

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 15 October 2021

SCHEDULE 1

Application Number:	SSD 10405
Applicant:	Vertical First Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	8-10 Lee Street, Haymarket Lots 116, 117 and 118 in DP 1078271 and Lot 13 in DP 10662447
Development:	Atlassian Central development including: <ul style="list-style-type: none">• site establishment and infrastructure works;• partial demolition, deconstruction, retention, reconstruction and adaptive reuse of the Inwards Parcels Shed and associated structures;• construction of a 39 storey tower (RL 197.9) for office and tourist and visitor accommodation;• basement parking for service vehicles and bicycles;• a pick-up/drop-off facility;• provision of hard and soft landscaping;• creation of lower and upper ground floor through site links; and• subdivision and stratum subdivision of the site.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i> .
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i> .
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent.
Applicant	Vertical First Pty Ltd or any other person carrying out any development to which this consent applies.
BCA	Building Code of Australia.
BC Act	<i>Biodiversity Conservation Act 2016</i> .
CBDRIL	CBD Rail Link.
CEMP	Construction Environmental Management Plan.
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time.
Certifier	Means a council or accredited certifier.
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website.
Conditions of this consent	The conditions contained in Schedule 2 of this document.
Construction / building work	<p>All physical work to enable operation including but not limited to the carrying out of works for the purposes of the development, including earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • demolition and deconstruction activity; • building and road dilapidation surveys; • investigative drilling or investigative excavation; • Archaeological Salvage; • establishing any temporary site offices; • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with Heritage NSW and EESG.</p>
Council	City of Sydney Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays.
Day 2 and 3 works	All potential / indicative future building alterations, works, public domain and landscape improvements associated with the integration of the development with Block B, Block C, Central Walk West, Over station Development and the Third Square detailed in the EIS, RtS and SRtS.
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site.
Department	NSW Department of Planning, Industry and Environment.
Development	The development described in the EIS, RtS and SRtS, including the works, as modified by the conditions of this consent.
DIP	Design Integrity Panel.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services.
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage).
EIS	The Environmental Impact Statement titled ' <i>Environmental Impact Statement Atlasian</i>

Central 8-10 Lee Street, Haymarket, prepared by Urbis Pty Ltd dated December 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.

ENM	Excavated Natural Material.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.
EPA	NSW Environment Protection Authority.
EP&A Act	<i>Environmental Planning and Assessment Act 1979.</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000.</i>
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances.
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement.
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent.
Incident	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 <i>Note: "material harm" is defined in this consent.</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website.
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act.
Material harm	Is harm that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	NSW Minister for Planning and Public Spaces (or delegate).
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring.
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act.
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent.
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee.
POEO Act	<i>Protection of the Environment Operations Act 1997.</i>
Reasonable	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.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled <i>"Aboriginal cultural heritage consultation requirements for proponents 2010"</i> (DECCW).
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
RtS	The Applicant's response to submissions report titled <i>'Response to Submissions</i>

	<i>Atlassian Central 8-10 Lee Street, Haymarket</i> , prepared by Urbis Pty Ltd and dated June 2021.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1 OR describe the site in detail.
SRtS	The Applicant's supplementary RtS, titled ' <i>Supplementary Response to Submissions Report</i> ' prepared by Urbis Pty Ltd and dated 5 August 2021.
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i> .
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i> .
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i> .
TfNSW	Transport for New South Wales.
VENM	Virgin Excavated Natural Material.
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act.
Work(s)	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.
Year	A period of 12 consecutive months.

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

- A2. 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) generally in accordance with the EIS, RtS and SRtS;
 - (d) in accordance with the approved plans in the table below (except where amended by the conditions of consent):

Architectural plans prepared by <i>BVN Architecture / SHoP Architects</i>			
Plan No.	Issue	Name of Plan	Date
DA-09A-XXX-00	5	SITE LOCATION PLAN	04.05.21
DA-09A-XXX-01	6	SITE PLAN ROOF LEVEL	04.05.21
DA-09A-XXX-02	7	SITE PLAN LOWER LEVELS	04.06.21
DA-09A-XXX-03	5	SITE 3D AXONOMETRIC VIEWS	04.05.21
DA-09A-XXX-04	5	SITE 3D AXONOMETRIC VIEWS	04.05.21
DA-09A-XXX-05	6	SITE SECTION	04.05.21
DA-09B-B00-00	7	GENERAL ARRANGEMENT PLAN BASEMENT 2	04.05.21
DA-09B-B01-00	7	GENERAL ARRANGEMENT PLAN BASEMENT 1	04.05.21
DA-09B-G00-00	8	GENERAL ARRANGEMENT PLAN LOWER GROUND LEVEL	04.06.21
DA-09B-G01-00	7	GENERAL ARRANGEMENT PLAN UPPER GROUND LEVEL	04.05.21
DA-10B-B00-01	7	GENERAL ARRANGEMENT PLAN BASEMENT 2 PART 1	04.05.21
DA-10B-B00-02	7	GENERAL ARRANGEMENT PLAN BASEMENT 2 PART 2	04.05.21
DA-10B-B01-01	7	GENERAL ARRANGEMENT PLAN BASEMENT 1 PART 1	04.05.21
DA-10B-B01-02	7	GENERAL ARRANGEMENT PLAN BASEMENT 1 PART 2	04.05.21
DA-10B-G00-01	8	GENERAL ARRANGEMENT PLAN LOWER GROUND PART 1	04.05.21
DA-10B-G00-02	8	GENERAL ARRANGEMENT PLAN LOWER GROUND PART 2	04.06.21
DA-10B-G01-01	7	GENERAL ARRANGEMENT PLAN UPPER GROUND PART 1	04.05.21
DA-10B-G01-02	8	GENERAL ARRANGEMENT PLAN UPPER GROUND PART 2	04.06.21
DA-10B-G02-01	6	GENERAL ARRANGEMENT PLAN MEZZANINE LEVEL	04.05.21
DA-10B-G03-01	6	GENERAL ARRANGEMENT PLAN OSD LEVEL	04.05.21
DA-10B-G04-01	5	GENERAL ARRANGEMENT PLAN CORE PLANTROOM LEVEL 01	04.05.21
DA-10B-G05-01	5	GENERAL ARRANGEMENT PLAN CORE PLANTROOM LEVEL 02	04.05.21
DA-10B-T01-01	8	GENERAL ARRANGEMENT PLAN TOWER LEVEL 1	04.06.21
DA-10B-T02-01	8	GENERAL ARRANGEMENT PLAN TOWER LEVEL 2	04.06.21
DA-10B-T03-01	8	GENERAL ARRANGEMENT PLAN TOWER LEVEL 3	04.06.21
DA-10B-T04-01	8	GENERAL ARRANGEMENT PLAN TOWER LEVEL 4	04.06.21
DA-10B-T05-01	8	GENERAL ARRANGEMENT PLAN TOWER LEVEL 5	04.06.21

DA-10B-T06-01	6	GENERAL ARRANGEMENT PLAN TOWER LEVEL 06	04.05.21
DA-10B-T07-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 07	04.05.21
DA-10B-T08-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 08	04.05.21
DA-10B-T09-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 09	04.05.21
DA-10B-T10-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 10	04.05.21
DA-10B-T11-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 11	04.05.21
DA-10B-T12-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 12	04.05.21
DA-10B-T13-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 13	04.05.21
DA-10B-T14-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 14	04.05.21
DA-10B-T15-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 15	04.05.21
DA-10B-T16-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 16	04.05.21
DA-10B-T17-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 17	04.05.21
DA-10B-T18-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 18	04.05.21
DA-10B-T19-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 19	04.05.21
DA-10B-T20-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 20	04.05.21
DA-10B-T21-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 21	04.05.21
DA-10B-T22-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 22	04.05.21
DA-10B-T23-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 23	04.05.21
DA-10B-T24-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 24	04.05.21
DA-10B-T25-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 25	04.05.21
DA-10B-T26-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 26	04.05.21
DA-10B-T27-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 27	04.05.21
DA-10B-T28-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 28	04.05.21
DA-10B-T29-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 29	04.05.21
DA-10B-T30-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 30	04.05.21
DA-10B-T31-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 31	04.05.21
DA-10B-T32-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 32	04.05.21
DA-10B-T33-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 33	04.05.21
DA-10B-T34-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 34	04.05.21
DA-10B-T35-01	1	GENERAL ARRANGEMENT PLAN TOWER LEVEL 35	04.05.21
DA-10B-T36-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 36	04.05.21
DA-10B-T37-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 37	04.05.21
DA-10B-T38-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 38	04.05.21
DA-10B-T39-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 39	04.05.21
DA-10B-T40-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 40	04.05.21
DA-10B-T41-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 41	04.05.21
DA-10B-T42-01	4	GENERAL ARRANGEMENT PLAN ROOF	04.05.21
DA-10C-XXX-01	4	NORTH ELEVATION	04.05.21
DA-10C-XXX-02	4	EAST ELEVATION	04.05.21
DA-10C-XXX-03	4	SOUTH ELEVATION	04.05.21
DA-10C-XXX-04	4	WEST ELEVATION	04.05.21
DA-10D-XXX-01	4	SECTION N-S	04.05.21
DA-10D-XXX-02	4	SECTION E-W	04.05.21
DA-11C-GXX-01	6	SHED – NORTHERN ELEVATION	04.05.21
DA-11C-GXX-02	6	SHED – SOUTHERN ELEVATION	04.05.21
DA-11C-GXX-03	6	SHED – EASTERN ELEVATION	04.05.21

DA-11C-GXX-04	6	SHED – WESTERN ELEVATION	04.05.21
DA-11D-XXX-01	7	BASEMENT/PODIUM NORTH-SOUTH SECTION 1	04.05.21
DA-11D-XXX-02	7	DIVE RAMP SECTION	04.05.21
DA-11D-XXX-03	7	BASEMENT/PODIUM EAST-WEST SECTION 1	04.05.21
DA-11D-XXX-04	7	BASEMENT/PODIUM NORTH-SOUTH SECTION 2	04.05.21
DA-11D-XXX-05	6	ADINA BASEMENT ENTRY SECTION	04.05.21
DA-11D-XXX-06	7	BASEMENT/PODIUM EAST-WEST SECTION 2	04.05.21
DA-11D-XXX-11	4	YHA SECTION - N-S	04.05.21
DA-11D-XXX-12	4	YHA SECTION - E-W	04.05.21
DA-11D-XXX-13	4	HABITAT SECTIONS	04.05.21
DA-11D-XXX-14	4	CROWN SECTION - N-S	04.05.21
DA-11D-XXX-15	4	CROWN SECTION - E-W	04.05.21
DA-19U-XXX-31	6	AREA PLANS (GFA)	04.05.21
DA-19U-XXX-32	7	AREA PLANS (GFA)	04.05.21
DA-19U-XXX-33	6	AREA PLANS (GFA)	04.05.21
DA-19U-XXX-34	7	AREA PLANS (GFA)	04.06.21
DA-19U-XXX-35	6	AREA PLANS (GFA)	04.05.21
DA-19U-XXX-71	4	TOWER AREA PLANS - T06	04.05.21
DA-19U-XXX-72	4	TOWER AREA PLANS - T07-T10	04.05.21
DA-19U-XXX-73	4	TOWER AREA PLANS - T11-T14	04.05.21
DA-19U-XXX-74	4	TOWER AREA PLANS - T15-T18	04.05.21
DA-19U-XXX-75	4	TOWER AREA PLANS - T19-T22	04.05.21
DA-19U-XXX-76	4	TOWER AREA PLANS - T23-T26	04.05.21
DA-19U-XXX-77	4	TOWER AREA PLANS - T27-T30	04.05.21
DA-19U-XXX-78	4	TOWER AREA PLANS - T31-T34	04.05.21
DA-19U-XXX-79	4	TOWER AREA PLANS - T35-T38	04.05.21
DA-19U-XXX-80	4	TOWER AREA PLANS - T39-ROOF - AND TOTAL AREAS	04.05.21
DA-23B-G00-01	5	DEMOLITION PLAN LOWER GROUND PART 1	04.05.21
DA-23B-G00-02	5	DEMOLITION PLAN LOWER GROUND PART 2	04.05.21
DA-23B-G01-01	5	DEMOLITION PLAN UPPER GROUND PART 1	04.05.21
DA-23B-G01-02	5	DEMOLITION PLAN UPPER GROUND PART 2	04.05.21
DA-23B-G02-01	5	DEMOLITION PLAN SHED ROOF	04.05.21
DA-23C-GXX-01	5	DEMOLITION ELEVATIONS HERITAGE WALL	04.05.21
DA-23D-GXX-01	5	DEMOLITION SECTIONS	04.05.21
DA-23D-GXX-02	5	DEMOLITION SECTIONS	04.05.21
DA-40A-XXX-01	4	WALL TYPE DIAGRAMS - TOWER & SHED	04.05.21
DA-43E-GXX-01	6	ENCLOSURE DETAILS - LOWER LINK FACADES	04.06.21
DA-43E-GXX-02	5	ENCLOSURE DETAILS - SHED FAÇADE UPPER GROUND	04.05.21
DA-43E-GXX-03	5	ENCLOSURE DETAILS - SHED NORTH FAÇADE	04.05.21
DA-43E-GXX-10	4	HERITAGE EAVE DETAIL	04.05.21
DA-43E-GXX-11	4	HERITAGE COLUMN DETAILS	04.05.21
DA-43E-TXX-01	4	TYPICAL ENCLOSURE SYSTEM - WT-01A	04.05.21
DA-43E-TXX-02	4	TYPICAL ENCLOSURE SYSTEM - WT-01B	04.05.21
DA-43E-TXX-03	1	TYPICAL ENCLOSURE SYSTEM - WT-01C	04.05.21
DA-43E-TXX-04	4	TYPICAL ENCLOSURE SYSTEM - WT-02	04.05.21
DA-43E-TXX-05	4	TYPICAL ENCLOSURE SYSTEM - WT-03	04.05.21

