

# Development Consent

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

As delegate of 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

Anthony Witherdin

**Director**

**Key Sites Assessments**

Sydney: 18 June 2021

***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.***

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application Number:</b>	SSD 10384
<b>Applicant:</b>	The Trustee for Sirius Developments Unit Trust
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	2–60 Cumberland Street, The Rocks (Lot 100 & 101 DP 264104) and public domain works (Lots 1 – 6, DP 776315 & Lot 7, DP 264080)
<b>Development:</b>	<p>Alterations and additions to the Sirius building including restoration and refurbishment for a mixed-use development including:</p> <ul style="list-style-type: none"><li>• a gross floor area of 8,419.20 m2</li><li>• 76 residential apartments, commercial (SOHO apartments) and retail premises</li><li>• Cumberland Street building with retail, pool and basement vehicle access</li><li>• pedestrian through site link between Cumberland Street and Gloucester Walk</li><li>• landscaping, public art and off-site public domain works.</li></ul>

## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-10384-Mod-1	28 March 2022	Executive Director	Removal of the two existing Plane Trees and planting of four replacement trees along Gloucester Walk
SSD-10384-Mod-3	18 October 2022	Acting Team Leader	Amendments to awning and construction certificate staging

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## DEFINITIONS

<b>Applicant</b>	The Trustee for Sirius Developments Unit Trust, 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>Certifier</b>	A council or registered certifier (including principal certifiers) who is authorised under section 6.5 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>	City of Sydney Council
<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 and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising alterations and additions including restoration and refurbishment of the Sirius site, as modified by the conditions of this consent.
<b>EIS</b>	The Environmental Impact Statement titled <i>Restoration and refurbishment of the Sirius site, 2-60 Cumberland Street, The Rocks, prepared by Architectus dated 30 October 2020</i> , 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 2021</i>
<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 Note: "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</li></ul>

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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)

<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 or use of the approved development upon completion of construction.
<b>PMNSW</b>	Place Management NSW
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>Principal Certifier</b>	The certifier appointed as the principal certifier for building work under section 6.6(1) of the EP&A Act or subdivision work under section 6.12(1) of the EP&A Act.
<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>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application, titled <i>Response to Submissions SSD 10384, 2-60 Cumberland Street, The Rocks, prepared by Architectus, dated 15 March 2021</i> .
<b>Further RtS (or FRtS)</b>	The Applicant's response to requests for information (RFI) from the Department in relation to the development application, titled <i>Response to Agency Advice on Response to Submissions, prepared by Architectus dated 7 May 2021</i> .
<b>Site Auditor, Site Audit Report and Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Work(s)</b>	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.

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## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### TERMS OF CONSENT

A1. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS, Response to Submissions (RtS) and Further RtS;
- (d) **generally in accordance with the following modification applications:**
  - (i) **Section 4.55(1A) modification application (SSD 10384 MOD 1) and accompanying appendices prepared by File Planning & Development Services dated 5 November 2021; Responses to Request for further information and accompanying appendices prepared by File Planning & Development Services dated 9 December 2021 and 2 February 2022;**
  - (ii) **Section 4.55(1A) modification application (SSD 10384 MOD 3) and accompanying appendices prepared by File Planning & Development Services dated 29 August 2022**
- (e) in accordance with the approved plans in the table below (except where modified by a condition):

Plan No.	Plan Name / Title	Revision	Date
<b>Architectural plans prepared by BVN</b>			
AR-A-00-05	LOT BOUNDARY/ SITE AREA	2	18.09.20
AR-DA-A-00-07	PROPOSED SITE PLAN	<del>10</del> 12	<del>05.08.21</del> 11.08.22
AR-A-00-0	BULK EARTH WORK PLAN	2	18.09.20
AR-DA-B-10-01	BASEMENT B2b-B2a	29	23.10.20
AR-DA-B-10-02	BASEMENT B1b-B1a	26	30.11.20
AR-DA-B-10-03	LEVEL 01-03	19	20.11.20
AR-DA-B-10-04	LEVEL 03-05	<del>19</del> 22	<del>28.10.20</del> 11.08.22
AR-DA-B-10-05	LEVEL 05-07	<del>14</del> 17	<del>18.09.20</del> 11.08.22
AR-DA-B-10-06	LEVEL 07-09	13	18.09.20
AR-DA-B-10-07	LEVEL 09-11	13	18.09.20
AR-DA-B-10-08	LEVEL 11-13	12	18.09.20
AR-DA-B-10-09	LEVEL 13-15	12	18.09.20
AR-DA-B-10-10	LEVEL 15-17	12	18.09.20
AR-DA-B-10-11	LEVEL 18-19	11	18.09.20
AR-DA-B-10-12	LEVEL 20-21	11	18.09.20
AR-DA-B-10-13	LEVEL 22-23	12	18.09.20
AR-DA-B-10-14	LEVEL 24-27	8	18.09.20
AR-DA-B-10-15	ROOF PLAN	<del>5</del> 8	<del>18.09.20</del> 11.08.22
AR-DA-B-11-61	DDA APARTMENTS-TYPE 3H AND 3F	3	18.09.20
AR-B-11-62	LIVEABLE APARTMENTS	4	23.10.20

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AR-B-21-01	BASEMENT B2b-B2a DEMOLITION	4	18.09.20
AR-B-21-02	BASEMENT B1b-B1a DEMOLITION	4	18.09.20
AR-B-21-03	LEVEL 01-03 DEMOLITION	4	18.09.20
AR-DA-B-21-04	LEVEL 03-05 DEMOLITION	5	23.10.20
AR-B-21-05	LEVEL 05-07 DEMOLITION	4	18.19.20
AR-B-21-06	LEVEL 07-09 DEMOLITION	4	18.09.20
AR-B-21-07	LEVEL 09-11 DEMOLITION	4	18.09.20
AR-B-21-08	LEVEL 11-13 DEMOLITION	4	18.09.20
AR-B-21-09	LEVEL 13-15 DEMOLITION	4	18.09.20
AR-B-21-10	LEVEL 15-17 DEMOLITION	4	18.09.20
AR-B-21-11	LEVEL 17-19 DEMOLITION	4	18.09.20
AR-DA-B-21-12	LEVEL 19-21 DEMOLITION	4	18.09.20
AR-B-21-13	LEVEL 21-23 DEMOLITION	4	18.09.20
AR-B-21-14	LEVEL 23-24 DEMOLITION	4	18.09.20
AR-B-21-15	LEVEL 24-25 & PLANT DEMOLITION	4	18.09.20
AR-B-31-01	DEMOLITION EAST AND WEST ELEVATIONS	5	23.10.20
AR-B-31-02	DEMOLITION NORTH AND SOUTH ELEVATIONS	4	18.09.20
AR-DA-C-10-00	EAST & WEST ELEVATIONS - STREETSCAPE	<del>11</del> 13	<del>05.08.21</del> 11.08.22
AR-DA-C-10-01	EAST & WEST ELEVATIONS – SIRIUS BUILDING	8	23.10.20
AR-DA-C-10-02	NORTH & SOUTH ELEVATIONS – OVERALL	<del>6</del> 10	<del>18.09.20</del> 11.08.22
AR-DA-C-10-03	NORTH & SOUTH ELEVATIONS – SIRIUS TOWER	<del>6</del> 10	<del>18.09.20</del> 11.08.22
AR-DA-C-10-04	EAST & WEST ELEVATIONS – CUMBERLAND BUILDING	<del>4</del> 6	<del>18.09.20</del> 11.08.22
AR-DA-C-10-05	MATERIAL BOARD	2	18.09.20
AR-DA-D-10-01	SECTIONS	<del>7</del> 10	<del>18.09.20</del> 11.08.22
AR-DA-D-10-02	SECTIONS	<del>3</del> 6	<del>18.09.20</del> 11.08.22
AR-C-11-01	TYPICAL FAÇADE DETAILS – WEST ELEVATION	1	18.09.20
AR-C-11-02	TYPICAL FAÇADE DETAILS – NORTH ELEVATION	1	18.09.20
AR-DA-T-40-23	APARTMENT SCHEDULE/ MIX/ STORAGE	6	23.10.20
AR-DA-U-10-01	GFA LEVEL B2b-11	11	27.10.20
AR-DA-U-10-02	GFA LEVEL 12-PLANT	9	18.09.20
AR-DA-U-10-03	GFA SCHEDULE	11	27.10.20
<b>Landscape plans prepared by 360°</b>			
L-DA-01	Cover Page		
L-DA-08	Landscape Plan – BASEMENT B4-B3	O	29.10.21
L-DA-09	Landscape Plan – BASEMENT B2-B1	O	25.11.21
L-DA-10	Landscape Plan – LEVEL 01-03	O	25.11.21
L-DA-11	Landscape Plan – LEVEL 03-05	O	25.11.21

