

# 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: 2 February 2024

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

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

**SCHEDULE 1**

**Application Number:** SSD 33258337

**Applicant:** TOGA Central Development Pty Ltd

**Consent Authority:** Minister for Planning and Public Spaces

**Site:** 2 & 8A Lee Street, Haymarket  
Lot 30 DP 880518, Lots 198 DP1266948, part Lots 12 and 14 DP 1062447

**Development:** TOGA Central development including:

- site establishment and infrastructure works;
- partial demolition, reconstruction, retention and adaptive reuse of the former Parcels Post Office building (fPPb);
- construction of a 45 storey tower (RL 201.28) and basement levels for tourist, visitor, office and retail accommodation;
- parking for cars, motorcycles, service vehicles and bicycles; and
- provision of a new Henry Deane Plaza, associated public domain and hard and soft landscaping.

**SUMMARY OF MODIFICATIONS**

<b>Application Number</b>	<b>Determination Date</b>	<b>Decider</b>	<b>Modification Description</b>
SSD-33258337 MOD 1	17 May 2024	Team Leader	Corrections to errors and misdescriptions

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i> .
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i> .
<b>Accredited Certifier</b>	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.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent.
<b>Applicant</b>	TOGA Central Development Pty Ltd or any other person carrying out any development to which this consent applies.
<b>BCA</b>	Building Code of Australia.
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i> .
<b>CBDR</b>	CBD Rail Link.
<b>CEMP</b>	Construction Environmental Management Plan.
<b>Certified Contaminated Land Consultant</b>	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.
<b>Certifier</b>	Means a council or accredited certifier.
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website.
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document.
<b>Construction / building work</b>	<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"> <li>• demolition and dismantling activity;</li> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• Archaeological Salvage;</li> <li>• establishing any temporary site offices;</li> <li>• hazmat removal</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities, including service isolations.</li> </ul>
<b>Council</b>	City of Sydney Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays.
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site.
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure
<b>DES</b>	Design Excellence Strategy Block C, Western Gateway Sub-Precinct, prepared by Urbis and submitted at Appendix I of the EIS
<b>Development</b>	The development described in the EIS, RtS, SRtS and RRFI, including the works, as modified by the conditions of this consent.
<b>DIP</b>	Design Integrity Panel.
<b>DPE Water</b>	Department of Planning, Industry and Environment, Water
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services.
<b>EHG</b>	Environment and Heritage Group
<b>EIS</b>	The Environmental Impact Statement titled ' <i>Environmental Impact Statement TOGA Central 2-8A Lee Street, Haymarket</i> ', prepared by Urbis Pty Ltd dated 1 August 2022, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
<b>ENM</b>	Excavated Natural Material.

<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.
<b>EPA</b>	NSW Environment Protection Authority.
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979.</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000.</i>
<b>Evening</b>	The period from 6pm to 10pm.
<b>fPPb</b>	Former Parcels Post Office building
<b>Feasible</b>	Means what is possible and practical in the circumstances.
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement.
<b>Heritage NSW</b>	Heritage NSW, Department of Premier and Cabinet
<b>Heritage Item</b>	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.
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent.</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website.
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act.
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate).
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring.
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act.
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays.
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent.
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee.
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997.</i>
<b>Publicly accessible managed space</b>	Publicly accessible space within the Western Gateway Sub-Precinct that is owned and managed by either Transport for NSW or the relevant leaseholder and is located either on the upper ground or lower ground levels in the sub-precinct. This includes all publicly accessible space within the site that will not be dedicated to Council.
<b>Public domain</b>	Landscaped areas that is owned or will be dedicated to the City of Sydney Council. The Public Domain does not include any landscaped areas that are not intended to be dedicated to Council.
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW).

<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions</b>	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.
<b>RtS</b>	The Applicant's response to submissions report titled ' <i>Submissions Report TOGA Central</i> ', prepared by Urbis Pty Ltd and dated 20 December 2022.
<b>RRFI</b>	The Applicant's additional information prepared by Urbis Pty Ltd and titled: <ul style="list-style-type: none"> <li>• '<i>Response to May and June RFI - TOGA Central - SSD-33258337</i>', dated 29/08/2023</li> <li>• '<i>Response to September RFI - TOGA Central - SSD-33258337</i>', dated 18/09/2023</li> </ul>
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1 OR describe the site in detail.
<b>SRtS</b>	The Applicant's supplementary RtS, titled ' <i>Response to RFI – TOGA Central – SSD 33258337</i> ' prepared by Urbis Pty Ltd and dated 9 May 2023.
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i> .
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i> .
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i> .
<b>TfNSW</b>	Transport for New South Wales.
<b>VENM</b>	Virgin Excavated Natural Material.
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act.
<b>Work(s)</b>	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.
<b>Year</b>	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, SRtS and RRFI;
  - (d) in accordance with the approved plans in the table below (except where amended by the conditions of consent):