DA-43E-TXX-06	1	TYPICAL ENCLOSURE SYSTEM - WT-04A	04.05.21
DA-43E-TXX-08	4	TYPICAL ENCLOSURE SYSTEM - WT-05A	04.05.21
DA-43E-TXX-09	4	TYPICAL ENCLOSURE SYSTEM - WT-05B	04.05.21
Landscape plans prepared by ASPECT Studios			
Plan No.	Rev	Name of Plan	Date
SYD2022-SSDADA1	I	LOWER LEVEL RL16 PLAN- DAY 1	5 May 2021
SYD2022-SSDADA2	I	UPPER LEVEL RL21 PLAN- DAY 1	5 May 2021
SYD2022-SSDADA3	I	UPPER LEVEL RL21 PLAN_THE RAMP - DAY 1	5 May 2021
SYD2022-SSDADA4	I	UPPER LEVEL RL21 SECTION AA_THE RAMP - DAY 1	5 May 2021
SYD2022-SSDADA5	I	UPPER LEVEL RL21 PLAN_UPPER LINK- DAY 1	5 May 2021
SYD2022-SSDADA6	I	UPPER LEVEL RL21 SECTION CC	5 May 2021
SYD2022-SSDADA7	I	UPPER LEVEL RL21 PLAN_YHA COURTYARD	5 May 2021
SYD2022-SSDADA8	I	THE SHED ROOF (OSD) PLAN	5 May 2021
SYD2022-SSDADA9	I	THE SHED ROOF (OSD) SECTION DD	5 May 2021
Civil plans prepared by TTW			
Plan No.	Rev	Name of Plan	Date
CI-20A-XXX-01	04	NOTES AND LEGEND SHEET	25.11.20
CI-20A-000-01	04	EXISTING SERVICING PLAN	25.11.20
CI-20B-000-01	03	EROSION AND SEDIMENT CONTROL PLAN	25.11.20
CI-21B-000-01	04	PROPOSED STORMWATER CONCEPT PLAN	25.11.20
CI-21B-000-02	03	STORMWATER CONCEPT CATCHMENT PLAN	25.11.20
CI-20D-TXX-01	04	SECTIONS SHEET 1	25.11.20
CI-20D-TXX-02	04	SECTIONS SHEET 2	25.11.20
CI-20D-TXX-03	04	SECTIONS SHEET 3	25.11.20
CI-20G-XXX-01	03	DETAIL SHEET	25.11.20
Survey plans prepared by LTS Lockley			
Plan No.	Issue	Name of Plan	Date
50176 004DP	I	PLAN OF SUBDIVISION OF LOT 13 IN DP1062447 Sheet 1 of 4 sheet(s)	30-06-21
50176 004DP	I	PLAN OF SUBDIVISION OF LOT 13 IN DP1062447 Sheet 2 of 4 sheet(s)	30-06-21
50176 004DP	I	PLAN OF SUBDIVISION OF LOT 13 IN DP1062447 Sheet 3 of 4 sheet(s)	30-06-21
50176 004DP	I	PLAN OF SUBDIVISION OF LOT 13 IN DP1062447 Sheet 4 of 4 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP ____ (Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP ____ (Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP ____ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP ____ Sheet 1 of 17 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP ____ (Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP ____ (Pt Lot 118 DP1078271) &	30-06-21

		PROPOSED LOT 302 IN DP ____ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP____ Sheet 2 of 17 sheet(s)	
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP ____ (Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP ____ (Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP ____ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP____ Sheet 3 of 17 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP ____ (Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP ____ (Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP ____ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP____ Sheet 4 of 17 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP ____ (Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP ____ (Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP ____ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP____ Sheet 5 of 17 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP ____ (Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP ____ (Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP ____ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP____ Sheet 6 of 17 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP ____ (Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP ____ (Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP ____ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP____ Sheet 7 of 17 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP ____ (Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP ____ (Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP ____ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP____ Sheet 8 of 17 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP ____ (Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP ____ (Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP ____ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP____ Sheet 9 of 17 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP ____ (Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP ____ (Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP ____ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP____ Sheet 10 of 17 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP ____ (Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP ____ (Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP ____ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP____ Sheet 11 of 17 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP ____ (Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP ____ (Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP ____ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT	30-06-21

		201 IN DP___ Sheet 12 of 17 sheet(s)	
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP___(Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP___(Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP___ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP___ Sheet 13 of 17 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP___(Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP___(Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP___ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP___ Sheet 14 of 17 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP___(Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP___(Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP___ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP___ Sheet 15 of 17 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP___(Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP___(Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP___ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP___ Sheet 16 of 17 sheet(s)	30-06-21
50176 005DP		PLAN OF SUBDIVISION OF LOTS 116 & 117 IN DP 1078271, PROPOSED LOT 199 IN DP___(Pt LOT 13 DP1062447), PROPOSED LOT 202 IN DP___(Pt Lot 118 DP1078271) & PROPOSED LOT 302 IN DP___ (Pt Lot 118 DP1078271) AND PROPOSED EASEMENTS WITHIN PROPOSED LOT 201 IN DP___ Sheet 17 of 17 sheet(s)	30-06-21

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) 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
 - (b) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Condition A2(c)** or **A2(d)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2(c)** and **A2(d)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent will lapse five years from the date the consent is registered on the NSW planning portal unless the works associated with the development have physically commenced.
- A6. This consent does not approve the following. Separate approvals must be obtained for the following works and uses, or any other works or uses, which do not meet exempt development provisions:
- (a) any buildings, structures, landscaping, works or alterations forming part of potential future 'Day 2' or 'Day 3' development(s);
 - (b) fit-out and operation of retail premises
 - (c) signage zones; and
 - (d) the provision of any car parking spaces for use by private vehicles.
- Where required, separate approvals shall be obtained from the relevant consent authority (except where exempt and/or complying development applies).

Staging of Construction Certificates

- A7. The development must be carried out in accordance with the stages within the following table, with the relevant condition(s) being satisfied prior to the issue of the relevant Construction Certificate for each stage of work:

CONSTRUCTION CERTIFICATE (CC)	DESCRIPTION
CC1	Excavation and retention
CC2	Detail excavation, basement structure, services and civil up to and including UGF
CC3	Tower super structure
CC4	Tower façade, tower services and base build finishes
CC5	Heritage reconstruction, podium facades, podium and OSD services and public domain

Design Excellence and Integrity

- A8. The detailed design of the development and the assessment of design integrity shall be carried out in accordance with the document titled '*Architectural Design Competition Report*' dated 4 March 2020 (DER) submitted at Appendix G of the EIS.
- A9. The established Design Integrity Panel (DIP) outlined in the DER shall be retained throughout the detailed design and construction phases of the development. In addition:
- (a) the DIP shall review the design at the following stages (as a minimum):
 - (i) prior to satisfaction of **Conditions D1, D4, D5(c) and D34**;
 - (ii) prior to construction;
 - (iii) prior to occupation;
 - (iv) prior to the lodgement of any planning modification, which modifies the design, unless the Planning Secretary has confirmed in writing that DIP review is not required;
 - (b) the DIP shall provide independent, expert and impartial advice in relation to the achievement of design excellence and ensure the design integrity of the competition winning scheme is maintained or enhanced throughout the detailed design and construction phases of the development;
 - (c) the Applicant shall consider the advice of the DIP and incorporate its recommendations into the development. Any departures from the DIP recommendations must be justified;
 - (d) to ensure high quality design resolution of the development, all matters identified as requiring further consideration in the DIP letter dated 4 May 2021 (including façade composition, appearance of YHA levels from the public domain, tower soffit design, Inwards Parcels Shed roof, wind impacts, façade cleaning, Third Square interface and Platform 1 wall design) shall be prepared for the review and endorsement of the DIP.
- A10. The architectural design team comprising SHoP and BVN (the Design Team) must have direct ongoing involvement in the design documentation, contract documentation and construction stages of the project. In addition:
- (a) evidence of the Design Team's engagement is to be provided to the Planning Secretary prior to construction of the built form of the development; and
 - (b) the Design Team is not to be changed without prior written notice and approval of the Planning Secretary.

YHA Visitor Accommodation

- A11. The maximum number of permissible guest beds within the visitor and tourist accommodation is 492.
- A12. The maximum length of stay for any guest is 28 consecutive days.
- A13. Shared accommodation in a single room must not accommodate more than 8 guests.

Prescribed Conditions

- A14. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Planning Secretary as Moderator

- A15. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Legal Notices

- A16. Any advice or notice to the consent authority must be served on the Planning Secretary.

Evidence of Consultation

- A17. 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 for information or 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.

BCA requirements

- A18. 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.

Note: Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

- A19. The identified performance solutions within the BCA Report, prepared by Blackett Maguire+Goldsmith and dated 22 September 2020 are required to be addressed and approved through consultation with Fire and Rescue NSW and the submission of a fire engineering brief questionnaire.
- A20. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

- A21. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A22. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- A23. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

Compliance

- A24. 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.

Incident Notification, Reporting and Response

- A25. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A26. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

- A27. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A28. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A29. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

- A30. Within three months of:
- (a) the submission of a compliance report under **Condition A32**;
 - (b) the submission of an incident report under **Condition A26**;
 - (c) the submission of an Independent Audit under **Condition A36**;
 - (d) the approval of any modification of the conditions of this consent; or
 - (e) the issue of a direction of the Planning Secretary under **Condition A2** which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.
- A31. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

Compliance Reporting

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

Independent Environmental Audit

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

Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.

- A41. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

PART B PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

SUBDIVISION OF LOT 13 IN DP 1062447 CREATING TWO LOTS – 198 AND 199

Land Subdivision

- B1. A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

88B Instrument

- B2. An 88B Instrument under Section 88B of the Conveyancing Act 1919, be submitted to Council prior to release of the Subdivision Certificate. The 88B instrument shall properly reflect the requirements of the conditions of the development consent, plans forming part of the consent, Council's policies and allowing for the release of redundant easements for adjoining parcels adjacent to or vertically above or below Lot 13.

Sydney Water Certificate

- B3. Prior to the issue of a Subdivision Certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Note: Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Note: Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

- B4. The Section 73 Certificate must be submitted to Council or the Accredited Certifier prior to a Subdivision Certificate being issued.

Additional Easements

- B5. Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

Street Addresses of Lots

- B6. In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2012 the street addresses for each lot must be shown on the final plan of subdivision. Any changes to the above address allocation will require a separate application to be made to Council.

CONSOLIDATION OF LOT 116 AND 117 IN DP1078271, PROPOSED LOT 199, PROPOSED LOT 202 (LIMITED IN DEPTH TO RL38) AND STRATUM SUBDIVISION INTO 4 LOTS

Land Subdivision

- B7. A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

88B Instrument

- B8. An 88B Instrument under Section 88B of the Conveyancing Act 1919, be submitted to Council prior to release of the Subdivision Certificate. The 88B shall properly reflect the requirements of the conditions of the development consent, plans forming part of the consent, Council's policies and allowing for the creation of new easements and rights of way and the release of redundant easements for adjoining parcels adjacent to or vertically above or below Lots 1-4.

Compliance with Development Consent

- B9. The final Stratum Subdivision shall not be released until such time as:
- (a) the relevant conditions relating to subdivision have been met;
 - (b) the structure of the building has "topped out" and all structures relating to future horizontal or vertical boundaries have been constructed which adequately define a proposed boundary;
 - (c) external facades of the building have been completed and a certificate provided by a Registered Surveyor stating that all structures remain inside the boundary extents of the development.

Sydney Water Certificate

- B10. Prior to the issue of a Subdivision Certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Note: Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Note: Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

- B11. The Section 73 Certificate must be submitted to Council or the Accredited Certifier prior to a Subdivision Certificate being issued.

Energy Authority Certificate

- B12. A certificate from relevant energy authority stating that suitable arrangements have been made for the provision of power to the development.

Parking On Common Property Areas

- B13. No part of the common areas and traffic aisles in the basement levels, apart from drop-off or visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles, trailers or boats. Any strata subdivision of all or part of the building is to include an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

Floor Space Ratio Restriction

- B14. A documentary Restriction on Use of Land must be placed on the Titles of all of the lots in the subdivision limiting the total Gross Floor Area of the components of the building occupying all lots, taken together, to be no more than that permissible for the entire site by the approval to development application SSD 10405 (including any amendments) or by the relevant Environmental Planning Instrument in existence at the time (whichever is the greater).

Additional Easements

- B15. Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

Street Addresses of Lots

- B16. In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2012 the street addresses for each lot must be shown on the final plan of subdivision. Any changes to the above address allocation will require a separate application to be made to Council.

