

Development Consent – Key Sites

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: 17 December 2021

File: SSD 13852803

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

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

CONSOLIDATED INSTRUMENT

SCHEDULE 1

Application Number:	SSD 13852803 Crows Nest Over Station Development – Site C
Applicant:	Sydney Metro
Consent Authority:	Minister for Planning and Public Spaces
Site:	14 Clarke Street, Crows Nest (Lot 1 DP 1223850)
Development:	Construction of an eight (8) storey commercial office building above the metro station

CONSOLIDATED INSTRUMENT

Summary of Modifications

SSD-13852803	Approved by the Director, Key Sites Assessments on 17 December 2021
SSD-13852803-Mod-1	Approved by the Team Leader, Key Sites Assessments on 1 March 2023, for: <ul style="list-style-type: none">modification of Conditions B14, B45, and B65
SSD-13852803-Mod-2	Approved by the Team Leader, Key Sites Assessments on 9 October 2023 for: <ul style="list-style-type: none">modification of Condition B14 to correct an error in relation to inclusions in, and exclusions to, maximum building height

CONSOLIDATED INSTRUMENT

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Sydney Metro, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifier	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The carrying out of works for the purpose of the development, including erection of buildings and other infrastructure permitted by this consent.
Council	North Sydney Council
Crown Building Works Certificate	Certification of Crown building works under section 6.28 of the EP&A A
CSSI Approval	The Sydney Metro City and Southwest Chatswood to Sydney critical state infrastructure approval (CSSI 7400)
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions report, including the works and activities comprising the redevelopment of Site C - Crows Nest Over Station Development, as modified by the conditions of this consent.
EIS	The Environmental Impact Statement titled Site C - Crows Nest Over Station Development, prepared by Sydney Metro dated May 2021, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
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>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
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 Note: "material harm" is defined in this consent
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)
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

CONSOLIDATED INSTRUMENT

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
Response to Submissions / Submission Report	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.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
SSD	State Significant Development
Subject site / site	Land referred to in Schedule 1
TfNSW	Transport for NSW

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent
 - (b) in accordance with all written directions of the Planning Secretary
 - (c) in accordance with the EIS and Response to Submissions
 - (d) in accordance with the management and mitigation measures
 - (e) in accordance with the approved plans in the table below.

Architectural Drawings prepared by Woods Bagot			
Drawing No.	Revision	Name of Plan	Date
SMCSWSCN-SMC-SCN-AT-DWG-100010	B	Cover sheet – Site C OSD	15/04/2021
100516	B	Sheet list – Site C OSD	15/04/2021
100530	B	Sample board drawing	15/04/2021
120511	B	Site plan – roof level – Site C OSD	15/04/2021
120522	B	Overall area plan – Site C OSD	15/04/2021
207517	B	General arrangement plan 00 – Site C OSD	15/04/2021
207518	B	General arrangement plan L1 – Site C OSD	15/04/2021
207519	B	General arrangement plan L2 – Site C OSD	15/04/2021
207520	B	General arrangement plan L3 – Site C OSD	15/04/2021
207521	B	General arrangement plan L4 – Site C OSD	15/04/2021
207522	B	General arrangement plan L5 – Site C OSD	15/04/2021
207523	B	General arrangement plan L6 – Site C OSD	15/04/2021
207524	B	General arrangement plan L7 – Site C OSD	15/04/2021
207525	B	General arrangement plan L8 – Site C OSD	15/04/2021
207526	B	General arrangement plan L9 – Site C OSD	15/04/2021
207527	B	General arrangement plan L10 – Site C OSD	15/04/2021
207528	B	General arrangement plan roof – Site C OSD	15/04/2021
320520	B	Elevations – Site C OSD	15/04/2021
320521	B	Elevations – Site C OSD	15/04/2021
320570	B	Sections – Site C OSD	15/04/2021
320572	B	Sections – Site C OSD	15/04/2021
460555	A	Façade – detail section –roof top	15/04/2021
470601	B	Elevations – Site C OSD - signage	15/04/2021
470602	B	Elevations – Site C OSD - signage	15/04/2021
Landscape Drawings prepared by CNDC			
Drawing No.	Revision	Name of Plan	Date
SMCSWSCN-SMC-SCN-UD-DWG-101500	00	Cover sheet	19/03/2021
101501	00	Sheet list	19/03/2021
101502	00	Materials schedule	19/03/2021

