.

#### **SYDNEY WATER COMPLIANCE**

- E21. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifying Authority prior to issue of an Occupation Certificate.

#### **UTILITY PROVIDERS**

- E22. Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

#### **ENVIRONMENTAL PERFORMANCE**

- E23. Prior to occupation or commencement of the use, the Applicant is to provide documentation to the Certifying Authority demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under condition B20.

#### **TRAVEL PLAN**

- E24. The Applicant shall prepare a comprehensive Travel Plan in consultation with the Sydney Coordination Office within TfNSW to reduce the proportion of single-occupant car travel and increase the mode share of public transport and active transport for the development. The plan needs to specify matters including, but not limited to, the following:
- (a) nominate a specific party or parties responsible for the implementation of each of the actions in the Travel Plan, and for its ongoing implementation, monitoring and review;
  - (b) identify the parties responsible for delivery of each element of the Travel Plan throughout various stages of the development lifecycle;
  - (c) provide clear identification and delineation of the actions, contributions and resourcing to be provided by each party and when, as well as identification of when responsibility of functions in the Travel Plan are handed over between Developer, Building Manager and Tenant; and
  - (d) include of a high-quality Travel Access Guide which provides information to occupants about how to travel to the site by sustainable transport modes. This should include information about public transport connectivity, end of trip facilities, and local pedestrian and cycling connections.

The Applicant shall provide evidence to the Certifying Authority that a copy of the final plan has been submitted to the Coordinator General, Transport Coordination for endorsement, prior to the issue of the Occupation Certificate. A copy of the final plan is to be provided to the Planning Secretary.

## **FREIGHT AND SERVICING MANAGEMENT PLAN**

- E25. Prior to the issue of any Occupation Certificate, the Applicant shall prepare a detailed Freight and Servicing Management Plan in consultation with the Sydney Coordination Office within TfNSW. The Applicant shall submit a copy of the final plan to the Coordinator General, Transport Coordination for endorsement. The plan shall include, but not be limited to, the following:
- (a) details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
  - (b) details of loading and servicing facilities within the subject site which adequately accommodate the forecast demand of the development (including long dwell time service vehicles) so as to not rely on the kerbside restrictions to conduct the development's business, including any necessary provision of greater loading bay capacity;
  - (c) measures to ensure there is no queuing of freight and service vehicles including details of alternative parking locations to redirect vehicles if queuing occurs;
  - (d) management of conflicts between freight and service vehicles entering and exiting the site simultaneously;
  - (e) loading bay management details including controls of duration of delivery vehicle stay;
  - (f) management details to ensure all long-term loading and servicing is accommodated within the loading dock;
  - (g) procedures for tradesman access and parking;
  - (h) provision of space for secure on-site storage of goods both to reduce peak demand on loading dock use and to support freight consolidation and alternative last mile delivery modes;
  - (i) details on how the loading area will be managed and used by all building tenants; and
  - (j) details of a pre-booking system.

The Freight and Servicing Management Plan shall be implemented by the Applicant following the issue of the Occupation Certificate. A copy of the final Freight and Servicing Management Plan must be submitted to the Planning Secretary and Certifying Authority.

## **BREAKTHROUGH PANEL / FUTURE ACCESS – BASEMENT LOADING DOCK**

- E26. Prior to any Occupation Certificate being issued for Level 4 and above in the building erected within proposed Lot 201, a restrictive covenant is to be registered on the titles of proposed Lots 201 and 101 pursuant to section 88B of the *Conveyancing Act 1919*, on terms requiring that for a period of 30 years the registered proprietor of proposed Lot 201 must not carry out, or permit any other person to carry out, any alterations or improvements on, within or to proposed Lot 201 which would prevent at least a minimum 6 metres wide section of the part of the boundary wall on Basement Level 1 of the building erected within proposed Lot 201 that is adjacent to Lot 2 in DP 792740 and situated between grid lines SE and SB on the approved plans (Soft Wall) being used for a possible future connection between the basements of the buildings located on Lot 2 in DP 792740 and proposed Lot 201 (Connection). The relevant section of the Soft Wall may contain a built wall structure or barrier, but it must be able to be removed so that the Connection can be established. The covenant is to be created, at no cost to the owner of proposed Lot 101, appurtenant to proposed Lot 101 and burdening proposed Lot 201."



## **PART F POST OCCUPATION**

### **LOADING/UNLOADING**

- F1. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the Freight and Servicing Management Plan approved under condition E25;
  - (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
  - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality

### **ANNUAL FIRE SAFETY STATEMENT**

- F2. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

### **FIRE SAFETY CERTIFICATION**

- F3. The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with condition E14.

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

- F4. All waste collection services must be undertaken in accordance with conditions E10 and E11.
- F5. No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.
- F6. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
- F7. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

### **ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH**

- F8. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
- F9. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
- F10. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

### **NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT**

- F11. The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

### **OPERATION OF PLANT AND EQUIPMENT**

- F12. All plant and equipment used in the development, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

### **COMMUNITY COMMUNICATION STRATEGY**

- F13. The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

### **SIGNAGE**

- F14. Any future external top of building signage must consistent with the approved signage strategy.