PART C PRIOR TO THE DEMOLITION AND DISMANTLING OF THE HERITAGE ITEM

Heritage Consultant

- C1. A suitably qualified and experienced heritage consultant is to be commissioned in consultation with Heritage NSW to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition (in accordance with the Burra Charter). The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to relevant authorities where information or clarification is required regarding the resolution of heritage issues throughout the project.
- C2. No work shall commence on the demolition and dismantling of the heritage item until evidence and details of the above commission on the above terms are to be provided to Heritage NSW and Council.
- C3. Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:
- (a) prepare reports as required by this consent, including (but not limited to) reports required pursuant to **Conditions C4 to C7, D32 and D34**;
 - (b) undertake regular site inspections;
 - (c) maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works;
 - (d) compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan; and
 - (e) upon completion of the works submit a copy of the final report to Heritage NSW and Council.

Demolition and Dismantling of Heritage Fabric Methodology

- C4. No work shall commence on the demolition and dismantling of the heritage item, until a final detailed Demolition and Dismantling of Heritage Fabric Methodology (DDHFM) for the demolition and dismantling of the heritage item is prepared by a suitably qualified and experienced heritage practitioner and submitted to and approved by the Planning Secretary. The DDHFM must be prepared in consultation with by Heritage NSW and must include (but shall not be limited to):
- (a) detailed engineering and heritage assessment(s) to determine the methodology for the demolition and dismantling process, with input from a suitably qualified and experienced heritage specialist and/or a heritage engineer for sensitive demolition and dismantling works and with reference to the:
 - (i) *'Heritage Impact Statement 02'* prepared by Vertical First Pty Ltd and dated 30 September 2020 as amended by the *'Atlassian Central Response to Submissions Heritage & Archaeology 03'* prepared by Urbis and dated 7 June 2021;
 - (ii) *'Conservation Management Plan 03'* prepared by Urbis Pty Ltd and dated 30 September 2020;
 - (b) consideration of the heritage fabric to be retained in-situ including method of retention, protection and structural support throughout the construction process;
 - (c) detailed consideration of the impact and mitigation measures required to avoid and minimise impacts of the demolition and dismantling process of heritage fabric;
 - (d) details regarding the safe storage of the retained fabric identified for salvage (**Condition C5**)
 - (e) confirmation that proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building; and
 - (f) confirmation that all conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.

Salvage and Reuse of Distinctive Elements

- C5. No work shall commence on the demolition and dismantling of the heritage item, until a Salvage and Reuse of Distinctive Elements Plan (SRDEP) for the identification and selection of heritage fabric to be salvaged and reused within the development is prepared by a suitably qualified and experienced heritage practitioner and submitted to and approved by the Planning Secretary. The SRDEP must be prepared in consultation with and endorsed by Heritage NSW and must include (but shall not be limited to):

- (a) a comprehensive plan package including specifications, methodologies and detailed architectural plans, sections and elevations at 1:20 and 1:5 scales;
- (b) an assessment of the significance of heritage fabric, identification of each item of heritage fabric to be salvaged and justification for the selection of heritage fabric to be salvaged;
- (c) confirmation of what salvaged heritage fabric would be:
 - (i) incorporated and reused appropriately within the reconstructed / adapted heritage item or within the development more broadly; and
 - (ii) surplus to the project and either stored for reuse within the Western Gateway Sub-Precinct, Central Station Precinct or transferred to a heritage building materials dealer for recycling;

Temporary Protection Plan

- C6. No work shall commence on the demolition and dismantling of the heritage item until a Temporary Heritage Protection Plan (THPP) is prepared by a suitably qualified and experienced heritage practitioner and submitted to and approved by the Planning Secretary. The THPP must:
- (a) be prepared in consultation with, and endorsed by, Heritage NSW;
 - (b) include protection systems to ensure significant historic fabric is not damaged or removed, potential impacts due to vibration are minimised, and traffic is appropriately managed during the works;
 - (c) ensure the monitoring and repair of any damage of significant items (including the former Parcels Post Office building) as a result of construction and include inspection before, during and after completion of the works;
 - (d) provide a protection strategy for the duration of the construction works detailing how the proposed works will ensure that heritage buildings are to be suitably protected and stabilised during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage, including:
 - (i) details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors;
 - (ii) construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress;
 - (iii) a geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. This report should address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings; and
 - (iv) details of the proposed protection of party walls from damp and water ingress during the works.

Photographic Archival Recording

- C7. Prior to any works commencing in relation to the demolition, dismantling and or alteration of the existing buildings and structures on the site, an archival photographic recording of the former Inwards Parcels Shed, Small Parcels Bagging Room and all associated heritage fabric is to be prepared by a suitably qualified and experienced heritage practitioner. The recording is to be in digital form, prepared in accordance with the Heritage NSW's guidelines titled '*Photographic Recording of Heritage Items using Film or Digital Capture*'. Copies of the record are to be submitted to Heritage NSW and Council and prepared subject to the following procedure:
- (a) the archival documentation, and the number and type of selected enlarged photographs required will be determined by the significance and quality of the building or structure;
 - (b) because significant fabric may remain concealed and only be exposed during construction works, the archival recording is to be undertaken in stages, prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project
 - (c) the form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'.
 - (d) the digital form of the recording is to be as follows:
 - (i) the Development Application number and the Condition of Consent number must be noted;

- (ii) include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record;
- (iii) the electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images;
- (iv) include written confirmation, issued with the authority of both the applicant and the photographer that Heritage NSW and Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included;
- (v) the report can be submitted on a USB, or web transfer, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: location, image subject/description and data photograph taken.

PART D PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Inwards Parcels Shed Roof

- D1. Prior to the issue of construction certificate five (CC5), amended plans for the western component of the Inwards Parcels Shed (IP Shed) roof, comprising the green roof, seating area and public access staircase (as identified on DA-10B-G03-01) must be prepared in consultation with Heritage NSW, Council and the DIP, and be submitted to and approved by the Planning Secretary.
- (a) The amended design must:
- (i) remove the green roof and seating area and replace the green roof and seating area with a metal roof of a design and character representative of the original IP Shed roof;
 - (ii) redesign the external staircase located on the southern elevation of the IP Shed so that a safe wind environment is achieved on the stairs and at the point where the stairs land on the Inwards Parcels Shed roof from the Day 1 scenario; and
 - (iii) ensure accessible passenger lift access is provided to the IP Shed roof pavilion from the building lobby.
- (b) The Applicant may propose an alternative amended design of the Inwards Parcels Shed (IP Shed) roof western component to that required by **Condition D1(a)**. Any alternative design must address the following:
- (i) preference the retention of heritage fabric and the visibility the inwards parcels shed roof form maximising legibility (form, materials etc) of the former Inwards Parcel Shed, industrial setting, aesthetic, appearance and metal roof;
 - (ii) demonstrate that the:
 - proposal does not have an adverse heritage impact on the IP Shed in terms of its heritage significance, legibility and appearance;
 - proposed design and structure of the works have acceptable visual impacts and do not adversely impact views of the IP Shed from surrounding public areas and vantage points;
 - space(s) achieve appropriate pedestrian comfort level(s) for their intended purpose and meet acceptable wind safety criteria throughout the space(s);
 - proposed access arrangements to the IP Shed roof are safe and accessible.

Ambulance Avenue Wall

- D2. Prior to the issue of construction certificate five (CC5), amended plans, elevations and sections for the Ambulance Avenue wall must be submitted to and approved by the Planning Secretary. The amended drawings must:
- (a) be prepared in consultation with Heritage NSW and Council
- (b) show the replacement of the single (13.1m wide) arch within the Ambulance Avenue wall with two asymmetrical arches that:
- i) comprise one arch based on the proportions, arch centring and construction of the existing brick arches to be removed;
 - ii) comprise one arch being the amalgamation of two existing arches without a central column;
 - iii) utilise appropriate new and original materials, provide detailing and create a built form that responds sympathetically to the existing wall and arch;
 - iv) include updated pedestrian movement analysis, including any design 'refinements' (Table 3) as outlined in the Memorandum Ref: 274903-00 prepared by ARUP and dated 4 May 2021, to achieve an acceptable Fruin pedestrian movement Level of Service (LoS) including the projected timeframe this aims to be realised; and
 - v) provide for the ability to amalgamate the two arches into one arch in the future, in the event that future pedestrian demand and/or safety may necessitate such a change.
- (c) provide details of the fire-booster including its location, design, materials and relationship to the reconstructed Lee Street driveway parapet and new Ambulance Avenue wall.

Note: Any proposal for the amalgamation of the two asymmetrical Ambulance Avenue arches into one arch, as outlined at **Condition D2(b)(v)**, would be subject to separate approval.

Conservation Works

- D3. Prior to issue of construction certificate five (CC5), details must be provided to the Planning Secretary and the Certifier demonstrating that new material for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

Temporary Wind Mitigation Measures

- D4. Prior to the issue of construction certificate three (CC3), an updated wind impact assessment (WIA) shall be submitted to and approved by the Planning Secretary. The WIA must:
- (a) be prepared in consultation with Council and the DIP;
 - (b) include details of all proposed off-site temporary wind mitigation measures;
 - (c) confirm that the temporary wind mitigation measures adequately ameliorate wind speeds at the identified points (points 11, 42, 44, 72, 62 75 and 76) and demonstrate that wind speeds in these locations are less than the maximum wind safety criteria of 0.5 second gust in 1 hour of 24 m per second;
 - (d) include details of consultation with relevant land owners and confirmation of agreement by landowners for the installation of the temporary wind mitigation measures, if measures are proposed on land not owned by the Applicant; and
 - (e) confirm when the temporary wind mitigation measures would be installed, management/maintenance responsibilities and at what point can they be safely removed.

Public Domain Landscaping

- D5. Prior to the issue of construction certificate two (CC2), the Applicant must prepare revised landscaping plans (drawn to scale by a registered landscape architect) to be submitted to and approved by the Planning Secretary. The detailed landscaping plans must:
- (a) be prepared in consultation with Council
 - (b) detail all landscaping works and planting required on the site to achieve the desired wind comfort levels within the upper link zone;
 - (c) provide at installation, new trees to be 300L pot size with minimum 8m canopy spread and planted in accordance with City of Sydney Street Tree Master Plan Technical Guidelines;
 - (d) detail the location of proposed planting on the site including proposed trees, and planting in natural ground, on structure and in pots;
 - (e) provide the location and details of proposed surface materials and structures on slab within public domain areas of the site including, but not limited to, paved areas, infill pit lids, furniture, removable bollards, bike racks, light poles, seating, YHA raised planter and green wall, signage, drainage, services, other features, and all associated footings;
 - (f) include planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity;
 - (g) include detail of all planters, and freestanding pots in the public domain and tower, ensuring landscape areas on slab achieve the minimum soil depths and soil volumes in accordance with the Council's 'Sydney Landscape Code Volume 2', including:
 - (i) details of earthworks and soil depths for planters on slab including finished levels and any mounding. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers;
 - (h) include a coordinated services plan including location and approximate depth of all existing and proposed pits, services (electricity, gas, sewer, potable water), proposed plaza drainage, lights and GPO if applicable, edges and wall footings, signposts etc;
 - (i) include a detailed grading plan with existing and proposed levels, falls, and pits;
 - (j) provide details of drainage, waterproofing and watering systems.

Tower Landscaping

- D6. Prior to the issue of construction certificate three (CC3), the Applicant must prepare revised tower landscaping plans (drawn to scale by a registered landscape architect) in consultation with Council and submitted to the Certifier. The detailed landscaping plans shall include:
- (a) provide an amended crown design including details for green roof high wind shield / balustrade to demonstrate viability of the landscape and how inaccessible green roof will be accessed and maintained;
 - (b) location and details of existing and proposed services, walls, balustrades, hard surfaces, furniture, screens and landscaped pergolas, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components;
 - (c) engineers report confirming structural capacity of building for proposed interior planter wet soil loads;

- (d) engineer report confirming façade system on the western façade will not contribute to heat loads and impact upon successful interior landscaping including trees;
 - (e) details of soil types and depth including any mounding, including rationalise planter on slab design for interior habitat landscapes ensuring minimum 800mm depth soil for all trees;
 - (f) details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer;
 - (g) planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity; and
 - (h) maintenance methodology for safe working at height including access requirements, location of any anchor points, gates, and transport of materials such as green waste removal.
- D7. Prior to the issue of construction certificate five (CC5), the Applicant must prepare revised Inwards Parcels Shed roof landscaping plans (drawn to scale by a registered landscape architect) to be submitted to and approved by the Planning Secretary. The detailed landscaping plans must provide an amended design of the tower core green wall and tower base where it meets the Inwards Parcels Shed roof (subject to **Conditions D1**) providing for:
- (a) planting beds/structures, green wall climbing system with full coverage, use of planting species selected for wind exposed and shaded location;
 - (b) consideration of the visibility and impact of the green wall planting structure on the Inwards Parcels Shed roof and demonstrate that it does not have an adverse heritage impact on the Inwards Parcels Shed

External Walls and Cladding

- D8. Prior to the issue of construction certificate four (CC4), the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Mechanical Plant and Equipment

- D9. Prior to the issue of construction certificate four (CC4), the construction drawings and specifications must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with the requirements of the reports prepared by Stantec titled '*Atlassian Central Noise & Vibration Impact Assessment Ref: 45474*' dated 23 September 2020 as updated by '*Atlassian Central Acoustics, Noise & Vibration Schematic Design Report – 2.0 Ref: 45474*' dated 16 April 2021. Specifically, the consultant will prepare a written Acoustic Specification and Certification with reference to drawings, to the satisfaction of the Certifier which addresses the requirements from the report as relevant to the detailed design including: performance parameters, requirements, engineering assumptions and recommendations adopted.
- D10. Prior to the issue of construction certificate four (CC4), details of any mechanical ventilation and/or air conditioning system must be submitted to the Certifier. The details shall demonstrate compliance with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*.
- D11. Prior to the issue of construction certificate two (CC2), the mechanical exhaust systems and/or shafts must be designed to allow for the treatment and removal of obnoxious odours and particulates, and the discharge of effluent air at a height and velocity that prevents discomfort and nuisance to the public. The mechanical system must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with *AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and *AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings*.