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L-DA-12	Consolidated Ground Floor/ Public Domain Plan	O	25.11.21
L-DA-13	Landscape Plan – LEVEL 05-07	I	19.05.21
L-DA-14	Landscape Plan – LEVEL 07-09	I	19.05.21
L-DA-15	Landscape Plan – LEVEL 09-11	I	19.05.21
L-DA-16	Landscape Plan – LEVEL 11-13	I	19.05.21
L-DA-17	Landscape Plan – LEVEL 13-15	I	19.05.21
L-DA-18	Landscape Plan – LEVEL 15-17	I	19.05.21
L-DA-19	Landscape Plan – LEVEL 18-19	I	19.05.21
L-DA-20	Landscape Plan – LEVEL 20-21	I	19.05.21
L-DA-21	Landscape Plan – LEVEL 24-25	I	19.05.21
L-DA-22	Landscape Plan – LEVEL 27	I	19.05.21
L-DA-23	CONSOLIDATED ROOF PLAN	I	19.05.21
L-DA-24	TYPICAL PRIVATE ROOF TERRACE	J	19.05.21
L-DA-25	TYPICAL NON-ACCESSIBLE GREEN ROOF	I	19.05.21
L-DA-26	Planting Palette - TREES	O	29.10.21
L-DA-27	Planting Palette – GROUND FLOOR & COURTYARDS	I	19.05.21
L-DA-28	Planting Palette – GREEN ROOFS	I	19.05.21
L-DA-29	BOUNDARY WALL/ FENCE PLAN	N	29.10.21
L-DA-30	CUMBERLAND STREET ELEVATION	I	19.05.21
L-DA-31	SITE CANOPY COVERAGE PLAN	I	19.05.21
L-DA-32	ROOF GARDEN ACCESS METHODOLOGY	C	19.05.21
L-DA-33	PROPOSED SITE CANOPY COVERAGE PLAN	I	25.11.21
L-DA-34	PROPOSED STREET TREE PLAN	I	25.11.21
<b>L-DA-35</b>	<b>PUBLIC DOMAIN TREE CANOPY PLAN</b>	<b>D</b>	<b>25.11.21</b>
<b>Civil Drawings prepared by Northrop</b>			
SSDAC01.01	COVER SHEET, DRAWING SCHEDULE AND LOCALITY PLAN	3	27.10.20
SSDAC01.11	SPECIFICATION NOTES	3	27.10.20
SSDAC02.01	CONCEPT SEDIMENT AND EROSION CONTROL PLAN	3	27.10.20
SSDAC02.11	SEDIMENT AND EROSION CONTROL DETAILS	3	27.10.20
SSDAC03.01	STORMWATER MANAGEMENT PLAN B2b-B2a	4	28.04.21
SSDAC03.02	STORMWATER MANAGEMENT PLAN B1b-B2a	4	27.10.20
SSDAC03.11	STORMWATER MANAGEMENT DETAILS	3	27.10.20
SSDAC03.21	STORMWATER LONGITUDINAL SECTION	2	27.10.20
SSDAC04.01	DETAILS	3	27.10.20

- A2. 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 **A2(a)**.
- A3. 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 **A1(c)**. In the



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event of an inconsistency, ambiguity or conflict between any of the documents listed in condition **A1(c)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

### LIMITS OF CONSENT

- A4. This consent lapses five years after the date from which it operates, unless the works associated with the development have physically commenced.
- A5. This development consent does not approve or authorise the following:
- (a) fit-out and operation of retail premises (including food and drink premises)
  - (b) signage zones or signage design, content and illumination
  - (c) outdoor dining seating areas.

### STRATA SUBDIVISION

- A6. Any proposal for strata subdivision of the site will require development consent and the lodgement of a separate development application or complying development application, and subsequent approval from the relevant consent authority, or an accredited certifier, of the Strata Plan and issue of a Strata Certificate under the Strata Schemes Development Act 2015.

### EVIDENCE OF CONSULTATION

- A7. 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.

### PROTECTION OF PUBLIC INFRASTRUCTURE

- A8. Consistent with the findings of the Pre-Construction Dilapidation Report (required under **Condition B20**) and Post-Construction Dilapidation Report (required under **Condition E15**) and 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.

### STRUCTURAL ADEQUACY

- A9. 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.

### COMPLIANCE

- A10. 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.

### COMPLIANCE REPORTING

- A11. 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).
- A12. 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.
- A13. 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.
- A14. 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.

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## INDEPENDENT ENVIRONMENTAL AUDIT

A15. Independent Environmental Audits, prepared in accordance with the *Independent Audit Post Approval Requirements (2020)*, must be submitted to the Planning Secretary:

- (a) within 12 weeks of the commencement of construction
- (b) at intervals no greater than 26 weeks from the initial audit during the construction phase
- (c) at any other time directed by the Planning Secretary, such as following an incident.

## OPERATION OF PLANT AND EQUIPMENT

A16. All plant and equipment used on site, or to monitor the performance of the development, must be maintained and operated in a proper and efficient manner.

## PRESCRIBED CONDITIONS

A17. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

## STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A18. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A19. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

## INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A20. The Planning Secretary must be notified within 24 hours after the Applicant becomes aware of any incident. The notification must be made in writing via the Major Projects portal, identifying:

- (a) the development and application number
- (b) details of the incident (including date, time, location, duration, a brief description of the incident and why it is classified as an incident)
- (c) how the incident was detected and when the Applicant became aware of the incident
- (d) any actual or potential non-compliance with conditions of consent
- (e) the immediate steps taken in response to the incident
- (f) further action(s) to be taken in relation to the incident
- (g) a project contact for further communication regarding the incident
- (h) other relevant public authorities this incident was notified.