101503	00	Master plants schedule	19/03/2021
101504	00	Site plan	19/03/2021
501508	00	Planting plan – Level 03	19/03/2021
501509	00	Planting plan – Level 04	19/03/2021
501510	00	Planting plan – Level 05	19/03/2021
501511	00	Planting plan – Level 06	19/03/2021
501512	00	Planting plan – Level 07	19/03/2021
501513	00	Planting plan – Level 08	19/03/2021
501514	00	Planting plan – Level 09 roof terrace	19/03/2021
801800	00	Landscape details	19/03/2021
801801	00	Landscape details	19/03/2021

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

LAPSING OF APPROVAL

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

LIMITS ON CONSENT

- A6. This consent does not approve:
- the detailed fit-out and operation of retail premises and business premises
 - the installation of signage other than two top-of-building signage zones and ground level signage zone
- Where required, separate development application(s) must be lodged, and consent obtained for the above works and uses (except where exempt and complying development applies).

PRESCRIBED CONDITIONS

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

PLANNING SECRETARY AS MODERATOR

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

LEGAL NOTICES

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

EVIDENCE OF CONSULTATION

- A10. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - provide details of the consultation undertaken including:
 - the outcome of that consultation, matters resolved and unresolved; and

- (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

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

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to have proposed building works certified.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

OPERATION OF PLANT AND EQUIPMENT

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

APPLICABILITY OF GUIDELINES

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

MONITORING AND ENVIRONMENTAL AUDITS

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

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

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

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

NON-COMPLIANCE NOTIFICATION

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

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A21. Within three months of:
- (a) the submission of a compliance report under this consent;
- (b) the submission of an incident report under this consent;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under this consent which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

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

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

COMPLIANCE REPORTING

- A23. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements (2020).
- A24. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed to by the Planning Secretary.
- A25. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- A26. 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

- A27. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- A28. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- A29. 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.
- A30. 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.
- A31. 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.
- A32. 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 COMMENCEMENT OF WORKS

CROWN BUILDING WORK

- B1. Crown building work cannot be commenced unless the Crown Building work is certified by or on behalf of the Crown to comply with the *Building Code of Australia* in force as at:
- (a) the date of the invitation for tenders to carry out Crown building work; or
 - (b) in the absence of tenders, the date on which the Crown building work commences.

NOTIFICATION OF COMMENCEMENT

- B2. The Department must be notified in writing of the dates of commencement of physical work at least 48 hours before those dates.
- B3. If the construction of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

DESIGN EXCELLENCE AND INTEGRITY

- B4. The architectural design team comprising Woods Bagot Architects and Oculus (the Design Team) is to have direct involvement in the design documentation, contract documentation and construction stages of the project.
- B5. The Design Team is to have full access to the site, following safety induction, and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the project.
- B6. Evidence of the Design Team's commission is to be provided to the Certifier prior to commencement of works
- B7. The Design Team is not to be changed without prior written notice and approval of the Planning Secretary.
- B8. To ensure the scheme retains, or is an improvement upon, the approved design excellence qualities, the Applicant shall notify the Planning Secretary of any proposed modifications to the approved architectural drawings.
- B9. The Planning Secretary is to determine whether any proposed modifications to the approved architectural drawings require review by the Sydney Metro Design Review Panel (DRP) or other appropriate person(s).

INTEGRATION WITH APPROVED METRO STATION BOX

- B10. Should changes be made to the architectural design and external appearance of the metro station, including any changes to massing, facade detailing or internal arrangements and services that could affect physical or visual integration with the Crows Nest Over Station Development- Site C, the Design Team must advise of any amendments to the design of the Crows Nest Over Station Development- Site C to ensure appropriate integration of the two developments. The Applicant must consult with the DRP as necessary, and lodge a section 4.55 modification application as necessary.