Operational Waste Storage and Processing

- D12. Prior to the issue of construction certificate two (CC2), the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier. The waste storage area(s) must be designed and constructed in accordance with the *Council Policy for Waste Minimisation in New Developments* and must be:
- (a) provided with a hose tap connected to the water supply;
 - (b) paved with impervious floor materials;

- (c) coved at the intersection of the floor and walls;
- (d) graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- (e) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the *Protection of the Environment Operations Act 1997* or a nuisance;
- (f) fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*; and
- (g) provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.

Road Safety Audit

- D13. Prior to the issue of construction certificate one (CC1), a Stage 3 (Detailed Design) Road Safety Audit for the proposed Lee Street access arrangement and Lee Street pick-up/drop-off arrangement must be prepared in accordance with *Austroads Guide to Road Safety Part 6: Managing Road Safety Audits* and *Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits* by an independent TfNSW accredited road safety auditor. Based on the results of the road safety audit, the design drawings must be amended to implement any recommended safety measures to the satisfaction of TfNSW.

Signalised Service Vehicle Management System

- D14. Prior to the issue of construction certificate two (CC2), details of the system of traffic lights and mirrors, as proposed within the draft Loading Dock Management Plan prepared by JMT Consulting and dated 23 November 2020, must be submitted to the Certifier. The system must:
- (a) be prepared/designed by an appropriately qualified expert;
 - (b) demonstrate that access to and from the basement servicing area(s) via the Lee Street accessway can occur conveniently, safely and without giving rise to unacceptable vehicle or pedestrian conflicts or vehicle queues back onto Lee Street;
 - (c) be installed at the ends of the single lane ramp(s) to indicate traffic movement on the ramp(s); and
 - (d) maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.
- D15. The Applicant may propose an alternative amended design of the vehicle management system for the entry/exit of service vehicles and operation of the basement ramp(s) to that required by **Condition D14**. Should the Applicant seek to pursue an alternative design, prior to the issue of construction certificate two (CC2), the alternative design must be submitted to and approved by the Planning Secretary and must address the following:
- (a) be prepared in consultation with TfNSW and Council;
 - (b) be prepared/designed by an appropriately qualified expert; and
 - (c) demonstrate that access to and from the basement servicing area(s) via the Lee Street accessway can occur conveniently, safely and without giving rise to unacceptable vehicle or pedestrian conflicts or vehicle queues back onto Lee Street.

Service Vehicle Parking and Layout

- D16. Prior to the issue of construction certificate two (CC2), evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) provision of the following service vehicle parking spaces for use during operation of the development that are designed in accordance with the latest versions of AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities:
 - (i) nine serving vehicle parking spaces for the development;
 - (ii) three serving vehicle parking spaces for the use of Adina Hotel;
 - (b) the Lee Street access, ramped driveway, basement access and layout has been designed to accommodate vehicles up to 8.8m in length;
 - (c) the swept path of the longest vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, are in accordance with the latest version of AS 2890.2;
 - (d) all vehicles can enter and leave the site in a forward direction; and
 - (e) the basement area must be ventilated in accordance with the *Building Code of Australia* and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

Bicycle Parking and End-of-Trip Facilities

- D17. Prior to the issue of construction certificate two (CC2), evidence must be submitted to the Certifier demonstrating:
- a) the development provides for a minimum of 336 staff and 30 visitor bicycle parking spaces and associated end of trip facilities for staff as outlined in plans listed in **Condition A2**; and
 - b) the layout, design and security of bicycle facilities complies with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*.

Reflectivity

- D18. Prior to the issue of construction certificate four (CC4), evidence must be submitted to the Certifier demonstrating that materials used on the facades of the building do not exceed the maximum specular reflectivity stipulated within the document titled '*Eternal Reflected Glare Assessment Final Issue Revision [03]*' prepared by Inhabit and dated 23 September 2020.

Survey Infrastructure – Identification and Recovery

- D19. Prior to the issue of construction certificate one (CC1), documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:
- (a) a copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or
 - (b) a letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Note: 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.

Note: Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

Public Domain – Lee Street Frontage

- D20. Prior to the issue of construction certificate five (CC5), excluding demolition or excavation, the Applicant must prepare a concept public domain plan to be submitted to and approved by Council's Public Domain Unit. The plan must:
- (a) show all the site frontages and extending a minimum of 5m past the boundary and to the middle of the road
 - (b) be in accordance with the *Public Domain Manual* and the City's *Sydney Street Code*
 - (c) include (where relevant) all existing and proposed paving materials, locations of street trees, site furniture, light poles, signage and other public domain elements.
- D21. Prior to the issue of construction certificate five (CC5), a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission, must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed *Application for Public Domain Levels and Gradients*.

Note: Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Note: Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

- D22. All existing or proposed drainage and service pit lids throughout the public domain shall be to City of Sydney specifications and heel / bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by the Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.
- D23. All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

- D24. The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

Stormwater Quality

- D25. Prior to the issue of construction certificate two (CC2), the Applicant must update the MUSIC modelling for stormwater quality contained within the report titled '*Civil SSDA Report Issue F*' prepared by TTW and dated 25 November 2020, as amended by the report titled '*Civil Response to Submissions Issue B*' prepared by TTW and dated 4 May 2021 in consultation with Council. Evidence shall be submitted to the Certifier that the modelling has been endorsed by Council and:
- (a) complies with Council's specific modelling parameters as adopted in MUSIC-link
 - (b) includes justification for all failing parameters; and
 - (c) clarifies the MUSIC model layout and confirms the 'sedimentation' node to simulate the pit that the cartridges are in.
- D26. Prior to issue of construction certificate two (CC2), a design certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to Council. Evidence must be submitted to the Certifier that the certificate has been endorsed by Council. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC e-link reports (**Condition D25**).

Stormwater Drainage Design

- D27. Prior to issue of construction certificate two (CC2), a detailed stormwater management plan prepared by suitable qualified and experienced professionals demonstrating compliance with the requirements of Section 3.7.2 - *Drainage and Stormwater Management*, Section 3.7.3 - *Stormwater Quality*, 3.7.4 - *Additional provisions for Commercial and Industrial Properties* of the Sydney Development Control Plan 2012 must be submitted to and approved by the City's Public Domain Unit. The submission must include the following:
- (a) a stormwater infrastructure design certification, stating that the proposed design complies with:
 - (i) Council's *Sydney Streets Technical Specifications*, Part A4 Stormwater Drainage Design;
 - (ii) Council's *Sydney Streets Technical Specifications*, Standard Drawings;
 - (iii) Council's *Sydney Streets Technical Specifications*, Part B10: *Stormwater Drainage Construction*;
 - (iv) all relevant Australian Standards; and
 - (b) structural certification of the hydraulic and structural design of all elements, excluding standard details from Council's *Sydney Streets Technical Specifications*.

Note: The above certification shall accompany information that address the requirements of *Section 4.5 Data Requirements, Part A4 Stormwater Drainage Design* of Council's *Sydney Streets Technical Specifications*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Stormwater Drainage Design

- D28. Prior to issue of construction certificate two (CC2), for public domain works, an "*Application for Approval of Stormwater Drainage Connections*" must be submitted to Council, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges for the approval of a connection into the City of Sydney's drainage system.

Flood Planning Levels

- D29. The development must be constructed to comply with the recommended flood planning levels indicated in the document titled '*Civil SSDA Report Issue F*' prepared by TTW and dated 25 November 2020, as amended by the report titled '*Civil Response to Submissions Issue B*' prepared by TTW and dated 4 May 2021, as may be amended by the Public Domain Levels and Gradients (**Condition D21**).
- D30. Prior to the issue of construction certificate two (CC2), evidence must be submitted to the Certifier confirming that the development will comply with the recommended flood planning levels (**Condition D29**).

Public Art

- D31. Prior to the issue of construction certificate four (CC4), the Applicant must prepare a detailed Public Art Plan to be submitted to and approved by the Council's Public Art Unit. The plan must include (but not limited to):
- (a) evidence of consultation with the City's Public Art Advisory Panel and TfNSW;
 - (b) development of the plan in accordance with the Council's Guidelines for Public Art in Private Development;

- (c) consideration of the Public Art Strategy prepared by Amanda Sharrad and dated 27 November 2020;
- (d) evidence of artist's engagement with the Designing with Country framework;
- (e) evidence of involvement of Indigenous artists;
- (f) proposed methods of integration of the public art concepts developed by the selected artists with the public domain; and
- (g) evidence of coordination between Heritage Interpretation, Public Domain and Public Art (and/or preparation of a document that combines these aspects).
- (h) confirmation of a fund comprising 0.5% of the proposed cost of carrying out the development to be used for public art.

Heritage Interpretation Plan

D32. Prior to the issue of construction certificate four (CC4), a comprehensive Heritage Interpretation Plan (HIP) that acknowledges the heritage of the site must be prepared and submitted to and approved by the Planning Secretary. The HIP must:

- (a) be prepared by a suitably qualified and experienced heritage practitioner in consultation with the Heritage Council of NSW (or its delegate), Council and TfNSW;
- (b) be coordinated with the heritage interpretation approach for the entire Western Gateway Sub-Precinct;
- (c) communicate and strengthen the strong visual and historic connection between the Inwards Parcels Shed and former Inwards Parcels Post Office and the function between the Inwards Parcels Shed and Platform 1;
- (d) consider opportunities to incorporate the results of any site-specific archaeological finds / outcomes;
- (e) incorporate interpretive information, information on the history and significance of the site, the location, type, making materials and contents of the interpretation being proposed.

Note: The HIP must be implemented prior to the issue of any occupation certificate, in accordance with **Condition G20**

D33. The recommendations of the HIP (**Condition D32**) are to be implemented in conjunction with the proposed development.

Designing with Country

D34. Prior to the issue of construction certificate four (CC4), a final Designing with Country Framework (DCF) that acknowledges Aboriginal cultural heritage must be submitted to and approved by the Planning Secretary. The DCF must:

- (a) be prepared by a suitably qualified and experienced heritage practitioner in consultation with the Heritage Council of NSW (or its delegate), Council, the DIP and registered Aboriginal parties;
- (b) consider GANSW's Connecting with Country Framework November 2020;
- (c) consider opportunities to incorporate the results of any site specific Aboriginal archaeological finds / outcomes; and
- (d) consider the opportunity for Aboriginal artwork / interpretative elements, which may include (but not limited to) the use of the:
 - (i) tower soffit as a location for Aboriginal artwork / interpretative elements;
 - (ii) eastern wall of Platform 1 for artwork / interpretative elements; and
 - (iii) any other artwork / interpretative elements as agreed with Heritage NSW.

Airspace Protection

D35. Prior to the issue of construction certificate three (CC3), separate approval must be obtained from the Federal Department of Infrastructure, Transport, Regional Development and Communications (DITRC) under the *Airports (Protection of Airspace) Regulations 1996* for any part of the building or any construction cranes that penetrate the Obstacle Limitation Surface.

D36. The Secretary shall be notified of any amendments to the approved development required by the determination of the DITRC, and any relevant approvals / modifications to existing approvals will need to be sought by the Applicant.