Within 30 days of the date on which any incident occurred, a detailed report on the incident must be provided to the Planning Secretary and any relevant public authorities (determined by the Planning Secretary), providing:

- (i) a summary of the incident
- (j) outcomes of an incident investigation, including identification of the cause of the incident
- (k) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence
- (l) details of any communication with other stakeholders regarding the incident.

## NON-COMPLIANCE NOTIFICATION

A21. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.

The notification must identify the development (using development application number), the relevant condition(s) of consent, the way in which the development does not comply, the reasons for the non-compliance (if known), the duration of non-compliance (if applicable) and what actions have been, or will be, undertaken to address the non-compliance.

A non-compliance notified as an incident does not need to also be notified as a non-compliance.

## STAGING

A22. Construction of the development may be carried out in stages, in accordance with the below table and Section 8.19 of the Applicant's EIS, with conditions to be satisfied prior to commencing work on the relevant stage.

Stage	Description
Construction certificate stage 1	Tree removal & pruning, internal strip out, façade rectification, demolition and excavation works, including any associated retention or strengthening works to allow demolition.
Construction certificate stage 2	New concrete structure, and associated inground services <b>and structural steel</b>
Construction certificate stage 3	<del>Structural steel, façade works,</del> <b>Architectural building and</b> internal fitout, <b>external wall framing</b> and building services.
Construction certificate stage 4	<del>External works, landscaping works and public domain (including external lighting and security).</del> <b>Façade.</b>
<b>Construction certificate stage 5</b>	<b>External works, landscaping works and public domain (including external lighting and security).</b>

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### COMPLIANCE WITH THE BCA

- B1. Prior to the issue of any Construction Certificate relating to the building structure, structural drawings signed by a suitably qualified practising Structural Engineer, demonstrating compliance with the relevant clauses of the BCA and this development consent, must be submitted to the Certifier.

### EXTERNAL WALLS AND CLADDING

- B2. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Before the issue of ~~Construction Certificate 3~~ **Construction Certificate 4**, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use in the construction of ~~external walls~~ **façade (i.e. elements including and past the weatherproofing line)** including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA. **For clarity, this Condition excludes structural elements (Construction Certificate 2) and external wall framing (Construction Certificate 3).**

The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after being accepted by the Certifier.

### DESIGN EXCELLENCE AND INTEGRITY

- B3. To ensure design continuity and excellence of the approved scheme is maintained, BVN (lead architect for the EIS) is to be retained throughout the development process, to:
- (a) endorse the design drawings for construction
  - (b) endorse the design drawings for the contract documentation
  - (c) maintain consultant continuity and design integrity during the tender and construction phases through to completion of the project
  - (d) provide any documentation required by the consent authority verifying the design intent has been achieved at completion; and
  - (e) attend all meetings that pertain to design issues with the community, authorities and other stakeholders, as required.
  - (f) demonstrate how and when the DIP will be involved in the review and input into the design development to ensure design integrity of the project, including any subsequent modifications and post approval matters.
- B4. Prior to the issue of ~~Construction Certificate 3~~ **Construction Certificate 4**, the DIP is to review the architectural drawings, ~~landscape drawings and samples of all external materials~~, including revised 3D photomontages, and provide confirmation to the Certifier that these are consistent with the approved design.

**B4A. Prior to the issue of Construction Certificate 5, the DIP is to review the landscape drawings and samples of all external materials and provide confirmation to the Certifier that these are consistent with the approved design.**

### PUBLIC DOMAIN PLAN

- B5. Prior to the issue of ~~Construction Certificate 4~~ **Construction Certificate 5**, a detailed Public Domain Plan prepared by a suitably qualified architect, urban designer or landscape architect must be developed in consultation with PMNSW and Council and approved by PMNSW.

The Public Domain Plan must document all works relating to the public domain at Cumberland Street, Gloucester Walk and the northern pocket park (identified as Lots 1 – 6, DP 776315 & Lot 7, DP 264080). This is to include, but not limited to:

- (a) seating plan, including additional public seating on Gloucester Walk and Bunker Hill viewing area, and how it addresses heritage, retail frontages and pedestrian circulation

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- (b) landscaping plan, including plant selection and how it will contribute to enhancing the natural heritage of The Rocks
- (c) 10 street trees (minimum size 200 L) in Cumberland Street (planted in accordance with Council's Street Tree Masterplan technical specifications)
- (d) **four replacement trees on Gloucester Walk with species and sizes being determined in consultation with Council and PMNSW (planted in accordance with relevant Australian landscaping and horticultural standards)**
- (e) **tree maintenance arrangements over a 12 month establishment period**
- (f) details of paving treatment
- (g) location of bins, bollards, lighting, digital infrastructure and the like
- (h) signage and wayfinding
- (i) bicycle parking facilities
- (j) upgrade of the northern pocket park.

The public domain plan is to include all relevant recommendations of the Crime Prevention Through Environmental Design Report prepared by Architectus, dated 21 October 2020.

The final approved Public Domain Plan must be submitted to the Planning Secretary and the Certifier, for information.

### PUBLIC ART

- B6. Prior to the issue of ~~Construction Certificate 4~~ **Construction Certificate 5**, the final details of the public artwork must be developed in consultation with Council and PMNSW, with the final details submitted to the Planning Secretary for approval.

The Public Art must reflect the social and cultural history of the Sirius site, in accordance with public art strategy and curatorial rationale outlined in the *Sirius Public Art Strategy, prepared by UAP, dated October 2020*.

The public artwork must be in accordance with the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public Art in Private Developments.

In finalising the Public Artwork, the Applicant must:

- (a) undertake suitable consultation and engagement with community groups
- (b) share and discuss the longlist of artists with Council's Public Art team prior to shortlisting
- (c) present the artists concepts to Council's Public Art Advisory Panel
- (d) explore and document further options to link with the Museum of Contemporary Art C3West initiative.

### SITE LANDSCAPE PLAN

- B7. Prior to the issue of ~~Construction Certificate 4~~ **Construction Certificate 5**, a detailed site Landscape design, including plans and details drawn to scale, and technical specification, by a registered landscape architect or designer, must be prepared in consultation with Council and PMNSW. The Landscape Plan, including evidence of consultation with Council and PMNSW, the comments raised and how these have been addressed, must be submitted to the Planning Secretary for approval. These documents must include:

- (a) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features.
- (b) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers.
- (c) Location, numbers, type and supply of plant species, with reference to the relevant Australian Standards (if applicable).
- (d) Details of planting procedure and maintenance.
- (e) Details of drainage, waterproofing and watering systems.

## GREEN ROOFS

- B8. Prior to the issue of ~~Construction Certificate 4~~ **Construction Certificate 5**, a detailed green roof design including plans and details drawn to scale, and technical specification, by a registered landscape architect or designer, must be prepared in consultation with Council and submitted to the Planning Secretary for approval. These documents must include:
- (a) A statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments.
  - (b) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (c) Details of earthworks including mounding and retaining walls and planter boxes (if applicable)
  - (d) Details of the location, sizes and numbers of plants used with reference to relevant Australian Standards (if applicable), with preference for drought resistant species.
  - (e) Details of the soil media/substrate type and depth.
  - (f) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
  - (g) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
  - (h) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- B9. Prior to the issue of ~~Construction Certificate 4~~ **Construction Certificate 5**, the following details are to be submitted to and approved by the Certifier:
- (a) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
  - (b) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- B10. **(condition deleted.)**

## HERITAGE INTERPRETATION

- B11. Prior to the issue of Construction Certificate 1, a Heritage Interpretation Plan, prepared in accordance with the Heritage Impact Statement, prepared by Urbis, dated 18 February 2021 and relevant NSW Heritage Division guidelines, must be submitted to and approved by the Planning Secretary.
- The Plan must be prepared in consultation with Council and PMNSW and other relevant stakeholders, including the Aboriginal and local community, and document the findings and recommendations raised in consultation. The Plan must:
- (a) detail methods and elements to retain and interpret the site's heritage to be included in the detailed design of the new additions and landscaping
  - (b) identify when the various interpretation elements will be delivered
  - (c) address how public access can be provided to the Phillip Room.