### **OUTDOOR LIGHTING**

- F15. Notwithstanding condition E17, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- F16. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 6 Star Green Star As-Built

rating in accordance with condition B21. Evidence of the certification must be provided to the Certifying Authority and the Planning Secretary.

#### **GREEN TRAVEL PLAN**

F17. The Green Travel plan approved under condition E24 shall be implemented following occupation of the development. The GTP is to be reviewed and updated annually.

#### **USE AND MANAGEMENT OF PARKING SPACES**

F18. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

FOR INFORMATION

## **PART G PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

### **REQUIREMENTS OF THE EP&A ACT – PART 4A CERTIFICATES**

- G1. In undertaking the subdivision approved under this consent, the Applicant must comply with the requirements of Part 6 of the EP&A Act in relation to the issue of a Subdivision Certificate.

For the purpose of this approval, the issue of a Subdivision Certificate/s is restricted to the subdivision defined by condition A2.

### **SUBDIVISION CERTIFICATE**

- G2. Before granting any Subdivision Certificate for stratum subdivision, the Certifying Authority must be satisfied that the Applicant has complied with all conditions of this consent that are required to be complied with before a Subdivision Certificate may be issued in relation to the plan of subdivision.

### **BUILDING MANAGEMENT STATEMENT**

- G3. Prior to the issue of a Subdivision Certificate for the stratum subdivision, a Building Management Statement must be prepared in the approved form prescribed by Schedule 8A of the *Conveyancing Act 1919* or a Strata Management Statement must be prepared in the approved form prescribed by Part 6 of the *Strata Schemes Development Act 2015* and submitted to the Certifying Authority.
- G4. The Building Management Statement or Strata Management Statement (as applicable) is to apply to the development as a 'united building'. The Building Management Statement or Strata Management Statement (as applicable) must include details of the following:
- (a) the use, operation and arrangements for the supply of services, maintenance and upgrading of infrastructure of each stratum lot within the subdivision
  - (b) the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot within the subdivision
  - (c) any other matters which the Certifying Authority considers relevant and pertinent to the issue of a Subdivision Certificate.

### **CREATION OF EASEMENTS**

- G5. Easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to section 88B of the *Conveyancing Act 1919*.

### **REGISTRATION OF EASEMENTS**

- G6. Prior to the issue of a Subdivision Certificate, the Applicant shall provide to the Certifying Authority evidence that all matters required to be registered on title, including easements noted on the draft subdivision plans listed in Part A, are contained within the subdivision plan to be lodged for registration at the NSW Land Registry Services.

### **ENCROACHING AND/OR SHARED SERVICES**

- G7. Any pipes, service lines or the like servicing each lot shall be contained within their respective lots or, if service lines encroach upon adjoining lots within the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to section 88B of the *Conveyancing Act 1919*, over the service lines where any such encroachment occurs.

### **ACCESS EASEMENT – GROUND LEVEL**

- G8. Prior to, or upon, the registration of the stratum plan for the site, appropriate ground level access easement/s are to be created to provide access to the building from the public domain for each respective building owner/s, tenant/s and visitors, as relevant to the stratum lot/s the subject of the stratum plan to the satisfaction of the Certifying Authority. Each easement is to address construction staging, including any restrictions to access as a result of the construction activities, including erecting hoardings as relevant.
- G9. Suitable easements for access or rights-of-way benefiting the public are to be created over the public domain areas of the residual lot at each stage in the stratum subdivision to ensure public access to the public domain areas. The rights of public access are to be triggered by an occupation certificate for the relevant public domain areas (temporary or permanent) within the site.

### **COMPLIANCE CERTIFICATE**

- G10. Prior to issue of any Subdivision Certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water and shall be provided to the Certifying Authority demonstrating that the development has satisfied the detailed requirements of Sydney Water in respect to water and wastewater.

- G11. Prior to the issue of each Subdivision Certificate (as relevant), a Compliance Certificate is to be issued certifying that a registered surveyor has confirmed that the parcel boundary of the stratum plan corresponds with floors, external walls and ceilings of the relevant building/structures as constructed or alternatively, has the benefit of an appropriate easement or is the subject of appropriate provisions in the Building Management Statement, required by condition G3, to enable the registration of the plan.

**STATEMENT OF COMPLIANCE – COMPLETION IN ACCORDANCE WITH DEVELOPMENT CONSENT**

- G12. Prior to the issue of a Subdivision Certificate for stratum subdivision, a Statement of Compliance shall be provided to the Certifying Authority demonstrating that the approved subdivision is consistent with relevant conditions of development consent.

## ADVISORY NOTES

### APPEALS

- AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation.

### OTHER APPROVALS AND PERMITS

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

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

### TEMPORARY STRUCTURES

- AN4. An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.
- AN5. Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

### DISABILITY DISCRIMINATION ACT

- AN6. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references AS 1428.1 - *Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

- AN7. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- AN8. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### BUILDING PLAN APPROVAL

- AN9. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see plumbing, building and developing then building over or next to assets).

### FIRE SAFETY CERTIFICATE

- AN10. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

## APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A18 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the Applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.