Protection of Rail Assets and Operation - Engineering

D37. Prior to the issue of construction certificate one (CC1), the following reports must be prepared in consultation with and endorsed by TfNSW in accordance with TfNSW's requirements:

- (a) final Geotechnical Reports;
 - (b) final Structural design report and final structural drawings. Structural report/drawings are to include, but not limited to:
 - (i) confirmation that the design of temporary anchors are in accordance with the requirements in T HR CI 12051 ST and other relevant Standards;
 - (ii) design details of deflection wall;
 - (iii) confirmation that the driveway structure including foundation will not adversely affect the structural integrity of the tunnel;
 - (iv) confirmation that the shoring system will be designed and certified by an approved AEO and verified by an independent approved AEO, as required by T HR CI 12090 ST Section 10;
 - (v) detailed monitoring methodology and procedure of ground water pump out as well as flow rates to confirm the proposed construction will not adversely affect the operation inside rail corridor and TfNSW's assets;
 - (vi) confirmation that the hydrostatic pressures on the retaining walls of Sydney Metro will not adversely affect the structural integrity of the existing retaining walls;
 - (vii) detailed report demonstrating how the integrity of the southern and western baggage tunnels is achieved from the proposed development and how the risk to the tunnels is managed to SFAIRP during works; and
 - (viii) detailed documentation/drawings demonstrate piling rigs or crane will not encroach into rail corridor during construction of new shoring wall next to Platform 01.
- D38. Prior to the issue of construction certificate two (CC2), a Derailment Protection Risk Assessment (DPRA) of the required level of derailment protection (if any), shall be prepared in consultation with TfNSW. Evidence must be submitted to the Certifier demonstrating that the:
- (a) DPRA has been endorsed by TfNSW;
 - (b) DPRA has determined the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100 that needs to be complied with;
 - (c) DPRA is prepared in accordance with the TfNSW Safety Management System; and
 - (d) recommendations of the DPRA analysis have been incorporated into the construction drawings.
- D39. Unless advised by TfNSW in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance

Protection of Rail Assets and Operation - Survey and Services

- D40. Prior to the issue of construction certificate one (CC1), the Applicant shall prepare survey and cross-sectional diagrams locating the development with respect to the rail boundary/infrastructure (survey/diagrams) in consultation with TfNSW. Evidence shall be submitted to the Certifier demonstrating the survey/diagrams:
- (a) have been endorsed by TfNSW;
 - (b) include proposed work overlaid on to the survey/diagrams, showing nearest distance to the rail boundary/infrastructure and lowest depth of ground penetration; and
 - (c) show distances to the nearest track, transmission lines, easements and reserves for tunnels.
- D41. Prior to the issue of construction certificate one (CC1), the Applicant shall undertake a services search and Dial Before You Dig search to establish the existence and location of any rail services located on the site. Persons performing the search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site:
- D42. Prior to the issue of construction certificate one (CC1), the Applicant shall peg-out the common property boundary between the development site and Transport Asset Holding Entity land and easements. A copy of the survey report indicating the location of pegs must be provided to TfNSW prior to the commencement of works.
- D43. Prior to the issue of construction certificate one (CC1), the following rail specific items are to be submitted to and endorsed by TfNSW:
- (a) machinery to be used during demolition, excavation and construction;
 - (b) demolition, excavation and construction methodology and staging
 - (c) final building maintenance plan (for maintenance works facing or in close proximity to the operational rail corridor)

- (d) proposed hoarding and scaffolding facing the rail corridor or required to be on Transport Asset Holding Entity land (including Platform 1);
- (e) final Construction Management Plan; and
- (f) programme of required rail possession to accommodate demolition, excavation, construction and maintenance works. (Any track possessions will require the Applicant to enter into an agreement with TfNSW enabling this work to be planned and to proceed in a safe and controlled manner).

Protection of Rail Assets and Operation - Design

- D44. Prior to the issue of construction certificate one (CC1), the Applicant shall prepare a Design Review in consultation with TfNSW to ensure the building design has mitigated the following impacts on the railway corridor. Evidence shall be submitted to the Certifier confirming the:
- (a) Design Review has been endorsed by TfNSW;
 - (b) building design appropriately mitigates the risk of items being dropped or thrown onto the rail corridor from any roof top terrace area;
 - (c) design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare, reflectivity and illumination; and
 - (d) drainage has been designed to ensure rainwater from the roof(s) is not projected and/or falling into the rail corridor and all drainage works are directed into the appropriate local council or approved drainage system.
- D45. Prior to the issue of construction certificate one (CC1), the Applicant shall liaise with TfNSW regarding the adequacy of the existing and proposed fencing along the rail corridor boundary. Fencing shall be appropriate and fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development.

Protection of Rail Assets and Operation - Construction

- D46. Prior to the issue of construction certificate one (CC1), the Applicant must contact TfNSW to confirm whether it requires the following matters to be addressed. If TfNSW confirms any of the following matters need to be addressed, the Applicant shall prepare/action the required details in consultation with TfNSW and submit evidence to the Certifier of Sydney Trains' endorsement(s) of the final details. The details include the:
- (a) preparation of a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works;
 - (b) preparation of a Track Monitoring Plan (including instrumentation and the monitoring regime during excavation and construction phases);
 - (c) need to obtain public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by TfNSW and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by TfNSW
 - (d) need to lodge a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains.
- Note:** The Applicant should contact TfNSW External Interface Management team to obtain the level of insurance required and/or Bond or Bank Guarantee for the proposal required under sub-points (c) and (d).
- D47. Prior to the issue of construction certificate one (CC1), the Applicant shall prepare a final Construction Vibration Rail Impact Assessment (CVRIA) in consultation with TfNSW detailing vibration impacts on the rail corridor and rail operations and submit the final CVRIA to the Certifier including evidence of TfNSW endorsement.
- D48. Prior to the issue of construction certificate one (CC1), an Electrolysis Report shall be prepared by an electrolysis expert detailing the electrolysis risk to the development from stray currents and evidence shall be submitted to the Certifier demonstrating that any mitigation measures recommended by the Electrolysis Report have been incorporated into the construction drawings.
- D49. Prior to the issue of construction certificate two (CC2), the Applicant must obtain TfNSW approval for all craneage and other aerial operations for the development and must comply with all TfNSW requirements. If required by TfNSW, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all TfNSW requirements.

Sydney Metro

- D50. Prior to the issue of construction certificate one (CC1), the Applicant is to prepare and submit to TfNSW documentation compliant with the Sydney Metro Underground Corridor Protection Technical Guidelines

and/or Sydney Metro at Grade and Elevated Sections Corridor Protection Guidelines (available from www.sydneymetro.info).

Protection of CBD Rail Link (CBDRL) Corridor

- D51. Prior to the issue of each of the construction certificates for CC1, CC2, CC3 and CC4, the Applicant must consult with TfNSW to ensure:
- (a) all structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development that have a potential impact on the CBD Rail Link (CBDRL) are designed, constructed and maintained in accordance with design criteria specified by TfNSW;
 - (b) the design and construction of the basement levels, foundations and ground anchors (if any) for the development are to be completed to the satisfaction of TfNSW. An accurate plan/CAD model should be included for the proposed foundations, to enable verification against the CBDRL alignment model. The foundation design and any encroachment into Exclusion Zone 4 and beyond must comply with the limitations of the Structure Exclusion Zones as required by TfNSW;
 - (c) allowances are made, to be agreed with TfNSW, in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
 - (d) copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records; and
 - (e) all TfNSW costs associated with review of plans, designs and legal must be borne by the Applicant.
- D52. Prior to issue of each of the Construction Certificates for CC1, CC2, CC3 and CC4, the Applicant shall address all impacts on the CBD Rail Link (CBDRL) identified in State Environmental Planning Policy (Infrastructure) 2007. The Applicant must provide the following for TfNSW review and endorsement:
- (a) Geotechnical Report - Geotechnical Report should demonstrate that suitable consideration has been given to the settlements and ground movements that are likely to occur during the future construction of the CBDRL. This shall be confirmed via an appropriate ground/structure interaction analysis, either calculations or finite element modelling;
 - (b) Structural Assessment - The structural report needs to demonstrate compliance with the TfNSW protection criteria. Consideration of the ground movements predicted under the geotechnical analysis need to be considered. Issues including construction methodology, foundation design, shoring system, debonding and possible ground movements need to be addressed in the report;
 - (c) Structural Drawings - The structural drawings should include sections and plan drawings detailing founding levels, storm water retention basin and drainage invert levels, and the use of any ground anchors. The drawings should demonstrate compliance with the TfNSW requirements;
 - (d) Acoustic and Vibration Assessment - An acoustics assessment needs to be undertaken for the potential impact of construction and operation of a future CBDRL on the development in accordance with the requirements as set out in Section 9.3 of the Sydney Metro Underground Corridor Protection Guideline and the referenced document Development Near Rail Corridor and Busy Roads – Interim Guideline, Department of Planning, NSW Government 2008; and
 - (e) Electrolysis Report - All structures must be designed, constructed and maintained so as to avoid damage or other interference, which may occur as a result of stray electrical currents, electromagnetic effects from future railway operations;
 - (f) Provide detailed survey information to TfNSW, to confirm the property boundaries are consistent with the setting out on the CBDRL drawings; and
 - (g) Provide to TfNSW drawings, reports and other information related to the design, construction and maintenance of the approved development (as may be required).
- D53. The Applicant must consult with TfNSW to confirm the timing of each construction certificate and associated documentation and activities prior to preparation of requested documentation at **Condition D52**.
- D54. Any conditions issued as part of TfNSW approval/certification of documents required under **Condition D52** will also form part of the consent conditions that the Applicant is required to comply with.
- D55. Prior to the issue of each of the construction certificates for CC1, CC2, CC3 and CC4, the Applicant is to submit a report to TfNSW demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads -Interim Guideline". All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of air-borne noise, ground-borne noise and vibration that may emanate from

the (future) rail corridor construction and rail operations to the proposed development. The Applicant must incorporate in the development all the measures recommended in the report.

- D56. The Certifier is not to issue the relevant construction certificates for CC1, CC2, CC3 and CC4 until it has received written confirmation from TfNSW that **Condition D52 to D56** have been complied with.

Certified Drawings

- D57. Prior to the issue of each of the relevant construction certificates for the structural works to be carried out (being CC1, CC2, CC3 and CC5), the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

Development Contributions

- D58. Prior to the issue of construction certificate one (CC1), a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 61 of the City of Sydney Act 1988.

Ecologically Sustainable Development (ESD)

- D59. Prior to the issue of each of each of the relevant construction certificates for the relevant work to be carried out (being CC1, CC2, CC3, CC4 and CC5), evidence must be submitted to the Certifier demonstrating that the development has incorporated all design and construction measures as identified in the sustainability report titled '*ESD Report for SSDA Atlassian Central Development Rev05*' prepared by Stantec and dated 2 June 2021.
- D60. Prior to the issue of each of each of the relevant construction certificates for the relevant work to be carried out (being CC1, CC2, CC3, CC4 and CC5), the Applicant must provide evidence to the Certifier confirming the development achieves the following minimum targets:
- (a) 6-star Green Star Design rating (Green Building Council Australia);
 - (b) 5.5 Star NABERS Office Base Building Energy Rating for the commercial office component; and
 - (c) 4 Star NABERS Office Base Building Energy Rating Water rating.

Materials and Finishes

- D61. Prior to the issue of construction certificate four (CC4), details of final materials and finishes must be submitted to and approved by the Planning Secretary. The details must include:
- (a) evidence of consultation with the DIP and how their advice has been addressed;
 - (b) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application;
 - (c) confirmation of the process and methods in arriving at the final choice for all materials and finishes; and
 - (d) detailed architectural drawings of the façade details, including glazing specification and sun shading devices. This must include snapshots at different points in the facade in plan, elevation and section to a scale of 1:20 or 1:50 as necessary.

Note: The plans lodged to satisfy this consent must include final specifications of colour, material and, where relevant, manufacturer.

PART E PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- E1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of works and operation at least 48 hours before those dates.
- E2. If the construction or operation of the development is to be staged, the Planning Secretary 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.

Access to Information

- E3. At least 48 hours before the commencement of works until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in **Condition A2** of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent 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, and publicly available for 12 months after the commencement of operations.

Survey Certificate

- E4. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.

Adina Hotel pick-up/drop-off facility

- E5. Prior to the removal of the existing on-site Adina Hotel pick-up/drop-off facility, or prior to the facility becoming inoperable (whichever is the sooner), the proposed on-street Lee Street replacement pick-up/drop-off facility must be installed and operational, including all necessary line-marking and signage, which shall be installed at no cost to the relevant roads authority.
- E6. A separate submission must be made to Council for any changes to kerbside parking arrangements. There is no guarantee kerbside parking will be changed or that any change will remain in place for the duration of the development/use.
- Note:** The applicant is to contact Council's Area Traffic Engineer to discuss the proposal before making a submission.
- E7. All costs associated with signposting of any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.
- E8. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's 'Development Specification for Civil Works Design and Construction'. All costs associated with the construction of new road/footpath works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's 'Sydney Streets Technical Specification' including amendments and 'Sydney Streets Design Code'.

Protection of Public Infrastructure

- E9. Prior to the commencement of any demolition, earthworks or construction, the Applicant must:

- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
- (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council
- (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.

Pre-Construction Dilapidation Report

- E10. Prior to the commencement of any demolition, earthworks or construction, the Applicant shall submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by a suitably qualified person. The Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be provided to the Certifier, Planning Secretary, Council, Heritage NSW, TfNSW and each of the affected property owners for information.
- E11. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Planning Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- E12. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant. Damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

Demolition

- E13. Demolition work must comply with Australian Standard AS 2601-2001 *The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

Environmental Management Plan Requirements

- E14. Management plans required under **Conditions E15 to E21** of this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020) and a copy provided to the Planning Secretary and Council for information.

Construction Environmental Management Plan

- E15. Prior to the commencement of any demolition, earthworks or construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) stormwater control and discharge;
 - (iv) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (vi) community consultation and complaints handling;
 - (vii) measures to ensure the Devonshire Street Pedestrian Tunnel remains open and operational throughout the construction phase of the development and the final measures must be developed in consultation with key stakeholders;
 - (viii) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works;

- (ix) incorporation of all acoustic management and treatments.
- (b) Construction Traffic and Pedestrian Management Sub-Plan (see **Condition E16**);
- (c) Construction Noise and Vibration Management Sub-Plan (see **Condition E18**);
- (d) Construction Waste Management Sub-Plan (see **Condition E19**);
- (e) Construction Soil and Water Management Sub-Plan (see **Condition E20**);
- (f) Flood Emergency Response (see **Condition E21**);
- (g) an unexpected finds protocol for contamination and associated communications procedure;
- (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
- (i) 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.

E16. The Applicant must not commence demolition, earthworks or construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.