## SCHEDULE OF CONSERVATION WORKS

- B12. Prior to the issue of Construction Certificate 1, a Schedule of Conservation Works, prepared in accordance with the Heritage Impact Statement, prepared by Urbis, dated 18 February 2021 and relevant NSW Heritage Division guidelines, must be submitted to and approved by the Planning Secretary.
- The Schedule of Conservation Works is to be prepared in consultation with Council and PMNSW, and address the comments raised.
- The Schedule of Conservation Works must:
- (a) assess the existing condition of the building and provide direction for immediate conservation works required



- (b) include a detailed schedule for the Phillip Room
- (c) include the relocation of the existing wall-mounted timber bison artwork fixed to the timber lined southern wall of the existing kitchen and storage room, in the Phillip Room, to the common area at Level 3.

### CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B13. Prior to the issue of ~~Construction Certificate 3~~ **Construction Certificate 4**, the architectural plans must be annotated to include relevant recommendations of the Crime Prevention Through Environmental Design Report, prepared by Architectus, dated 21 October 2020, and be submitted to the Certifier.

### NUMBER OF CAR PARKING SPACES

- B14. Prior to the issue of Construction Certificate 3, confirmation that a maximum of 70 car parking spaces will be provided, is to be submitted to the Certifier.

### CAR PARK AND SERVICE VEHICLE LAYOUT

- B15. Prior to the issue of Construction Certificate 3, plans demonstrating compliance with the following traffic and parking requirements must be submitted to the Certifier:
- (a) all vehicles to enter and leave the site in a forward direction
  - (b) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) must be in accordance with AS 2890.1-2004, AS2890.6 for accessible spaces and AS 2890.2-2002 for heavy vehicle usage
  - (c) pedestrian advisory signs are to be provided at the egress from the car park
  - (d) all works/regulatory signposting associated with the proposal must be at no cost to the roads authority
  - (e) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS.
  - (f) the loading and servicing area must be sufficiently designed to accommodate servicing by garbage trucks.

### FACILITIES FOR CYCLISTS

- B16. Prior to the issue of Construction Certificate 3, confirmation that the development will comply with the following bicycle parking provision must be submitted to the Certifier:
- (a) 80 resident bicycle parking spaces (in the basement)
  - (b) 12 visitor bicycle parking spaces (in the public domain).
- B17. Prior to the issue of Construction Certificate 3, confirmation that the layout, design and security of all bicycle facilities will comply with AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities and Cycling Aspects to Austroads Guides Appendix I, must be submitted to the Certifier. This is to be include confirmation that:
- (a) the location of these facilities will be secure, convenient and accessible, with adequate lighting and surveillance
  - (b) visitor/ staff end of trip facilities are to be provided.

### LOADING AND SERVICING MANAGEMENT

- B18. Prior to the issue of Construction Certificate 3, the Applicant shall prepare a Loading and Servicing Management Plan in consultation with TfNSW. This plan shall ensure that any potential traffic and safety impacts associated with the loading dock operation are mitigated. The Applicant shall submit a copy of the final plan to TfNSW for endorsement. The Plan needs to specify, but not be limited to, the following:
- (a) Details of the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay; and
  - (b) Details of measures to manage any potential traffic and safety impacts of the loading docks operation in particular potential queuing on public roads and potential conflicts between freight vehicles accessing the loading dock and pedestrian / cyclists.

## WASTE - RESIDENTIAL BIN SIZES

- B19. Prior to the issue of Construction Certificate 3, evidence is to be provided to the Certifier showing a width of 1370mm for each 1100L bin in the residential bin storage area (as per Council's *Guidelines for Waste Management in New Developments 2018*).

## PRE-CONSTRUCTION DILAPIDATION REPORT

- B20. Prior to the issue of Construction Certificate 1, a Pre-Construction Dilapidation Report is to be prepared by a qualified structural engineer and submitted to the Certifier, Planning Secretary, Council, Place Management NSW, Heritage NSW (where heritage items are impacted) and any affected property owner. The report is to detail the current structural condition of all retained existing and adjoining buildings, infrastructure, public domain areas and roads within the 'zone of influence'.

Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'.

Should access to undertake a Pre-Construction Dilapidation Report be denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier 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.

## COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B21. Prior to the issue of any Construction Certificate, the performance parameters, requirements, engineering assumptions and recommendations contained in the Noise and Vibration Report (prepared by Stantec, Ref: 301350202, dated 11 March 2021) and Noise Impact Assessment (prepared by Acoustic Logic, dated 27 October 2020) must be reflected in the progressive Construction Certificate documentation and submitted to the Certifier.

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

- B22. The development must be designed and constructed so that the road traffic noise levels and the rail noise and vibration levels inside the buildings comply with the criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).

Prior to the issue of Construction Certificate 3, details demonstrating compliance with this requirement must be submitted to the Certifier.

## MECHANICAL PLANT NOISE MITIGATION

- B23. Prior to the issue of Construction Certificate 3, the following must be submitted to the Certifier:
- (a) evidence that noise mitigation measures for all mechanical plant, as detailed in Noise and Vibration Report (prepared by Stantec, Ref: 301350202, dated 11 March 2021) and Noise Impact Assessment (prepared by Acoustic Logic, dated 27 October 2020), are included on the Construction Certificate drawings
  - (b) certification from an appropriately qualified acoustic engineer that these measures will achieve compliance with the NSW Industrial Noise Policy and any other guidelines applicable to the development.

## MECHANICAL VENTILATION

- B24. Prior to the issue of Construction Certificate 3, evidence demonstrating that all mechanical ventilation systems will be installed in accordance with the BCA and comply with AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, must be submitted to the Certifier.

## COMPLIANCE WITH WIND IMPACT ASSESSMENT

- B25. Prior to the issue of Construction Certificate 4, plans demonstrating compliance with the recommendations of the Pedestrian Wind Environment Statement, prepared by Windtech, Rev 4, dated 27 October 2020 must be submitted to the Certifier.

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B26. Prior to the issue of a Construction Certificate 3, evidence that the development will incorporate all design, construction and operation measures identified in the ESD report, prepared by Flux Consultants Pty Ltd, dated October 2020, must be submitted to the Certifier.



## INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

- B27. Prior to the issue of Construction Certificate 3, details of the installation of water efficient fixtures and fittings shall be submitted to the Certifier, including:
- (a) 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);
  - (b) all taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the WELS, where available;
  - (c) 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 WELS; and
  - (d) systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved.