MATERIALS AND FINISHES

- B11. Details of final materials and finishes must be lodged to the Planning Secretary. The details must include:
- (a) evidence of consultation with the Design Review Panel and how their advice has been addressed with respect to materials and finishes of the building
 - (b) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application. A sample board is also to be provided to the Design Review Panel for consideration and approval prior to the commencement of works.
 - (c) confirmation of the process and methods in arriving at the final choice for all materials and finishes
 - (d) detailed architectural drawings of the façade details and including glazing specifications. 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.

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

LANDSCAPING

- B12. The Applicant must prepare detailed Landscape Plans, to the satisfaction of the Certifier. The plans must be consistent with the Landscape Plans submitted with the EIS and:
- (a) detail the location, species, maturity and height at maturity of plants to be planted on-site
 - (b) include details of soil depth and volumes to support the proposed plantings
 - (c) demonstrate adequate drainage and watering systems for the planters
 - (d) include details of plant maintenance and watering for the first 12 months and
 - (e) commit to replace plants with the same species should any plant loss occur within the maintenance period.

- B13. Prior to the commencement of works, the Applicant must submit a Landscape Maintenance Plan to the Certifier for approval. The Landscape Maintenance Plan must include:
- (a) evidence of consultation with the Design Review Panel and how their advice has been addressed; and
 - (b) details on how the roof and façade planter boxes can be accessed for maintenance.

MAXIMUM BUILDING HEIGHT

- B14. The Applicant must submit to the satisfaction of the Certifier details confirming:
- (a) The overall maximum height of the building does not exceed RL 132 AHD.
 - (b) The maximum building height to the top of the building parapet is RL 127 AHD.

Note: The maximum building heights in (a) and (b) above include plant and lift overruns, but exclude communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues, maintenance ladder safety rails, façade capping and the like.

GROSS FLOOR AREA CERTIFICATION

- B15. The Applicant must submit to the satisfaction of the Certifier details confirming the gross floor area of the development does not exceed 3,100 m².

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

STRUCTURAL DETAILS

- B16. 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:
- (a) the relevant clauses of the BCA; and
 - (b) this development consent.

EXTERNAL WALLS AND CLADDING

- B17. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B18. Before the commencement of works and prior to occupation or commencement of the use, 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.
- B19. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary for information.

MECHANICAL VENTILATION

- B20. The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.
- B21. The Applicant must submit to the satisfaction of the Certifier details that any mechanical ventilation and/or air conditioning system for the development complies with AS1668.1, AS1668.2, the BCA and relevant Australian Standards, prepared by a suitably qualified person certified in accordance with Clause A2.2(a)(iii) of the BCA, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

REFLECTIVITY

- B22. The visible light reflectivity from building materials used shall not exceed 20 per cent and shall be designed to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifier prior to the commencement of works.

SITE STABILITY AND CONSTRUCTION WORK

- B23. The Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced professional engineer/s, which includes the following details:
- (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land
 - (b) details to demonstrate that the proposed methods of support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration
 - (c) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work

- (d) written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the Certifying Authority.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B24. The Applicant shall submit to the satisfaction of the Certifier evidence demonstrating that the design of the development has incorporated the CPTED management and mitigation measures included within the Crime Prevention Through Environmental Design Assessment as relevant for the Crows Nest Over Station Development – Site C.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B25. The Applicant shall submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all design, construction and operation measures as identified in the Ecologically Sustainable Development Report and Sustainability Strategy.
- B26. The Applicant shall demonstrate that Ecologically Sustainable Development is being achieved by achieving a minimum 5 Star Green Star rating in accordance with the Green Star Design & As Built v1.3 (Green Building Council of Australia) and minimum 5 star rating under NABERs Energy Base Building. Details demonstrating compliance with this condition must be submitted to the Certifying Authority.

INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

- B27. The Applicant shall submit to the satisfaction of the Certifier evidence demonstrating:
 - (a) All toilets installed must be of water efficient dual-flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS)
 - (b) All taps and shower heads installed must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS)
 - (c) New urinal suites, urinals and urinal flushing control mechanisms may use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS)
 - (d) Systems must include “smart controls” to reduce unnecessary flushing. Continuous flushing systems are not approved.