Construction Pedestrian and Traffic Management Plan Sub-Plan

E17. Prior to the commencement of any demolition, earthworks or construction, the Applicant shall submit to the satisfaction of the Certifier a Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP), prepared in consultation with the Council and TfNSW. The CPTMSP must include, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) a description of the development;
- (c) location of any proposed work zone(s);
- (d) details of crane arrangements including location of any crane(s);
- (e) haulage routes;
- (f) proposed construction hours;
- (g) predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
- (h) details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads;
- (i) details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site;
- (j) pedestrian and traffic management measures;
- (k) construction program and construction methodology;
- (l) a detailed plan of any proposed hoarding and/or scaffolding;
- (m) consultation strategy for liaison with surrounding stakeholders, including other developments under construction;
- (n) any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- (o) 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 CPTMSP to ensure that coordination of work activities are managed to minimise impacts on the surrounding road network; and
- (p) 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 CPTMSP.

Construction Noise and Vibration Management Sub-Plan

E18. Prior to the commencement of any demolition, earthworks or construction, the Applicant shall submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMSP) prepared in consultation with Council. The CNVMSP must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) describe procedures for achieving the noise criteria / management levels in the *City of Sydney Construction Hours /Noise Code of Practice 1992*. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property;

- (c) incorporate the recommendations of the noise reports prepared by Stantec titled '*Atlassian Central Noise & Vibration Impact Assessment Ref: 45474*' dated 23 September 2020 as updated by '*Atlassian Central Acoustics, Noise & Vibration Schematic Design Report – 2.0 Ref: 45474*' dated 16 April 2021;
- (d) details of non-tonal alarms, materials handling and work site training;
- (e) include strategies that have been developed with the community for managing high noise generating works and describe the community consultation/liaison undertaken to develop the strategies;
- (f) details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum;
- (g) what plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available;
- (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 in accordance with **Condition E14**.

Construction Waste Management Sub-Plan

E19. Prior to the commencement of any demolition, earthworks or construction, the Applicant shall submit to the satisfaction of the Certifier a Construction Waste Management Sub-Plan (CWMSPP). The CWMSPP must include, but not be limited to, the following elements:

- (a) 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";
- (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
- (c) procedures for minimising the movement of waste material around the site and double handling;
- (d) waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
- (e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (f) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises;
- (g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
 - a traffic plan showing transport routes within the site;
 - a commitment to retain waste transport details for the life of the project to demonstrate compliance with the Protection of the Environment Operations Act 1997; and
 - the name and address of each licensed facility that will receive waste from the site (if appropriate).

Construction Soil and Water Management Plan Sub-Plan

E20. Prior to the commencement of any demolition, earthworks or construction, the Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSPP) and the plan must address, but not be limited to the following:

- (a) be prepared by a suitably qualified expert, in consultation with Council;
- (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 (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
- (c) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas.
- (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the site);
- (e) detail all off-site flows from the site; and

- (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to, 1 in 5-year ARI and 1 in 100-year ARI.

Construction Flood Emergency Response Sub-Plan

- E21. Prior to the commencement of any demolition, earthworks or construction, the Applicant must prepare a Construction Flood Emergency Response Sub-Plan (CFERSP). The CFERSP must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s) in consultation with Council and EESG;
 - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EESG);
 - (c) include details of:
 - (i) the flood emergency responses for the construction phase(s) of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (vi) awareness training for employees, contractors and visitors.

Hazardous Materials Survey

- E22. Prior to the commencement of any demolition, earthworks or construction, a Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the Certifier. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.
- E23. All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report as approved via **Condition E22** must be complied with.

Soil and Water

- E24. Prior to the commencement of any demolition, earthworks or construction, the Applicant must install erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP (**Condition E20**).
- E25. Prior to the commencement of any demolition, earthworks or construction works or the take of water, the Applicant must obtain a Water Access Licence (WAL), unless an exemption under the *Water Management (General) Regulation 2018* applies.
- Note:** The NSW Water Register shows 3929ML are held across 183 WALs in the Sydney Basin Central Groundwater Source, which is higher than the licensable share component. Therefore the Applicant must trade from existing licences, or through a controlled allocation to account for the predicted groundwater take of approximately 5ML per year.
- E26. Prior to the commencement of any demolition, earthworks or construction works, the Applicant must prepare a Ground Water Management Plan for the construction phase in consultation with Department of Planning, Industry and Environment, Water that includes the following:
- (a) trigger levels (levels, quality, flow, volume and ground surface settlement) to manage any potential impacts;
 - (b) details of monitoring (groundwater levels, quality as required, rate of inflows, metered pumping);
 - (c) where a risk of ground settlement is identified due to the proposed dewatering, the proponent is to provide a program of monitoring, trigger and responses to relevant consent authority as well as the relevant transport (rail) authority; and
 - (d) details on the installation of metering of ongoing groundwater where metering instruments should meet the NSW Government's requirements for water meters and relevant Australian standards, or the prescribed process to be applied for measuring take.
- E27. Prior to the commencement of any demolition, earthworks or construction works, the Applicant must develop a dewatering reporting schedule covering duration of construction in consultation with Department of Planning, Industry and Environment, Water that includes the following:
- (a) collation of monitoring records;
 - (b) analysis of actual impacts compared to predicted impacts, noting that some impacts may be delayed;
 - (c) magnitude and extent of potential long-term effects from the completed structure; and
 - (d) arrangements for reporting (measurements, technical analysis and future predictions) to the relevant authority.

- E28. Prior approval must be sought from the Council's Public Domain Unit to discharge any groundwater into the City's stormwater drainage system. Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Construction Worker Transportation

- E29. Prior to the commencement of any demolition, earthworks or construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

Construction Parking and Truck Movements

- E30. Prior to the commencement of any demolition, earthworks or construction, the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.
- E31. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;
 - (c) minimise road traffic noise; and
 - (d) ensure truck drivers use specified routes.
- E32. Prior to the commencement of the removal of any waste material from the site, the Applicant must notify the TfNSW Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site.
- E33. The Applicant must provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and TfNSW 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 (via development.sco@transport.nsw.gov.au) is current during any stage of construction.

TfNSW - Construction

- E34. The Applicant/Developer must give TfNSW written notice at least 5 business days before, and on the day of, commencing works which occur adjacent to the rail corridor.
- E35. If required by TfNSW, the Applicant must give TfNSW written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor land:
- (a) site investigations;
 - (b) foundation, pile and anchor set out;
 - (c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
 - (d) foundation, pile and anchor excavation;
 - (e) other excavation;
 - (f) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
 - (g) other concreting; or
 - (h) any other event that TfNSW has notified to the Applicant.
- E36. If required by TfNSW, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by TfNSW, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from TfNSW and the Applicant to establish the extent of any damage and enable any deterioration during construction to be observed.
- E37. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless endorsed by TfNSW. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- E38. No work (including need for access to undertake maintenance work) is permitted within the rail corridor, or any easements which benefit TfNSW / Transport Asset Holding Entity, at any time, unless the prior approval of, or an Agreement/Licence with TfNSW / Transport Asset Holding Entity has been obtained by the Applicant.

- E39. No form of pollution or contamination should enter the railway corridor as a result of development's activities. Any form of pollution or contamination that occur in the rail corridor as a consequence of the development activities shall remain the full responsibility of the owner of the development.
- E40. Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of TfNSW prior to the fencing work being undertaken.

Excavation Director

- E41. The Applicant shall nominate a suitably qualified and experienced historical archaeologist to manage both Aboriginal and non-Aboriginal historical archaeological programs (testing and open area salvage etc) according to the following conditions (**Conditions E42 to E49**). This person must fulfil the Heritage Council's Excavation Director Criteria 2019 for the excavation of State significant archaeological sites to the satisfaction of the Planning Secretary.

Aboriginal Cultural Heritage

- E42. Prior to the commencement of construction, the Applicant must consult with Registered Aboriginal Parties to determine specific requirements and management measures to be used on site during construction, including protection of any objects or items in perpetuity. The Applicant must take all reasonable steps so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.
- E43. Prior to the commencement of construction, the Applicant must prepare a Heritage Management Plan for the development to be submitted to and approved by the Planning Secretary. This plan must:
- (a) be prepared in consultation with Heritage NSW and the Registered Aboriginal Parties (RAPs). The RAPs must be provided with a reasonable opportunity, being at least 28 days, to provide comment on the draft Heritage Management Plan;
 - (b) include a protocol for ongoing consultation with the RAPs for the duration of this project;
 - (c) include a description of the measures that would be implemented for archaeological investigations that includes at least the following:
 - (i) Aboriginal cultural heritage research questions;
 - (ii) the proposed staging and timing of excavations in relation to the development phases;
 - (iii) a staged testing and excavation methodology;
 - (iv) detailed triggers for expansion of any test pits to salvage excavation;
 - (v) a methodology for the excavation of features such as, but not limited to, hearths, knapping floors and middens etc;
 - (vi) artefact analysis methodology;
 - (vii) identified stop points where additional consultation with RAPs, Heritage NSW and the Secretary may be required if significant Aboriginal objects are identified;
 - (viii) sampling and dating methodology;
 - (ix) short term and long term care and control of any Aboriginal objects;
 - (x) reporting requirements;
 - (d) include measures to prevent harm to any Aboriginal objects outside the construction boundary;
 - (e) include a program to monitor and report on the effectiveness of any mitigation and management measures in protecting or limiting harm to Aboriginal objects;
 - (f) ensure any workers on site receive suitable Aboriginal cultural heritage induction(s) prior to carrying out any activities which may disturb Aboriginal sites, and that suitable records are kept of these inductions;
 - (g) include a Trigger Action Response Plan that included stop work provisions, notification protocols and significance assessment protocols to manage key risks to Aboriginal heritage, including:
 - (i) the discovery of any potential human remains;
 - (ii) the discovery of previously unidentified Aboriginal objects within the construction footprint; and
 - (iii) managing unauthorised ground disturbance.

Non-Aboriginal Archaeology - Archaeological Testing

- E44. Prior to the commencement of archaeological test excavation, the Archaeological Research Design and Excavation Methodology prepared by Urbis for test excavation (ARD) shall be revised to guide the early works testing program. The ARD must be prepared in consultation with the Heritage Council of NSW (or its delegate) and submitted to and approved by the Planning Secretary. The ARD shall address Heritage

NSW comments provided in response to the RtS dated 20 July 2021 including revision of test areas to investigate and understand the archaeological potential of key significant phases anticipated (including the Benevolent Asylum).

Non-Aboriginal Archaeology - Design Review following testing

- E45. Following the archaeological testing program, a report documenting the finds including a reassessment of their significance and likely impact from the project, shall be submitted to and approved by the Planning Secretary in consultation with the Heritage Council of NSW.
- E46. Should archaeological deposits and substantially intact evidence of State significance be found, notification under s146 of the Heritage Act 1977 is required and a design review process must be undertaken in consultation with the Heritage Council to achieve the best outcomes for managing State significant archaeology at the site. The final design must be submitted to and approved by the Planning Secretary in consultation with the Heritage Council of NSW (or its delegate).

Non-Aboriginal Archaeology - Archaeological Salvage

- E47. Where State significant archaeological salvage is required, and prior to the commencement of archaeological salvage excavation, the Archaeological Research Design prepared by AMBS Ecology and Heritage dated September 2020 shall be amended to refine the salvage program based on the testing results. This document shall be prepared in consultation with the Heritage Council of NSW (or its delegate) and submitted to and approved by the Planning Secretary.

Non-Aboriginal Archaeology - Public Open Day

- E48. Where state significant archaeological salvage is required, the Proponent shall factor into the program an opportunity for interpretation, public education and public access to the results of the archaeological investigation via a public Open Day. It must be conducted on a weekend to facilitate public attendance and should be advertised at least one week ahead to ensure that the greatest number of people are aware of the activity. Details of the proposed public Open Day must be sent to the Planning Secretary and the Heritage Council of NSW prior to the event to enable promotion of attendance.

Non-Aboriginal Archaeology - Final Reporting

- E49. A final archaeological excavation report shall be prepared within 12 months of the completion of the final archaeological excavation program for the project and copies of the final report shall be submitted to the Planning Secretary, the Heritage Council of NSW under s146 of the Heritage Act 1977 and to the local Council's local studies unit. The final report shall include:
- (a) details of all archaeological findings (i.e. from testing and salvage excavations); and
 - (b) details of any significant artefacts recovered, where they are located and details of their ongoing conservation and protection in perpetuity by the land owner.

Rodent Treatment Program

- E50. Prior to the commencement of any demolition, earthworks or construction, a programme of baiting and monitoring of rodent activity is to be put in place at the site. A licensed Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site.

Outdoor Lighting

- E51. Prior to the installation of outdoor lighting, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Public Domain Plan Detailed Documentation for Construction – Lee Street Public Domain

- E52. Prior to the construction of any public domain works, a detailed Public Domain Plan and all relevant documentation must be submitted to and approved by the City's Public Domain Unit. This Plan must:
- (a) document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights Design Code, Sydney Streets Technical Specification and Sydney's Parks Code;
 - (b) consider road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements;
 - (c) be checked, accurate, and comply with specified requirements; and
 - (d) must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions.

- (e) be to construction standard and will be approved under Section 138 of the Roads Act.
- (f) be submitted with an *Application for Public Domain Plan Assessment* and include the approved Public Domain Levels and Gradients documentation.