## BASIX CERTIFICATE

- B28. Prior to the issue of Construction Certificate 3, any requirement, recommendation or mitigation measure identified in the completed BASIX certificates, which were submitted with the development application the subject of this consent (refer to **EIS Appendix AB Part 4 and 5** and **Further RtS Attachment F**), must be specified on the plans forming part of the Construction Certificate 2 documentation.

The BASIX certificates must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

## REQUIREMENTS OF PUBLIC AUTHORITIES

- B29. Prior to the issue of Construction Certificate 2, details of compliance with the requirements of any relevant public authorities (Sydney Trains, Ausgrid, Sydney Water, Telstra Australia) must be submitted to the Certifier. The Applicant must comply with the requirements regarding the connection to, relocation and/or adjustment of any services affected by the construction of the development. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.

## SYDNEY WATER REQUIREMENTS

- B30. Prior to the issue of Construction Certificate 2, a section 73 application must be made to Sydney Water for a Compliance Certificate under the Sydney Water Act 1994 and the Notice of Requirements must be submitted to the Certifier.

## OUTDOOR LIGHTING

- B31. Outdoor lighting must be designed, positioned and installed, including appropriate shielding and orientation, so as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties, in accordance with Australian Standard AS 4282: 1997 *Control of the obtrusive effects of outdoor lighting*.

Prior to the issue of ~~Construction Certificate 4~~ **Construction Certificate 5**, details demonstrating compliance with these requirements must be submitted to the Certifier.

## REFLECTIVITY

- B32. Prior to the issue of Construction Certificate 3, the Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

## GROUNDWATER AND DISPOSAL OF SEEPAGE AND STORMWATER

- B33. Prior to the issue of any Construction Certificate, evidence demonstrating that any water discharged from the site to the stormwater or surrounding waterways will comply with Section 120 of the Protection of the Environment Operations Act 1997 must be submitted to the Certifier.
- B34. Prior to the issue of any Construction Certificate, evidence demonstrating that any seepage or rainwater collected on-site during construction will be either re-used or disposed of so as not to cause pollution, must be submitted to the Certifier. Seepage or rainwater must not be pumped to the street stormwater system, unless it is consistent with Managing Urban Stormwater – Soils and Construction Volume 1 (Landcom, 2004).

## EROSION AND SEDIMENT CONTROL

- B35. Prior to the issue of Construction Certificate 1 for below ground works, evidence that soil erosion and sediment control measures have been designed in accordance with Managing Urban Stormwater – Soils & Construction Volume 1 (Landcom, 2004) must be submitted to the Certifier.

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## STORMWATER MANAGEMENT AND WATER QUALITY

- B36. Prior to the issue of Construction Certificate 2, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) Be designed by a suitably qualified and experienced person(s)
  - (b) be generally in accordance with the conceptual design in the EIS and associated documents
  - (c) be in accordance with applicable Australian Standards.
- B37. Prior to the issue of a Construction Certificate 4, confirmation that all new impervious surfaces, including driveways and paved areas, will be drained to the nominated discharge controls must be submitted to the Certifier.

## ADAPTABLE HOUSING

- B38. Prior to a Construction Certificate 3 being issued, information from an appropriately qualified access consultant is to be submitted to the Certifier confirming that the building has been designed to accommodate 2 adaptable residential apartments units, and 16 apartments with a high level of compliance with the Liveable Housing Design Guidelines, with the requirements referenced on the relevant construction Certificate drawings.

END OF PART B

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## 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 and operation at least 48 hours before those dates.
- C2. If the construction or operation 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 commencement and the development to be carried out in that stage.

### CERTIFIED PLANS

- C3. Prior to the commencement of each stage of works, plans certified in accordance with section 6.16 of the EP&A Act, and including details as required by any of the following conditions, must be submitted to the Certifier and Planning Secretary.

### 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 A1** 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.

### HOURS OF CONSTRUCTION

- C5. Construction, including the delivery of plant, equipment and any materials to and from the site, may only be carried out between the following hours:
  - (a) between 7 am and 6 pm, Mondays to Fridays inclusive; and
  - (b) between 8 am and 1 pm, Saturdays.
  - (c) No work may be carried out on Sundays or public holidays.
- C6. Construction activities may be undertaken outside of the hours in **Condition C5**:
  - (a) if required by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers.
- C7. Notification of such construction activities as referenced in **Condition C6** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C8. Rock breaking, rock hammering, sheet piling, piledriving and similar activities may only be carried out between the following hours:

- (a) 9.00 am to 12.00 pm, Monday to Friday
- (b) 1.00 pm to 5.00 pm, Monday to Friday; and
- (c) 9.00 am to 12.00 pm, Saturday.

### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C9. Prior to the commencement of construction, a Construction Environmental Management Plan (CEMP) must be submitted to the Planning Secretary, Council, PMNSW and the Certifier. The CEMP must provide / address the following matters:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) stormwater control and discharge;
    - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject site;
    - (vi) groundwater management plan including measures to prevent groundwater contamination;
    - (vii) external lighting in compliance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting;
    - (viii) community consultation and complaints handling;
    - (ix) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
  - (b) Construction Pedestrian and Traffic Management Sub-Plan (see **Condition C10**);
  - (c) Construction Noise and Vibration Management Sub-Plan (see **Condition C11**);
  - (d) Construction Soil and Water Management Sub-Plan (see **Condition C12**);
  - (e) Construction Waste Management Sub-Plan (see **Condition C13**);
  - (f) an unexpected finds protocol for contamination and associated communications procedure;
  - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
  - (h) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site
  - (i) detail consultation undertaken with PMNSW regarding potential impacts to the area they control and manage.

The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent prevails.

### CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- C10. Prior to the issue of Construction Certificate 1 or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall:
- (a) Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with 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);
    - (iv) Haulage routes;
    - (v) Proposed construction hours;
    - (vi) Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
    - (vii) Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing within the CBD;

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- (viii) Details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site;
  - (ix) Pedestrian and traffic management measures;
  - (x) Construction program and construction methodology;
  - (xi) A detailed plan of any proposed hoarding and/or scaffolding;
  - (xii) Measures to avoid construction worker vehicle movements within the CBD;
  - (xiii) Consultation strategy for liaison with surrounding stakeholders, including other developments under construction;
  - (xiv) Cumulative construction impacts of projects including Sydney Metro City and South West. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the surrounding road network; and
  - (xv) Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.
- (b) Submit a copy of the final plan to [development.sco@development.nsw.gov.au](mailto:development.sco@development.nsw.gov.au) for TfNSW endorsement; and
  - (c) Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work, the Transport Management Centre and TfNSW (via [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au)) 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.

### CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- C11. Prior to the commencement of construction (including demolition), a Construction Noise and Vibration Management Plan (CNVMP), prepared by a suitably qualified person, must be submitted to the Planning Secretary, Council and Certifier. The CNVMP must:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) incorporate recommendations of the Construction Noise and Vibration Management Plan, prepared by Acoustic Logic, Rev 0, dated 1/9/2020 and the Noise and Vibration Report, prepared by Stantec, Rev 002, dated 11/03/2021
  - (c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009);
  - (d) hours of construction in accordance with Conditions **C5** to **C8**;
  - (e) outline regular community liaison with sensitive receivers around the site
  - (f) outline how noise and vibration impacts would be monitored during construction
  - (g) describe the measures to be implemented to manage high noise generating works, in close proximity to sensitive receivers, including respite periods to protect the amenity of nearby receivers;
  - (h) include a complaints management system that would be implemented for the duration of the construction; and
  - (i) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures.