CONSTRUCTION PARKING

- B28. Prior to the commencement of construction, the Applicant must submit to the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

FIRE AND RESCUE CONSULTATION

- B29. The Applicant must consult with Fire and Rescue NSW by way of the Fire Engineering Brief Questionnaire (FEBQ) process should the fire engineering design be reliant upon performance solutions to achieve compliance with the performance requirements of the National Construction Code (NCC).

MECHANICAL PLANT NOISE MITIGATION

- B30. The Applicant shall submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant on the relevant construction drawings and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.

ACCESS AND SANITARY FACILITIES FOR PEOPLE WITH DISABILITIES

- B31. The Applicant must submit to the satisfaction of the Certifier details prepared by a suitability qualified professional demonstrating that the building has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the BCA.

SYDNEY WATER ASSETS

- B32. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation. The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water’s wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

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

BICYCLE PARKING AND FACILITIES

- B33. A minimum of 21 on-site bicycle parking and 7 visitor bicycle parking spaces shall be provided.

- B34. Minimum end of trip facilities are as follows:
- (a) 30 personal lockers; and
 - (b) 6 showers.
- B35. The layout, design and security of bicycle facilities must comply with the minimum requirements of *Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities*.
- B36. Bicycle parking and associated end of trip facilities shall be provided and designed in accordance with the details provided within the application. Details shall be submitted to the satisfaction of the Certifier prior to the commencement of works.

PRE-CONSTRUCTION DILAPIDATION REPORTS

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

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- B40. Prior to the commencement of any works, the Applicant shall:
- (a) amend, or prepare an addendum to, the Construction Pedestrian and Traffic Management Plan (CPTMP) applicable to the CSSI approval (CSSI 7400) to apply to the development. The amended CPTMP must be prepared in consultation with the Sydney Coordination Office within TfNSW, and submitted to the Planning Secretary and Certifier; or
 - (b) Prepare a final CPTMP in consultation with the Sydney Coordination Office within TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:
 - (i) a description of the development
 - (ii) location of any proposed work zone(s)
 - (iii) details of crane arrangements including location of any crane(s) and crane movement plan
 - (iv) haulage routes
 - (v) proposed construction hours
 - (vi) predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods
 - (vii) construction vehicle access arrangements
 - (viii) construction program and construction methodology, including any construction staging
 - (ix) a detailed plan of any proposed hoarding and/or scaffolding
 - (x) measures to avoid construction worker vehicle movements within the precinct
 - (xi) consultation strategy for liaison with surrounding stakeholders, including other developments under construction and Sydney Metro City and Southwest
 - (xii) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures should be clearly identified and included in the CPTMP; and
 - (xiii) identify the cumulative construction activities of the development and other projects within or around the development site, including the Sydney Metro City and Southwest and private development. Proposed measures to minimise the cumulative impacts on the surrounding road network should be clearly identified and included in the CPTMP.

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

B41. The Applicant shall:

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

B42. In the event of any inconsistency between the consent and the CFEMP, the consent shall prevail.

B43. The CFEMP and any associated Sub-Plans should be revised:

- (a) at each key stage of the works
- (b) in response to future development consents
- (c) in response to major changes in site conditions or work methods; and
- (d) in support of licence variations as necessary.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

B44. The Applicant shall:

- (a) amend, or prepare an addendum to, the Construction Noise and Vibration Management Sub-Plan (CNVMP) applicable to the CSSI approval (CSSI 7400) to apply to the development. The amended CNVMP must be submitted to the Planning Secretary and Certifier, or
- (b) prepare and implement a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development, independent of the CNVMP approved with the CSSI station works. A copy of the CNVMP must be submitted to the Planning Secretary and Certifier. The Sub-Plan must include:
 - (i) identification of the specific activities that will be carried out and associated noise sources at the premises
 - (ii) identification of all potentially affected sensitive residential receiver locations
 - (iii) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS

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

AIR QUALITY MANAGEMENT SUB-PLAN

B45. The Applicant shall:

- (a) amend, or prepare an addendum to, the Air Quality Management Sub-Plan (AQMP) applicable to the CSSI station works (CSSI 7400) to apply to the development. The amended ~~CNVMP~~ **AQMP** must be submitted to the Planning Secretary and Certifier, or
- (b) prepare an Air Quality Management Sub-Plan (AQMP) for the development, independent of the AQMP approved with the CSSI station works. A copy of the AQMP must be submitted to the Planning Secretary and Certifying Authority. The Sub-Plan must include, as a minimum, the following elements:
 - (i) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods)
 - (ii) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour)
 - (iii) mission statement
 - (iv) dust and VOCs/odour management strategies consisting of:
 - objectives and targets
 - risk assessment
 - suppression improvement plan.
 - (v) monitoring requirements including assigning responsibility (for all employees and contractors)
 - (vi) communication strategy; and
 - (vii) system and performance review for continuous improvements.

B46. The Sub-Plan must detail management practices to be implemented for all dust and VOC/odour sources at the site. The Sub-Plan must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (e.g. frequency, duration and method of monitoring) to be undertaken for the project.

B47. The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

B48. The Applicant shall:

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

STORMWATER MANAGEMENT SYSTEM

- B49. Prior to the issue of Crown Building Work Certificate, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s)
 - (b) be generally in accordance with the conceptual design in the EIS
 - (c) be in accordance with applicable Australian Standards; and
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

COMPLIANCE

- B50. 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.

COMMUNITY COMMUNICATION STRATEGY

- B51. Prior to the commencement of works, the Applicant must either:
- (a) amend, or prepare an addendum to, the Community Consultation Strategy (CCS) applicable to the CSSI approval (CSSI 7400) to apply to the development; or
 - (b) prepare a CCS for the development, independent of the CCS applicable to the CSSI approval, to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction. The CCS for the development must:
 - (i) identify people to be consulted during the design and construction phases
 - (ii) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development
 - (iii) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development
 - (iv) set out procedures and mechanisms:
 - through which the community can discuss or provide feedback to the Applicant
 - through which the Applicant will respond to enquiries or feedback from the community; and
 - to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

- B52. The CCS must be submitted to the Planning Secretary for approval no later than one month before the commencement of construction.
- B53. Construction must not commence until the CCS has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.
- B54. The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

COMMUNITY CONSULTATIVE COMMITTEE

- B55. Unless the CCS applicable to the CSSI approval (CSSI 7400) has been amended or augmented in accordance with this consent, prior to the commencement of works, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects*. The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so for the duration of construction and for at least six months following the completion of construction.

Notes:

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

BARRICADE PERMIT

- B56. Where construction/building works require the use of a public place including a road or footpath, relevant approval under section 138 of the *Roads Act 1993* if required, such as a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

HOARDING

- B57. Unless already carried out under CSSI 7400 for the relevant street frontages and duration of the development, a separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- (a) architectural, construction and structural details of the design as well as any proposed artwork
 - (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.
- B58. Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

AIRSPACE PROTECTION

- B59. The Applicant must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSYY-CA-146.
- B60. Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any construction equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.

PUBLIC LIABILITY INSURANCE

- B61. Prior to the commencement of any earthwork or construction over, on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to Council.

BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE

- B62. The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions; or
 - (b) formulating an alternative solution which:
 - (i) complies with the performance requirements; or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - (iii) a combination of (a) and (b).