Note: The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Note: If the proposed detailed design of the public domain requires changes to any previously approved levels, an *Application for Public Domain Levels and Gradients* must be submitted to and approved by the Public Domain Unit to reflect these changes prior to an approval being issued for the construction of public domain work.

Note: Stamped plans will be issued for construction and approved under Section 138 of the Roads Act.

- E53. Approval under Section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of any excavation in or disturbance of a public way for the construction of approved public domain works

Public Domain Works Bond and Defects Liability – Lee Street Public Domain

- E54. A Public Domain Works Bond will be required as security for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Bond must be submitted as cash, an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of the City as security for completion of the obligations under this consent (Guarantee).
- E55. The City's Public Domain Unit must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with the City prior to an approval being issued for the Public Domain Plan.
- E56. The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to City of Sydney standards and approval and the required certifications, warranties and works-as-executed documentation are submitted and approved by the City in writing. On satisfying the above requirements, 90% of the security will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.
- E57. All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Practical Completion for public domain works.

Public Domain Damage Bond – Lee Street Public Domain

- E58. A Public Domain Damage Bond calculated on the basis of 60 square metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Bond must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee). The Guarantee:
 - (a) must be lodged with Council prior to an approval for demolition being granted or any construction certificate being issued, whichever is earlier.
 - (b) will be retained in full until the Public Domain Works Deposit Guarantee is lodged with Council. Upon lodgement of the Public Domain Works Deposit Guarantee, the Guarantee in this condition will be released.

Hold Points

- E59. Prior to an approval being issued for the construction of public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be provided by the City's Public Domain Unit in accordance with the City's *Public Domain Manual* and *Sydney Streets Technical Specification* (an approved list of hold points will be included in the Public Domain works Approval letter). These hold points must be adhered to during construction works.

Remediation – Site Auditor

- E60. Prior to the commencement of any earthworks or remediation works for the development, the Applicant must submit evidence to the Planning Secretary that a Site Auditor accredited under the *Contaminated Land Management Act 1997* has been appointed to independently review the implementation and validation of the remediation works.

PART F DURING CONSTRUCTION

Approved Plans to be On-site

- F1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for inspection by any officer of the Department, Council or the Certifier.

Site Notice

- F2. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- F3. 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.

Demolition

- F4. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by **Condition E13**.

Construction Hours

- F5. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 7pm, Mondays to Fridays inclusive; and
 - (b) between 7am and 3pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- F6. Construction activities may be undertaken outside of the hours in **Condition F5** if required:
- (a) by TfNSW to prevent significant disruption to public transport, access to public transport or public safety; or
 - (b) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (c) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- F7. Notification of such construction activities as referenced in **Condition F6** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- F8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

Implementation of Management Plans

- F9. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP **Condition E15** (including Sub-Plans).

Construction Traffic

- F10. All construction vehicles are to be contained wholly within the site and Ambulance Avenue, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

Hoarding Requirements

- F11. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
 - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

No Obstruction of Public Way

- F12. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.
- F13. All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel then this must be undertaken at the developer's expense.

Construction Traffic

- F14. All construction vehicles are to be contained wholly within the Site, except if located in an approved on-street work zone, and vehicles must enter the Site before stopping.

Road Occupancy Licence

- F15. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

Contact Telephone Number

- F16. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

Covering of Loads

- F17. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Vehicle Cleansing

- F18. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Construction Noise Limits

- F19. All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with the preparation for the commencement of work in connection with the development must comply with the *City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*. All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the CNVMP required by **Condition E18** of this consent.
- F20. The Applicant must ensure all construction vehicles do not arrive at the site outside of the construction hours of work outlined under **Condition F5**.
- F21. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- F22. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.
- F23. Where all noise control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the Council's applicable criteria stated in the *City of Sydney Construction Hours/Noise Code 1992* and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels.
- F24. The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

Vibration Criteria

- F25. Vibration caused by construction at any residence or structure outside the site must be limited to:

- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- F26. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in **Condition F25**.
- F27. The limits in **Condition F25** and **Condition F26** apply unless otherwise outlined in the CNVMP required by **Condition E18** of this consent.

Tree Protection

- F28. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
 - (b) all street trees immediately adjacent to the site on Lee Street must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council; and
 - (c) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Protection of Stone Kerbs

- F29. The existing stone kerbs on the Lee Street frontage of the site are to be retained and properly protected during demolition, excavation and construction works. To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. Note the following:
- (a) all costs associated with the works are to be borne by the developer;
 - (b) damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers;
 - (c) where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible;
 - (d) all new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers;
 - (e) Council approval is required before kerbs are removed;
 - (f) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets; and
 - (g) stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

Air Quality

- F30. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- F31. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

- F32. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP (**Condition E20**).

Imported Fill Materials

- F33. All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.
- F34. All fill imported onto the site should be validated by either one or both of the following methods during remediation works:
- (a) imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
 - (b) sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines
- F35. The Applicant must keep accurate records of the volume and type of fill to be used and make these records available to the Certifier / EPA Auditor upon request.

Disposal of Seepage and Stormwater

- F36. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the Protection of the Environment Operations Act 1997.
- F37. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management

- F38. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

Implementation of Aboriginal and non-Aboriginal Archaeological and Heritage Programs

- F39. The Applicant must carry out the demolition, excavation and construction of the development in accordance with the approved Aboriginal and non-Aboriginal archaeological and heritage programs (**Conditions E41 to E49**).

Unexpected Finds Protocol – Aboriginal Heritage

- F40. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage NSW.

Unexpected Finds Protocol – Historic Heritage

- F41. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

Outdoor Lighting

- F42. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Site Contamination

- F43. The Applicant must conduct site investigations to confirm the full nature and extent of the contamination at the project area and comply with the following requirements:
- (a) the additional site investigations / data gap analysis must be undertaken in accordance with the '*Remediation Action Plan Proposed Commercial Development Project 86767.03*' prepared by Douglas Partners and dated September 2020 and the plan must be then revised based on the findings of the data gap investigations;

- (b) the site investigations must be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
 - (c) the reports must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme; and
 - (d) the recommendations of the '*Remediation Action Plan Proposed Commercial Development Project 86767.03*' prepared by Douglas Partners and dated September 2020 and the unexpected finds procedure must be updated following results of further site investigations and implemented throughout duration of project work.
- F44. Remediation of the site must be carried out in accordance with the '*Remediation Action Plan Proposed Commercial Development Project 86767.03*' prepared by Douglas Partners and dated September 2020 and any variations to the plan approved by an NSW EPA-accredited Site Auditor.
- F45. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- F46. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in contamination.
- F47. Contaminated groundwater must not be discharged into the Council's stormwater drainage system. Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Asbestos Removal Works

- F48. All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies. In addition, all works must also be carried out in accordance with the following requirements:
- (a) a copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours;
 - (b) five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address;
 - (c) all work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*;
 - (d) the asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos;
 - (e) warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance;
 - (f) asbestos waste must only be transported and disposed of at an EPA licensed waste facility;
 - (g) no asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc);
 - (h) no asbestos laden skips or bins are to be left in any public place without the written approval of Council;

- (i) a site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size. The site notice board must include the following:
 - (i) contact person for the site;
 - (ii) telephone and facsimile numbers and email address; and
 - (iii) site activities and time frames.

Waste Storage and Processing

- F49. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- F50. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- F51. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- F52. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- F53. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Hazardous waste

- F54. Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:
 - (a) Protection of the Environment Operations Act 1997;
 - (b) *Protection of the Environment Operations (Waste) Regulation 2005*;
 - (c) *Waste Avoidance and Resource Recovery Act 2001*;
 - (d) *Work Health and Safety Act 2011*; and
 - (e) *Work Health and Safety Regulation 2017*.

Classification of Waste

- F55. Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (July 2009). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Stockpiles

- F56. No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team. All stockpiles of:
 - (a) soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets;
 - (b) soil or other materials likely to generate dust or odours must be covered; and
 - (c) contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours.

Rail Assets and Operation During Construction

- F57. The Applicant must ensure that at all times they have a representative (which has been notified to TfNSW in writing), who:
 - (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by TfNSW;
 - (b) acts as the authorised representative of the Applicant; and
 - (c) is available (or has a delegate notified in writing to TfNSW that is available) on a 7 day a week basis to liaise with the representative of TfNSW, as notified to the Applicant
- F58. The Applicant must ensure that extreme care is taken during works to prevent water from collecting on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and

service is interrupted, the Applicant shall be liable for any TfNSW expenditure involved with restoring or maintaining alternative services.

- F59. TfNSW and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

PART G PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE/ COMMENCEMENT OF OPERATION

Occupation Certificate

- G1. An Occupation Certificate must be obtained from the Certifier prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Notification of Occupation

- G2. At least one month before the issue of the occupation certificate, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary 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.

GFA and Building Height Certification

- G3. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details shall be provided to the Certifier demonstrating compliance with this condition prior to the issue of the final Occupation Certificate.

External Walls and Cladding

- G4. Prior to the issue of any occupation certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- G5. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Heritage Asset Maintenance Plan

- G6. Prior to the issue of any occupation certificate, the Applicant must prepare a costed Heritage Asset Maintenance Plan (HAMP) to ensure the continued protection of heritage significance of the heritage item and to guide the future maintenance on heritage fabric. The HAMP must:
- (a) be prepared in consultation with, and be endorsed by, Heritage NSW;
 - (b) be based on Heritage NSW's publication: 'Preparing a maintenance plan', and is to be a guide for the effective, continuous, protective maintenance of all significant heritage fabric for a minimum period of 20 years;
 - (c) include all fabric identified as being of heritage significance, specification notes and methodologies based on the Articles of the Australian ICOMOS Burra Charter 2013 and best conservation practise, and a list of appropriate consultants and suppliers together with the projected costing for each item of work.

Post-construction Dilapidation Report

- G7. Prior to the issue of any occupation certificate, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c) to be forwarded to Council for information.

Protection of Public Infrastructure

- G8. 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.

Protection of Property

- G9. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Utilities and Services

- G10. Prior to the issue of any occupation certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

Roadworks and Access

- G11. Prior to the commencement of operation, the Applicant must complete the construction of the Lee Street crossover to the satisfaction of Council. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.

Visitor Accommodation Operational Management Plan

- G12. Prior to the issue of any occupation certificate for the visitor accommodation, a Visitor Accommodation Operational Management Plan (VAOMP) must be prepared and submitted to and approved by the Planning Secretary. The VAOMP (as updated from time to time) must include, but not be limited to, the following:
- (a) incorporate the recommendations and mitigation measures contained within the '*Plan of Management Railway Square Tech Central YHA DRAFT V1.0*' submitted with the RtS (Appendix O) and dated 10 May 2021;
 - (b) incorporation of the requirements of all other operational conditions of this consent relevant to the visitor accommodation;
 - (c) include further measures relating to management of common and reception areas, access and security, guest code of conduct and accommodation maintenance; and
 - (d) handling of complaints from guests and external sources.

Freight and Servicing Management

- G13. Prior to the issue of any occupation certificate, the Applicant shall prepare a Loading and Servicing Management Plan in consultation with TfNSW. The plan must be endorsed by TfNSW and 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;
 - (b) details of freight and servicing facilities that may be required either within the subject site or other sites in the immediate vicinity which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business; and
 - (c) 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 transport users accessing the Central Station and / or other pedestrians accessing the facilities within the Central Station Precinct.
- G14. Prior to the issue of any occupation certificate, signage shall be installed within the basement loading dock area clearly stating that all parking spaces are only for the use of service vehicles and the parking of private cars is prohibited.
- G15. Prior to the issue of any occupation certificate, the sign(s) must be installed within the site at the point(s) of vehicle egress compelling "Give Way to Pedestrians and Bicycles" before crossing a footpath on an existing or identified shared path route. The sign(s) must thereafter be maintained in good order at all times by the owners of the building.
- G16. Prior to the issue of any occupation certificate and commencement of the operation, the traffic lights and mirrors comprising the signalised service vehicle management system (**Condition D14**) must be installed and operational.

Green Travel Plan

- G17. Prior to the commencement of operation, a Green Travel Plan (GTP), must be submitted to and endorsed by TfNSW to promote the use of active and sustainable transport modes and copy of the final GTP shall be submitted to the Planning Secretary for information. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with TfNSW;
 - (b) include objectives and modes share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
 - (c) increase the proposed mode share of public transport and active transport for all staff and visitors of the draft Green Travel Plan included within the '*Atlassian Central Station Transport Impact Assessment*' prepared by JMT Consulting and dated 27 November 2020;
 - (d) include specific tools and actions to help achieve the objectives and mode share targets;

- (e) include an Implementation Strategy incorporating measures to promote and support the implementation of the plan, financial and human resource requirements, specific management actions, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
- (f) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including annual review (and updated as necessary) and the requirement for travel surveys to identify travel behaviours of users of the development.

Transport Access Guide

- G18. Prior to the commencement of operation, a Transport Access Guide (TAG) must be submitted to and approved by Council in consultation with TfNSW, implemented and maintained by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times. The TAG 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) identification of areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and
 - (d) suitable nearby Taxi Zones.