### CONSTRUCTION SOIL AND WATER MANAGEMENT SUB-PLAN

- C12. The Construction Soil and Water Management Plan (CSWMSP) must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert;

- (b) describe all erosion and sediment controls to be implemented during construction as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
- (c) provide a plan of how all construction works will be managed in wet weather events (i.e. storage of equipment, stabilisation of the site); and
- (d) detail all off-site flows from the site.

### CONSTRUCTION WASTE MANAGEMENT PLAN

- C13. Prior to the commencement of construction, a Construction Waste Management Plan (WMP) must be prepared and submitted to the Planning Secretary, Council and Certifier. The WMP must:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
  - (b) identify an appropriate area for the storage of garbage bins and recycling containers for all waste and recyclable material generated by the works
  - (c) demonstrate compliance with relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air
  - (d) 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"

### NO OBSTRUCTION OF PUBLIC DOMAIN WITHOUT APPROVAL

- C14. If required, a Work Zone Permit must be sought and issued by Council to allow any obstructions of the public way, footpaths, road reserves and the like, by any mobile cranes, materials, vehicles, refuse, skips, loading and unloading or the like, prior to the installation of any obstructions.

Where supported by the relevant authority, the Work Zone Permit should be given for the shortest possible time, so as not to restrict movement or use of the public domain. Consideration should be given to issuing the permit for a specific time period(s) or specific works.

- C15. No construction work zone is permitted adjacent to the development on Cumberland Street without prior approval of TfNSW.

### WORKS AND STRUCTURES OVER A PUBLIC ROAD

- C16. Prior to the commencement of construction on a public road or public footpath, evidence that the relevant approvals have been obtained under Section 138 of the Roads Act 1993 must be submitted to the Planning Secretary, Council and Certifier. This includes approvals to erect a hoarding and/or scaffolding on or above a public road or footpath, barricade a public road or in order to obtain a road occupancy licence.

### DEMOLITION

- C17. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). Prior to the commencement of construction, a written statement from a suitably qualified person that construction plans comply with the safety requirements of AS 2601-2001 must be submitted to Certifier.

### COMPLIANCE

- C18. 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.

### PROTECTION OF SANDSTONE WALL

- C19. Prior to any works commencing, the sandstone wall in the basement should be protected from any indirect impacts from the proposed works, in accordance with the recommendations of the *Historic Archaeological Assessment, prepared by Urbis, dated 16 February 2021*.



## 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, modifications and certification must be kept on the Site at all times and must be readily available to view by any officer of the Department, Council or Certifier or a member of the public.

### SITE NOTICE

- D2. A site notice(s) must be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details, including details of the builder, Certifier and structural engineer. The notice(s) must satisfy the following requirements:
- (a) be able to be read by the general public
  - (b) be rigid, durable and weatherproof and displayed throughout the works period
  - (c) specify 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 and complaints
  - (d) mounted at eye level on the perimeter hoardings/fencing
  - (e) include a statement that unauthorised entry to the Site is not permitted
  - (f) include a map of the Site and the work zone.

### CONTACT TELEPHONE NUMBER

- D3. The 24-hour contact telephone number must be continually attended by a person(s) with authority over the works for the duration of the development.

### OPERATION OF PLANT AND EQUIPMENT

- D4. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### SETTING OUT OF STRUCTURES

- D5. The building must be set out by a registered surveyor to verify the correct position of the structure in relation to property boundaries and the approved alignment levels. The registered surveyor must then submit a plan to the Certifier confirming that structural works are in accordance with this development consent.

### IMPLEMENTATION OF MANAGEMENT PLANS

- D6. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

### CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- D7. The development must achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the **CEMP** and **CNVMP**.
- D8. If the noise from a construction activity is substantially tonal or impulsive in nature, 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- D9. Heavy vehicles and oversized vehicles must not queue or idle on surrounding local roads outside of construction zones.
- D10. The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the Interim Construction Noise Guideline.

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- D11. Where sensitive receivers may be affected, piling activities are to be completed using bored piles. If driven piles are required, they must only be installed where outlined in the **CEMP**.
- D12. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- (a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*
  - (b) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472-Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment
  - (c) the above limits, unless otherwise outlined in the **CEMP**.
- D13. Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed noise limits for the site.
- D14. 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.

### EROSION AND SEDIMENT CONTROL

- D15. All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### DISPOSAL OF SEEPAGE AND STORMWATER

- D16. Any seepage or rainwater collected on-site during construction must be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater must not be pumped to the street stormwater system unless separate prior approval is issued by Council.

### WASTE MANAGEMENT

- D17. Notwithstanding the **Construction WMP** referred to in **Condition C13B19**, the Applicant must ensure that:
- (a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2014*
  - (b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste
  - (c) waste (including concrete waste, rinse litter, debris or other matter) are not disposed of on the site and do not enter the waters of Sydney Harbour
  - (d) any vehicle used to transport waste, materials and/or excavation spoil from the site is covered before entering the public roadway
  - (e) the wheels of any vehicle, trailer or mobilised plant are cleaned of debris prior to leaving the site.

### DUST CONTROL MEASURES

- D18. Adequate measures must be taken to prevent dust from affecting the neighbouring amenity during construction. In particular, the following measures must be implemented:
- (a) physical barriers erected at right angles to the prevailing wind direction or placed around and over dust sources to prevent wind or activity from generating dust emissions
  - (b) earthworks and scheduling activities managed to coincide with the next stage of development to minimise the amount of time the site is left in a cut or exposed
  - (c) all materials stored or stockpiled not to exceed 4 meters in height, are constructed and maintained to prevent cross contamination, include suitable erosion and sediment controls, and are covered, if necessary, to control emissions of dust and/or VOCs/odour



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- (d) the surface dampened slightly to prevent dust from becoming airborne, but not be wet to the extent that run-off occurs
- (e) all vehicles carrying spoil or rubble to or from the site covered to prevent the dust or other materials escaping
- (f) all equipment wheels washed before exiting the site using manual or automated sprayers or drive-through washing bays
- (g) gates closed between vehicle movements and fitted with shade cloth
- (h) cleaning of footpaths and roadways carried out regularly.

### NO OBSTRUCTION OF THE PUBLIC WAY

D19. The public way, footpaths, road reserves and the like, must not be obstructed by any mobile cranes, materials, vehicles, refuse (waste), skips or the like, under any circumstances unless in accordance with a Work Zone Permit (See **Condition C14**). Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

### LOADING AND UNLOADING DURING CONSTRUCTION

D20. All loading and unloading associated with demolition and construction must be accommodated on-site, unless in accordance with a Work Zone Permit (See **Condition C14**).

### DAMAGE TO THE PUBLIC WAY

D21. Any damage to the public way, footpaths, road reserves and the like, including trees, kerbs, paving, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

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

D22. If non-Aboriginal historical archaeological deposits are discovered unexpectedly during works, the deposits must be dealt with according to the Archaeological Chance Find Procedure contained in the Historic Archaeological Assessment, prepared by Urbis, dated 16 February 2021.