CONTAMINATION AND HAZARDOUS MATERIAL

- B63. The Applicant shall:
- (a) amend, or prepare an addendum to, the Unexpected Contaminated Land and Asbestos Finds Procedure (UCLAFP) applicable to the CSSI station works (CSSI 7400) to apply to the development. The amended UCLAFP must be submitted to the Planning Secretary and Certifier, or
 - (b) an Unexpected Contaminated Land and Asbestos Finds Procedure must be prepared before the commencement of any demolition / construction works and must be followed should unexpected contaminated land or asbestos be excavated or otherwise discovered during construction. The Unexpected Contaminated Land and Asbestos Finds Procedure must outline the steps to be undertaken to identify, report and manage any signs of potential environmental concern encountered during earthworks/redevelopment works.
- B64. A hazardous building materials survey must be conducted on the buildings prior to the commencement of any demolition/construction works on site.
- B65. [Prior to the commencement of works, the relevant recommendations detailed in the Preliminary Site \(Contamination\) Investigation, prepared by Douglas Partners, dated ~~21 December 2018~~ 28 February 2018 must be implemented.](#)

EROSION AND SEDIMENT CONTROL

- B66. Soil erosion and sediment control measures shall be designed in accordance with the document Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom. Details are to be included in the **CEMP** outlined in **Condition B41**.

STORAGE AND HANDLING OF WASTE

- B67. The building plans and specifications accompanying the relevant plans submitted to the Certifier prior to the commencement of works shall demonstrate that an appropriate area will be provided within the site for storage of garbage bins and recycling containers and all waste and recyclable materials generated by the approved development.

REQUIREMENTS OF PUBLIC AUTHORITIES

- B68. The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposal. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

FLOOD PLANNING LEVELS

- B69. Prior to commencement of works details must be submitted to the certifying authority demonstrating that the development will comply with the flood planning levels within the Flood and Stormwater Assessment prepared by CNDC, dated April 2021.

SYDNEY WATER NOTICE OF REQUIREMENTS

- B70. An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to the issue of the relevant Crown Building Works Certificate.

STORMWATER DESIGN

- B71. Final design plans for the stormwater drainage systems prepared by a qualified practicing professional and in accordance with the requirements of Council shall be submitted to the Certifier prior to the commencement of works.
- B72. The stormwater system must be designed in accordance with the recommendations detailed in Flood and Stormwater Assessment prepared by CNDC, dated April 2021.

ACCESS TO INFORMATION

- B73. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in **condition A2** of this consent
 - (ii) all current statutory approvals for the development
 - (iii) all approved strategies, plans and programs required under the conditions of this consent
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs
 - (vi) a summary of the current stage and progress of the development
 - (vii) contact details to enquire about the development or to make a complaint
 - (viii) a complaints register, updated monthly
 - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

OUTDOOR LIGHTING

- B74. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifying Authority that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

COMPLIANCE REPORTING

- B75. A Pre-Construction Compliance Report must be prepared for the development and submitted to the Certifier for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction.
- B76. The Pre-Construction Compliance Report must include:
- (a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
 - (b) the expected commencement date for construction.
- B77. Construction Compliance Reports must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, or within another timeframe agreed to with the Planning Secretary, for the duration of construction. The Construction Certificate Reports must provide details on the compliance performance of the development for the preceding six months, and must be submitted within one month following the end of each six months for the duration of construction of the development, or such other timeframe agreed to with the Planning Secretary.
- B78. The Construction Compliance Reports must include:
- (a) a results summary and analysis of environmental monitoring
 - (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints
 - (c) details of any review of the CEMP and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period
 - (d) a register of any modifications undertaken and their status
 - (e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit
 - (f) a summary of all incidents notified in accordance with this consent; and
 - (g) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.
- B79. Prior to the issue of any Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of any applicable Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>.

UTILITIES AND SERVICES

- B80. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- B81. 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.

PART C DURING CONSTRUCTION

APPROVED PLANS TO BE ON-SITE

- C1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

SITE NOTICE

- C2. A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size
 - (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period
 - (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

HOURS OF CONSTRUCTION

- C3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7 am and 6 pm, Mondays to Fridays inclusive; and
 - (b) between 8 am and 1 pm, Saturdays.
- C4. No work may be carried out on Sundays or public holidays.
- C5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- C6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C7. Rock breaking, rock hammering, sheet piling, pile driving, and similar high noise and/or annoying activities as defined in the Interim Construction Noise Guidelines, must be carried out in accordance with the hours agreed to in CSSI-7400. Under CSSI-7400, the following respite hours have been agreed within the community following appropriate consultation in relation to high impact works:
- (a) Monday to Friday: high noise activities between 8-11am, 12-3pm and 4-6pm. Respite periods would be before 8am and between 11am-12pm, 3-4pm.
 - (b) Saturday: high noise activities would be limited to 8-11am

SAFEWORK REQUIREMENTS

- C8. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

IMPLEMENTATION OF MANAGEMENT PLANS

- C9. The Applicant shall ensure that the requirements of the Construction Environmental Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan and Construction Waste Management Plan required by Part B of this consent are implemented during construction.