Service Vehicle and Bicycle Parking Arrangements

- G19. Prior to the issue of any occupation certificate, evidence must be submitted to the Certifier demonstrating that:
- (a) the service vehicle areas are provided in accordance with **Condition D16**;
 - (b) bicycle facilities shall be installed in accordance with the requirements of **Condition D17**;
 - (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
 - (d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
 - (e) end-of-trip facilities for staff are provided.
 - (f) appropriate way-finding / advisory signage for pedestrians and cyclists is provided;
 - (g) way-finding signage is installed within the site:
 - (i) identifying the location of the on-site service vehicle area; and
 - (ii) to direct cyclists from footpaths to designated bicycle parking areas.

Heritage Interpretation

- G20. Prior to occupation and commencement of the use, the Applicant must provide evidence to the Certifier that the Heritage Interpretation Plan has been implemented in accordance with **Condition D32**.

Mechanical Ventilation

- G21. Prior to the issue of any occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 and AS 1668.4-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
 - (b) any dispensation granted by Fire and Rescue NSW.
- G22. Prior to issue of any occupation certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Certifier.

Operational Noise

- G23. Prior to the issue of any occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the noise reports prepared by Stantec titled '*Atlassian Central Noise & Vibration Impact Assessment Ref: 45474*' dated 23 September 2020 as updated by '*Atlassian Central Acoustics, Noise & Vibration Schematic Design Report – 2.0 Ref: 45474*' dated 16 April 2021 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the noise reports.
- G24. All physical aspects of the building's structure installed in order to meet performance parameters in accordance with **Condition G23** must be maintained at all times.

Structural Inspection Certificate

- G25. Prior to the issue of any occupation certificate of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Public Domain Works Completion – Lee Street Public Domain

- G26. The Public Domain works are to be constructed in accordance with the Public Domain Works Approval, approved stamped plans for Gradients and Levels, Stormwater, Public Domain Lighting, the City of Sydney's *Public Domain Manual*, *Stormwater Drainage Manual*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*.
- G27. The public domain work must be inspected and a Certificate of Practical Completion must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.
- G28. Prior to a Certificate of Practical Completion being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and Road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

Survey Infrastructure – Restoration

- G29. Prior to the issue of any occupation certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
- (a) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
 - (b) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;
 - (c) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

Stormwater

- G30. Prior to the issue of any occupation certificate the Owner is required to enter into a Deed of Agreement with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.
- G31. Prior to the issue of any occupation certificate, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the SOMP. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Groundwater Monitoring

- G32. Prior to the issue of any occupation certificate, the Applicant must develop a proposed occupational phase (after building completion) reporting schedule in consultation with Department of Planning, Industry and Environment, Water including, at a minimum:
- (a) a description of and schedule for the installation of meters for ongoing monitoring of groundwater take using instruments that meet the NSW Government's requirements for water meters and relevant Australian standards;

- (b) monthly monitoring to demonstrate the magnitude of groundwater pumping after construction, either through satisfactory photographic and documented evidence of no visible seepage into the building or, if inflows cannot be prevented, measured flow rates into all pump-out sumps; and
- (c) a plan for the ongoing measurement, recording and annual reporting of groundwater take, water level and water quality monitoring, and licencing compliance, within the documented building management system for the development. This should include arrangements for the reporting to be provided to the relevant authority.
- (d) to qualify for the less than 3 ML of take exemption, as per clause 21(6), the proponent will need to:
 - (i) record the water take within 24 hours in the approved form and manner;
 - (ii) provide the water take records to the Minister by no later than 28 July for the year ending 1 July during which the water was taken; and
 - (iii) keep the water take records for a period of five years.

Works as Executed Plans

- G33. Prior to the issue of any occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Warm Water Systems and Cooling Systems

- G34. The installation 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 1 (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

- G35. Prior to the issue of any occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Archaeological Salvage – Historic Archaeology

- G36. The Applicant must prepare an archaeological report of the salvage excavation undertaken in accordance with **Conditions E42 to E49**. An interim report of the salvage excavation must be provided to Heritage NSW within one month of completion of the salvage work and a final report provided within 12 months of completion of the salvage work or within another timeframe agreed with Heritage NSW.

Operational Waste Management Plan

- G37. Prior to the issue of any occupation certificate and/or commencement of the use, whichever is earlier, the Applicant must prepare a Waste Management Plan in consultation with Council and submit it to the Certifier. The Waste Management Plan must:
- (a) ensure the adequate storage and collection of waste and all garbage and recyclable materials emanating from the premises in a designated waste storage area(s) appropriately managed so that it does not attract pests or create litter
 - (b) detail the type and quantity of waste to be generated during operation of the development;
 - (c) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - (d) detail the materials to be reused or recycled, either on or off site; and
 - (e) be consistent with the requirements of **Condition D12**
- G38. Prior to the issue of any occupation certificate and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

Site Contamination

- G39. Prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

Hazardous Material

- G40. Prior to the issue of any occupation certificate, certification must be submitted to the Certifier from a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report (**Condition E22**) and that the site is safe for future occupation in accordance with the approved use.

Landscaping

- G41. Prior to the issue of any occupation certificate, the public domain and landscaping works must be completed in accordance with public domain and landscape plans approved under **Conditions D5 and D6**.
- G42. Prior to the issue of any occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must describe the ongoing monitoring and maintenance measures to manage landscaping within the interior habitats and the external public domain.
- G43. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

Wind Mitigation Measures

- G44. Prior to the issue of any occupation certificate or prior to the point at which mitigation is required (whichever is the sooner), the temporary wind mitigation measures must be installed in accordance with temporary wind mitigation measures approved under **Condition D4**.

Public Art

- G45. Prior to the issue of any occupation certificate, the public art within the site must be completed in accordance with the approved Detailed Public Art Plan (**Condition D31**).

Operational Flood Emergency Management

- G46. Prior to the issue of any occupation certificate, a Flood Emergency Management Plan (FEMP) must be submitted to the Certifier demonstrating it :
- (a) has been prepared by a suitably qualified and experienced person(s) in consultation with EESG;
 - (b) addresses the provisions of the *Floodplain Risk Management Guidelines* (EESG);
 - (c) includes details of:
 - (i) the flood emergency responses for operational phase of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (d) includes awareness training for employees and contractors, and visitors.
- G47. Prior to the issue of any Occupation Certificate, a certification report prepared by a suitably qualified practitioner engineer (NPER), for flood risk management measures including flood planning level/s demonstrating compliance with the approved construction plans must be submitted to and be approved by the Principal Certifier. A copy of the report shall be provided to Council and the Department for record keeping purposes

Fire Safety and Emergency Response

- G48. 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. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.
- G49. Prior to the issue of any occupation certificate, a Fire Emergency Response Plan must be submitted to the Certifier. The plan must:
- (a) is be prepared by a suitably qualified and experienced person(s);

- (b) be prepared in consultation with Fire and Rescue NSW;
- (c) specifically address foreseeable on-site and off-site fire events and other emergency incidents or potential hazmat incidents;
- (d) detail the appropriate risk control measures that would need to be implemented to safely mitigate potential risks to the health and safety of firefighters and other first responders. Such measures will include:
 - (i) the level of personal protective clothing required to be worn;
 - (ii) minimum level of respiratory protection required;
 - (iii) decontamination procedures to be instigated;
 - (iv) minimum evacuation zone distances;
- (e) include other risk control measures that may need to be implemented in a fire emergency due to unique hazards specific to the site; and
- (f) be stored in a prominent 'Emergency Information Cabinet' located in a position adjacent to the site's main entry point/s.

Rail

- G50. Prior to the issue of any occupation certificate the Applicant is to submit a copy of as-built drawings to TfNSW and Council. The as-built drawings:
- (a) are to be endorsed by a Registered Surveyor; and
 - (b) shall confirm that there has been no encroachment into Transport Asset Holding Entity property or easements, unless agreed to by Transport Asset Holding Entity.
- G51. Prior to the issue of the occupation certificate the Applicant must prepare a Rail Maintenance Plan (RMP) and submit the plan to TfNSW for review and endorsement. The RMP shall address how future maintenance of the development facing the rail corridor is to be undertaken. Evidence shall be submitted to the Certifier of TfNSW's endorsement of the RMP.
- G52. Prior to the issue of the occupation certificate, a report must be prepared and submitted to the Certifier, Council and TfNSW certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "*Development Near Rail Corridors and Busy Roads - Interim Guidelines*". Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

PART H POST OCCUPATION

Operation of Plant and Equipment

- H1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Lee Street Driveway Basement Ramp

- H2. In the event that vehicular access is available via the Western Gateway Sub-Precinct site-wide basement via Block B, the Lee Street driveway basement ramp must be demolished, removed and replaced with appropriate hard and soft landscaping subject to the requirement(s) of any necessary development application(s).

Warm Water Systems and Cooling Systems

- H3. 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.

Operational Noise Limits

- H4. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the noise reports prepared by Stantec titled '*Atlassian Central Noise & Vibration Impact Assessment Ref: 45474*' dated 23 September 2020 as updated by '*Atlassian Central Acoustics, Noise & Vibration Schematic Design Report – 2.0 Ref: 45474*' dated 16 April 2021.
- H5. Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the Council's Area Planning Manager. Further:
- (a) background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
 - (b) commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- H6. An $L_{Aeq,15\text{ minute}}$ (noise level) emitted from the development must not exceed the $L_{A90,15\text{ minute}}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
- (a) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
 - (b) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- H7. The $L_{A10,15\text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90,15\text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- H8. The $L_{A10,15\text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90,15\text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- H9. Notwithstanding compliance with **Conditions H7 and H8** above, noise from the use when assessed as an $L_{A10,15\text{ minute}}$ enters any residential use through an internal to internal transmission path is not to exceed the existing internal $L_{A90,15\text{ minute}}$ (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the $L_{A10,15\text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
- H10. Notwithstanding compliance with **Conditions H7, H8 and H9** above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- H11. The $L_{A10,15\text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90,15\text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

Note: The $L_{A10,15\text{ minute}}$ noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level $L_{A90,15\text{ minute}}$ is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver.

Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the Council's Area Planning Manager.

- H12. The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry, to collect valid data and provide a quantitative assessment of operational noise impacts following occupation of the building. The noise monitoring must be carried out by an appropriately qualified person and a monitoring report must be submitted to and approved by the Planning Secretary within three months of full occupation of the building. Should the noise monitoring identify any exceedance of the recommended noise levels, the Applicant must implement appropriate on-site noise attenuation measures to ensure operational noise levels do not exceed the recommended noise levels and/or provide noise attenuation measures at the affected noise sensitive receivers.

Emissions

- H13. The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health and the development must comply with the following requirements:
- (a) gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Clean Air) Regulation 2010; and
 - (b) uses that produce airborne particulate matter must incorporate an effective dust collection system.
- H14. In the event of any process in any room being of such a nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given-off, an air handling system must be installed providing positive capture and removal of the effluents. The effluent must be discharged to atmosphere at a point that will not create a nuisance and located in a position complying with *AS1668.2 - The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*.

Service vehicles

- H15. The size of vehicles servicing the property must not exceed 8.8m in length.
- H16. All loading and unloading associated with the site must be carried out within the site at all times and must not obstruct other properties/units or the public way.
- H17. At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Ecologically Sustainable Development

- H18. Unless otherwise agreed by the Planning Secretary, Green Star and NABERS certification must be obtained within the following timeframes demonstrating the development achieves the minimum sustainability targets stipulated at **Condition D60**. Evidence of the certification must be provided to the Certifier and the Planning Secretary:
- (a) within 12 months of commencement of operation for Green Star certification; and
 - (b) within 18 months of commencement of operation for NABERS certification.

Outdoor Lighting

- H19. Notwithstanding **Condition F42**, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Landscaping

- H20. The Applicant must maintain the landscaping on the site in accordance with the approved landscape plans (**Conditions D5 and D6**) for the duration of occupation of the development.

Operational Waste

- H21. The collection of waste and recycling must only occur during the designated zone collection times as outlined in the Council's Waste Policy – *Local Approvals Policy for Managing Waste in Public Places 2017*.
- H22. Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

Implementation of the Various Operational Management Plans

- H23. The following operational management plans (and any updates to those plans), shall be implemented and adhered to at all times by the Applicant following the issue of the occupation certificate:
- (a) Heritage Asset Maintenance Plan (**Condition G6**);
 - (b) Visitor Accommodation Operational Management Plan (**Condition G12**);

- (c) Loading and Servicing Management Plan (**Condition G13**);
- (d) Green Travel Plan (**Condition G17**), which shall also be updated annually in consultation with TfNSW;
- (e) Transport Access Guide (**Condition G18**);
- (f) Stormwater Operation and Maintenance Plan (**Condition G30**)
- (g) Operational Waste Management Plan (**Condition G37**);
- (h) Operational Landscape Management Plan (**Condition G42**);
- (i) Operational Flood Emergency Management Plan (**Condition G46**); and
- (j) Operational Fire Emergency Response Plan (**Condition G49**).
- (k) Rail Maintenance Plan (**Condition G51**)

APPENDIX 1 ADVISORY NOTES

General

AN1. 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

AN2. 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

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

Access for People with Disabilities

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Utilities and Services

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

Road Design and Traffic Facilities

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (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

AN8. 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

AN9. 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

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN11. 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

AN12. 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.

TfNSW

AN13. Where a condition of consent requires consultation with TfNSW, the Applicant shall forward all requests and/or documentation to the relevant TfNSW External Interface Management team

AN14. The Applicant must, during demolition, excavation and construction works, consult in good faith with TfNSW in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by TfNSW in relation to the works

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under **Condition A25** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.