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

D23. If during the course of construction the Applicant becomes aware of any, or if any previously unidentified Aboriginal object(s) are discovered unexpectedly during works, all works likely to affect the object(s) must cease immediately and Heritage NSW must be informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Council must also be informed. Relevant works must not recommence until written authorisation has been received from Heritage NSW.

### ASBESTOS AND HAZARDOUS WASTE REMOVAL

- D24. Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
- D25. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.
- D26. Removal of asbestos and other hazardous building materials must only be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be submitted before waste classification, disposal or site validation is undertaken.

### CONTAMINATION

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

### SAFework NSW REQUIREMENTS

D28. 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 NSW requirements.

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## HOARDING/FENCING REQUIREMENTS

D29. The following hoarding requirements must be complied with:

- (a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing
- (b) the removal of all graffiti from any hoarding/fencing or the like within the construction area must be removed within 48 hours of its application.

## TREE REMOVAL

D30. Tree removal works must be undertaken in accordance with the Arboricultural Impact Report and Tree Retention Plan prepared by Landscape Matric Pty Ltd dated **16 August 2021**.

**D30A. A community notice shall be placed on the hoarding along Gloucester Walk prior to the removal of trees along Gloucester Walk advising passers-by of the planned tree removal and proposed replacement trees. The notice shall be removed when the replacement trees have been planted.**

## ARCHAEOLOGICAL AND ABORIGINAL MONITORING

- D31. During works, archaeological and Aboriginal monitoring of works within the site and Public Domain are to be undertaken to ensure no potential relics are harmed, in accordance with the recommendations of the Historic Archaeological Assessment, prepared by Urbis, dated 16 February 2021 and the Aboriginal Cultural Heritage Assessment, prepared by Urbis, dated 26 October 2020.
- D32. An archaeologist must be present for any ground disturbance on Gloucester Walk and within 4 metres of the western side of Gloucester Walk, to monitor the excavation. The PMNSW Archaeologist must also be informed of the proposed ground disturbance and have the option to be present during works.

## MATERIALS AND SAMPLES BOARD

- D33. The design details of the proposed building facades including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, approved under **Condition A1**.

**END OF PART D**

## PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### NOTIFICATION OF OCCUPATION

- E1. The date of occupation and commencement of use of the development must be notified to the Department in writing, at least one month before 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.

### OCCUPATION CERTIFICATE

- E2. Prior to commencement of occupation or use of the whole or any part of the approved development, an Occupation Certificate must be obtained from the Certifier.

### GFA AND HEIGHT CERTIFICATION

- E3. Prior to the issue of any Occupation Certificate, a Registered Surveyor must submit to the Certifier, certification that the GFA of the building does not exceed 8,419.20 m<sup>2</sup> and the height of the building does not exceed the heights (in RL AHD) as shown on the approved drawings listed in **Condition A1**.

### PUBLIC ART

- E4. Prior to the issue of any Occupation Certificate, evidence that all elements of the Public Art Strategy (see **Condition B6**), have been implemented, including ongoing maintenance and associated budgeting arrangements, must be submitted to the Certifier.

### PUBLIC DOMAIN WORKS COMPLETION

- E5. The Public Domain works are to be completed in accordance with the Public Domain Works plans approved by PMNSW under **Condition B5**.
- E6. The public domain work must be inspected and signed off by PMNSW prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

### COMPLETION OF TREE PLANTING, LANDSCAPING AND GREEN ROOFS

- E7. Prior to the issue of any Occupation Certificate, all landscaping works and green roofs (approved by **Condition B7 and B8**) must be completed in accordance with the approved plans.
- E8. Prior to the issue of any Occupation Certificate, a maintenance plan for the site landscaping and green roofs is to be submitted and approved by the Certifier. A copy of the maintenance plan is always to be kept on site and must be produced on request following completion. The Maintenance Manual must include as a minimum:
- (a) Frequency and methodology of different maintenance requirements including the removal of green waste.
  - (b) Details of safety procedures.
  - (c) Laminated copies of 'As Built' drawings.
  - (d) Manufacturer's contact details and copies of manufacturers' typical details and specification;
  - (e) Copies of warranties and guarantees relating to all materials and plant used in construction; and
  - (f) Decommissioning procedures.
- E9. The maintenance plans are to be complied with during occupation of the property.
- E10. Inaccessible green roofs are required to remain inaccessible during occupation of the property.

### DESIGN VERIFICATION

- E11. A design verification statement from a qualified designer shall be submitted to the Certifier prior to issue of any occupation certificate. The statement shall confirm the development has been constructed in accordance with the quality principles set out in Part 2 of SEPP 65 – design quality of residential apartment developments.

### ROAD DAMAGE

- E12. The cost of repairing any damage caused to Council or other Public Authority's assets as a result of construction works associated with the approved development are to be met in full by the Applicant prior to the commencement of use.

## SYDNEY WATER COMPLIANCE

- E13. Prior to the issue of any Occupation Certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation and submitted to the Certifier.

## UTILITY SERVICE PROVIDERS

- E14. Prior to the issue of any Occupation Certificate, written advice must 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, and submitted to the Certifier.

## POST-CONSTRUCTION DILAPIDATION REPORT

- E15. Following completion of all construction works and prior to the issue of any Occupation Certificate, a Post-Construction Dilapidation Report must be prepared by a qualified structural engineer to identify whether the construction works created any structural damage to adjoining buildings, infrastructure and roads, and a copy submitted to the Planning Secretary, Council, NSW Heritage, Place Management NSW, Certifier and any affected property owner(s).

In identifying whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Structural Engineer must submit the following to the Certifier:

- (a) a comparison of the post-construction dilapidation report with the pre-construction dilapidation report (**Condition B20**)
- (b) written confirmation from the relevant authority or person that there is no adverse structural damage to their property, infrastructure and roads.

## STRUCTURAL INSPECTION CERTIFICATE

- E16. Prior to the issue of any Occupation Certificate, a **Structural Inspection Certificate** or a **Compliance Certificate**, with a copy of the final approved drawings, must be submitted to the Certifier, Planning Secretary and Council, once:
- (a) the site has been periodically inspected and the Structural Engineer is satisfied that the Structural Works are deemed to comply with the final design drawings
  - (b) the drawings listed on the Inspection Certificate are consistent with those listed on the final Design Certificate(s).

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E17. Prior to the issue of any Occupation Certificate, all environmental commitments referred to in the ESD Report, prepared by Flux Consultants Pty Ltd, dated October 2020 and **Condition B26** must be implemented, with evidence demonstrating compliance with this requirement submitted to the Certifier.
- E18. Prior to the issue of any Occupation Certificate, the Applicant must implement the commitments outlined in the completed BASIX certificates, which were submitted with the development application the subject of this consent (**Condition B28**).

## MECHANICAL VENTILATION

- E19. Following completion, installation and testing of all the mechanical ventilation systems and prior to the issue of any Occupation Certificate, evidence must be submitted to the Certifier demonstrating that the installation and performance of the mechanical systems complies with:
- (a) the BCA
  - (b) *Australian Standard AS1668* and other relevant codes
  - (c) the development consent and any relevant modifications
  - (d) any dispensation granted by Fire and Rescue NSW.

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- E20. Prior to the issue of any Occupation Certificate, evidence must be submitted to the Certifier demonstrating the recommendations of the Crime Prevention Through Environmental Design Report, prepared by Architectus, dated 21 October 2020 (see **Condition B13**) have been implemented.