CONSTRUCTION NOISE LIMITS

- C10. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.
- C11. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.

- C12. 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.
- C13. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at the sensitive receiver must only be undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than one hour respite between ceasing and recommencing any of the work the subject of this condition.
- C14. 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.

VIBRATION CRITERIA

- C15. Vibration caused by construction at any residence or structure outside the Site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999)
 - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time)
 - (c) vibratory compactors must not be used closer than 30 metres from residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above; and
 - (d) these limits apply unless otherwise outlined in the amended CNVMP applicable to the CSSI approval (CSSI 7400) or the project specific CNVMP required by the conditions of this consent.

AIR QUALITY

- C16. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C17. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering
 - (b) all trucks entering or leaving the site with loads have their loads covered
 - (c) trucks associated with the development do not track dirt onto the public road network
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

CONSTRUCTION TRAFFIC

- C18. 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

- C19. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

NO OBSTRUCTION OF PUBLIC WAY

- C20. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

CONTACT TELEPHONE NUMBER

- C21. 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

- C22. 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

- C23. 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.

WASTE MANAGEMENT

C24. The Applicant must ensure that:

- (a) construction waste should be managed generally in accordance with the EPA's brochure entitled "Know your responsibilities: managing waste from construction sites" and the EPA's *Waste Classification Guidelines Part 1*
- (b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste
- (c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour
- (d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises
- (e) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises; and
- (f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of Sydney Harbour.

DUST CONTROL MEASURES

C25. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

- (a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions
- (b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- (c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour
- (d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- (e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material
- (f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- (g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- (h) cleaning of footpaths and roadways shall be carried out regularly.

DAMAGE TO THE PUBLIC WAY

C26. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

DISPOSAL OF SEEPAGE AND STORMWATER

C27. Any seepage or rainwater collected on-site during construction shall be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

BUNDING

C28. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements (if active) and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

OPERATION OF PLANT AND EQUIPMENT

C29. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

LOADING AND UNLOADING DURING CONSTRUCTION

C30. The following requirements apply:

- (a) all loading and unloading associated with construction must be consistent with the approved CPTMP, and

- (b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant road authority at least 8 weeks prior to commencement of works on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

DEMOLITION AND CONSTRUCTION VEHICLES

- C31. All demolition and construction vehicles must be wholly maintained within the site consistent with the approved CPTMP.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

PROTECTION OF PUBLIC INFRASTRUCTURE

- D1. 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.

GFA AND BUILDING HEIGHT CERTIFICATION

- D2. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the commencement of use

EXTERNAL WALLS AND CLADDING FLAMMABILITY

- D3. Prior to the commencement of use, evidence shall be submitted to the Certifier demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of **Condition B16**.

OPERATIONAL NOISE AND VIBRATION MANAGEMENT PLAN

- D4. Within six months of the date of this consent, an **Operational Noise and Vibration Management Plan (ONVMP)** prepared by a suitably qualified person shall be submitted to and approved by the Planning Secretary. The **ONVMP** must be prepared in consultation with Council and the EPA. The **ONVMP** shall include (but not be limited to):
- (a) be prepared in accordance with the EPA's Noise Policy for Industry
 - (b) identify nearby sensitive receivers and land uses
 - (c) identify the noise limits applying to the development
 - (d) identify all key sources of operational noise and vibration
 - (e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise noise and vibration
 - (f) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the Crows Nest Site C Over Station Development Noise and Vibration Impact Assessment prepared by CNDC, dated September 2021
 - (g) address community consultation and complaint management; and
 - (h) include a suitable proactive noise and vibration monitoring program which aims to ensure the noise and vibration criteria in this approval are not exceeded.

A copy of the approved **ONVMP** must be submitted to Council.

FIRE SAFETY

- D5. Prior to occupation or commencement of the use, a **Fire Safety Certificate** shall 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 be prominently displayed in the building.
- D6. The Applicant is to prepare a Fire Engineering Report (FER). A copy of the FER is to be submitted to Fire and Rescue NSW for review and comment.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- D7. At the completion of the works, evidence shall be submitted to the Certifier demonstrating compliance with the recommendations and principles highlighted within the EIS (see **Conditions B25 & 26**).

WASTE AND RECYCLING COLLECTION

- D8. Prior to the occupation or commencement of the use, the Applicant must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.

STRUCTURAL INSPECTION CERTIFICATE

- D9. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the Certifier and the Planning Secretary at completion of works. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall 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.

WATER AUTHORITY COMPLIANCE

- D10. If required, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifier prior to the commencement of use.

MECHANICAL VENTILATION

- D11. At the completion of works, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the Certifier, at the completion of works, that the installation and performance of the mechanical systems complies with:
- (a) the BCA
 - (b) *Australian Standard AS1668* and other relevant codes
 - (c) the development consent and any relevant modifications; and,
 - (d) any dispensation granted by the New South Wales Fire Brigade.

PUBLIC SANITARY FACILITIES

- D12. Prior to the commencement of use, details must be provided to the Certifier demonstrating that the public sanitary facilities comply with the relevant provisions of the BCA and that the facilities for disabled persons complies with Section F2.4 of the BCA as required by the conditions of this consent.

COMPLIANCE REPORT

- D13. At the completion of works, the Applicant, or any party acting upon this approval, shall submit to the Certifier a report addressing compliance with all relevant conditions of this Part.

POST CONSTRUCTION DILAPIDATION REPORT

- D14. Prior to occupation or commencement of the use:
- (a) the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report. This report must ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads and;
 - (b) the report is to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, 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. A copy of this report is to be forwarded to the Certifier, the Planning Secretary and each of the affected property owners.

GREEN TRAVEL PLAN

- D15. Prior to the commencement of use, the Applicant must update the existing Green Travel Plan in consultation with TfNSW.

PART E POST OCCUPATION

ANNUAL FIRE SAFETY CERTIFICATE

- E1. An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

LOADING/UNLOADING AND BICYCLE ACCESS

- E2. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the relevant plan and information approved under this consent
 - (b) within the confines of the site, at all times and must not obstruct other properties or the public way
 - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
 - (d) within the signposted loading space at all times.
- E3. The service vehicle docks, car parking space and access driveways must be kept clear of goods at all times and must not be used for storage purposes, including garbage storage.

STORAGE AND HANDLING OF WASTE

- E4. All waste collection services must be undertaken in accordance with this consent.
- E5. No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.
- E6. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
- E7. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

- E8. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
- E9. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
- E10. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

- E11. The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

OPERATION OF PLANT AND EQUIPMENT

- E12. All plant and equipment used in the development, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

NO OBSTRUCTION OF THE PUBLIC WAY

- E13. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

WASTE MANAGEMENT

- E14. Waste Management shall be undertaken in accordance with the Waste Management Plan, prepared by CNDG, dated April 2021.

SANITARY FACILITIES FOR DISABLED PERSONS

- E15. Details must be provided to the Certifier demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and the conditions of this consent.

BUILDING PLAN APPROVAL

A copy of all Certificates must be provided to the Planning Secretary within 30 days of issue.

ADVISORY NOTES

APPEALS

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

OTHER APPROVALS AND PERMITS

AN2. The Applicant must apply to the relevant authority for all necessary permits required to carry out the works authorised (and comply with) this consent, including but not limited to crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

TEMPORARY STRUCTURES

AN4. An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the NCC.

AN5. Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

DISABILITY DISCRIMINATION ACT

AN6. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

AN7. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN8. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN9. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Agriculture, Water and Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

AN10. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works can affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

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

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au 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 this consent 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.