## WIND MITIGATION MEASURES

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- E21. Prior to the issue of any Occupation Certificate, evidence must be submitted to the Certifier demonstrating compliance with all wind mitigation recommendations of the Pedestrian Wind Environment Statement, prepared by Windtech, Rev 4, dated 27 October 2020 (see **Condition B25**).

### FIRE SAFETY CERTIFICATION

- E22. Prior to the issue of any Occupation Certificate, a **Fire Safety Certificate** must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent and submitted to the relevant authority and Certifier and be prominently displayed in the building.

### BICYCLE AND FACILITIES FOR CYCLISTS CERTIFICATION

- E23. Prior to the issue of any Occupation Certificate, details must be submitted to the Certifier demonstrating compliance with the approved number of bicycle spaces and facilities for cyclists required under **Condition B16** and **B17**).

### OPERATIONAL WASTE MANAGEMENT PLAN

- E24. An **Operational Waste Management Plan (OWMP)** detailing the waste and recycling storage and removal strategy for the development must be submitted to and approved by Council.

The **OWMP** must be prepared in accordance with Council's *Guidelines for Waste Management in New Developments 2018* and include the following:

- (a) use of the premises and number and size of occupancies
- (b) type and quantity of waste to be generated by the development
- (c) waste storage facilities and equipment, including signage
- (d) access and traffic arrangements
- (e) procedures and arrangements for on-going waste management, including collection, storage and removal of waste and recycling of materials
- (f) a contingency plan for waste collection in the event of failure of the truck lift and/or turntable.

Prior to the issue of any Occupation Certificate, the Certifier must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

- E25. Prior to the issue of any Occupation Certificate, the building owner must ensure there is a contract with a licensed contractor for the removal of all non-residential waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, through-site link and reserves at any time.

### ACOUSTIC COMPLIANCE

- E26. Prior to the issue of any Occupation Certificate, evidence must be submitted to the Certifier demonstrating compliance with all noise mitigation measures required under **Condition B21** and to ensure the development achieves compliance with the requirements of the Noise Policy for Industry (EPA, 2017) and other guidelines applicable to the development.

### HERITAGE INTERPRETATION PLAN IMPLEMENTATION

- E27. Prior to issue of any Occupation Certificate, evidence must be submitted to the Certifier demonstrating all elements of the **Heritage Interpretation Plan** required under **Condition B11** have been implemented.

### EXTERNAL WALLS AND CLADDING FLAMMABILITY

- E28. Prior to the issue of any Occupation Certificate, evidence must be submitted to the Certifier demonstrating all external walls of the building, including cladding, comply with the requirements of the BCA and are consistent with the requirements of **Condition B2**.

### GREEN TRAVEL PLAN

- E29. The Applicant shall prepare a Green Travel Plan to increase the mode share of public transport and active transport for all staff and visitors. The plan shall be prepared in consultation with TfNSW and include a mechanism to monitor the effectiveness of the measures of the plan.

The Applicant shall submit a copy of the Green Travel Plan for the endorsement of TfNSW via [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au), prior to the issue of any Occupation Certificate.

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The plan shall be reviewed and updated annually in consultation with relevant stakeholders and provide an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes.

The plan (as reviewed and updated annually) shall be implemented for the life of the development.

### TRANSPORT ACCESS GUIDE

- E30. The Applicant shall prepare a Transport Access Guide in consultation with TfNSW and approved by Council prior to the issue of any Occupation Certificate. The Transport Access Guide is to include (but not be limited to) the following:
- (a) Information regarding lack of off-street car parking and passenger pick-up and set-down areas at the development site;
  - (b) Suitable nearby drop-off/pick-up locations;
  - (c) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and
  - (d) Suitable nearby Taxi Zones.

The Transport Access Guide is to be implemented and maintained by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times.

### WARM WATER SYSTEMS AND COOLING SYSTEMS

- E31. 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

- E32. Prior to occupation and commencement of use, outdoor lighting must be designed, positioned and installed, including appropriate shielding and orientation, so as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties and must be installed, in accordance with Australian Standard AS 4282: 1997 *Control of the obtrusive effects of outdoor lighting*. Prior to construction commencing for above ground works, details demonstrating compliance with these requirements must be submitted to the Certifier.

**End of Part E**



## PART F POST OCCUPATION

### FIRE SAFETY CERTIFICATE

- F1. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with **Condition E22**.

### NOISE CONTROL – PLANT AND MACHINERY

- F2. Noise associated with the operation of any plant, machinery or other equipment on the site, must not give rise to any one or more of the following:
- (a) transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy
  - (b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute
  - (c) notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

### LOADING AND UNLOADING

- F3. All loading and unloading operations associated with the development must be carried out:
- (a) within the site at all times and must not obstruct other properties/units or the public domain
  - (b) so vehicles enter and exit the site in a forward direction only
  - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

### NO OBSTRUCTION OF THE PUBLIC WAY

- F4. The public way must not be obstructed by any materials, waste, vehicles, refuse, skips or the like under any circumstances.

### ANTI-GRAFFITI

- F5. Where possible, all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

### PUBLIC ACCESS

- F6. The through site link is to be accessible to the public 24 hours a day, 7 days a week.

### OPERATIONAL PLANS OF MANAGEMENT

- F7. The following operational management plans (and any updates to those plans), shall be implemented and adhered to at all times by the Applicant following occupation or commencement of the use of the development:
- (a) Loading Management Plan (**Condition B18**);
  - (b) Operational Waste Management Plan (**Condition Error! Reference source not found.**); and
  - (c) Green Travel Plan (**Condition E29**).

### USE OF COMMON AREAS AND FACILITIES

- F8. The communal pool and terrace, gym, Phillip Room and terrace and other communal facilities identified on the approved plans as for use by residents must be available for the use all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

## **ADVISORY NOTES**

### **PLANNING SECRETARY'S APPROVAL**

AN1. When seeking approval from the Planning Secretary (or nominee), the Department may request additional information if the request for approval is considered incomplete or unsatisfactory.

### **GENERAL**

AN2. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

### **LONG SERVICE LEVY**

AN3. 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.

### **LEGAL NOTICES**

AN4. Any advice or notice to the consent authority must be served on the Planning Secretary.

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

AN5. 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 issue of CC3, the Certifier must ensure that evidence of compliance with the BCA from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### **UTILITIES AND SERVICES**

AN6. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN7. Prior to the commencement of construction 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.

### **ROAD DESIGN AND TRAFFIC FACILITIES**

AN8. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (RMS) (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### **ROAD OCCUPANCY LICENCE**

AN9. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### **SAFework REQUIREMENTS**

AN10. 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.

### **HOARDING REQUIREMENTS**

AN11. The Applicant must submit a hoarding application to the relevant authority for the installation of any hoardings over footways or road reserve.

### **HANDLING OF ASBESTOS**

AN12. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### **FIRE SAFETY CERTIFICATE**

AN13. 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.



## SURVEY INFRASTRUCTURE

AN14. Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

## APPLICABILITY OF GUIDELINES

AN15. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to be such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

## APPEALS

AN16. 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.

## COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN17.

- a) 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.
- b) 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 Agriculture, Water, and the Environment 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.

## END OF ADVISORY NOTES