<b>Architectural plans prepared by <i>Bates Smart Architects</i></b>			
<b>Plan No:</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
BSMART-AR-DAD-00000000	[5]	Cover Shree and Drawing Register	26.07.23
BSMART-AR-DAD-01GR1000	[5]	Site Plan Lower Ground Level	26.07.23
BSMART-AR-DAD-01GR2000	[5]	Site Plan Ground Level	26.07.23
BSMART-AR-DAD-01002000	[5]	Context Plan (Proposed)	26.07.23
BSMART-AR-DAD-10B01000	[4]	General Arrangement Plan Basement Level 01	14.04.23
BSMART-AR-DAD-10B02000	[4]	General Arrangement Plan Basement Level 02	14.04.23
BSMART-AR-DAD-10B03000	[4]	General Arrangement Plan Basement Level 03	14.04.23
BSMART-AR-DAD-10B04000	[4]	General Arrangement Plan Basement Level 04	14.04.23
BSMART-AR-DAD-10GR0000	[5]	General Arrangement Plan Lower Ground Level	26.07.23
BSMART-AR-DAD-10GR1000	[5]	General Arrangement Plan Ground Level	26.07.23
BSMART-AR-DAD-10L02000	[5]	General Arrangement Plan Level 02	26.07.23
BSMART-AR-DAD-10L03000	[5]	General Arrangement Plan Level 03	26.07.23
BSMART-AR-DAD-10L04000	[5]	General Arrangement Plan Level 04	26.07.23
BSMART-AR-DAD-10L05000	[5]	General Arrangement Plan Level 05	26.07.23
BSMART-AR-DAD-10L06000	[5]	General Arrangement Plan Level 06	26.07.23
BSMART-AR-DAD-10L07000	[4]	General Arrangement Plan Level 07	14.04.23
BSMART-AR-DAD-10L08000	[4]	General Arrangement Plan Level 08 (Plant)	14.04.23
BSMART-AR-DAD-10L09000	[4]	General Arrangement Plan Level 09 (Plant)	14.04.23
BSMART-AR-DAD-10L10000	[4]	General Arrangement Plan Level 10-15	14.04.23
BSMART-AR-DAD-10L16000	[4]	General Arrangement Plan Level 16-17	14.04.23
BSMART-AR-DAD-10L18000	[4]	General Arrangement Plan Level 18-19	14.04.23
BSMART-AR-DAD-10L20000	[4]	General Arrangement Plan Level 20 (Plant)	14.04.23
BSMART-AR-DAD-10L21000	[4]	General Arrangement Plan Level 21	14.04.23
BSMART-AR-DAD-10L22000	[4]	General Arrangement Plan Level 22	14.04.23
BSMART-AR-DAD-10L23000	[4]	General Arrangement Plan Level 23-44	14.04.23
BSMART-AR-DAD-10L45000	[4]	General Arrangement Plan Level 45 (Plant)	14.04.23
BSMART-AR-DAD-10L46000	[4]	General Arrangement Plan Level 45 (Plant) Upper	14.04.23
BSMART-AR-DAD-10L47000	[4]	General Arrangement Plan Roof Level	14.04.23
BSMART-AR-DAD-11B01000	[3]	Demolition Plan Basement Level 01	13.12.22
BSMART-AR-DAD-11GR0000	[3]	Demolition Plan Lower Ground Level	13.12.22

## CONSOLIDATED CONSENT

BSMART-AR-DAD-11GR1000	[3]	Demolition Plan Ground Level	13.12.22
BSMART-AR-DAD-11L02000	[3]	Demolition Plan Level 02	13.12.22
BSMART-AR-DAD-11L03000	[3]	Demolition Plan Level 03	13.12.22
BSMART-AR-DAD-11L04000	[3]	Demolition Plan Level 04	13.12.22
BSMART-AR-DAD-11L05000	[3]	Demolition Plan Level 05	13.12.22
BSMART-AR-DAD-11L06000	[3]	Demolition Plan Level 06	13.12.22
BSMART-AR-DAD-11L07000	[3]	Demolition Plan Level 07	13.12.22
BSMART-AR-DAD-20001000	[3]	General Arrangement Elevation North	13.12.22
BSMART-AR-DAD-20002000	[5]	General Arrangement Elevation South	26.07.23
BSMART-AR-DAD-20003000	[3]	General Arrangement Elevation East	13.12.22
BSMART-AR-DAD-20004000	[3]	General Arrangement Elevation West	13.12.22
BSMART-AR-DAD-30001000	[5]	General Arrangement Section A	26.07.23
BSMART-AR-DAD-30002000	[3]	General Arrangement Section B	13.12.22
BSMART-AR-DAD-30003000	[3]	General Arrangement Section C	13.12.22
BSMART-AR-DAD-30004000	[3]	General Arrangement Section D	13.12.22
BSMART-AR-DAD-44001000	[1]	Typical Hotel Facade	01.07.2022
BSMART-AR-DAD-44002000	[1]	Typical Commercial Facade	01.07.2022
BSMART-AR-DAD-44003000	[1]	Typical Pool Façade	01.07.2022
BSMART-AR-DAD-70B01000	[3]	Area Plans Basement Level 01	13.12.22
BSMART-AR-DAD-70B02000	[3]	Area Plans Basement Level 02	13.12.22
BSMART-AR-DAD-70B03000	[3]	Area Plans Basement Level 03	13.12.22
BSMART-AR-DAD-70B04000	[3]	Area Plans Basement Level 04	13.12.22
BSMART-AR-DAD-70GR0000	[3]	Area Plans Lower Ground Level	13.12.22
BSMART-AR-DAD-70GR1000	[3]	Area Plans Ground Level	13.12.22
BSMART-AR-DAD-70L02000	[3]	Area Plans Level 02	13.12.22
BSMART-AR-DAD-70L03000	[3]	Area Plans Level 03	13.12.22
BSMART-AR-DAD-70L04000	[3]	Area Plans Level 04	13.12.22
BSMART-AR-DAD-70L05000	[3]	Area Plans Level 05	13.12.22
BSMART-AR-DAD-70L06000	[3]	Area Plans Level 06	13.12.22
BSMART-AR-DAD-70L07000	[3]	Area Plans Level 07	13.12.22
BSMART-AR-DAD-70L08000	[3]	Area Plans Level 08 (Plant)	13.12.22
BSMART-AR-DAD-70L09000	[3]	Area Plans Level 09 (Plant)	13.12.22
BSMART-AR-DAD-70L10000	[3]	Area Plans Level 10-19	13.12.22
BSMART-AR-DAD-70L20000	[3]	Area Plans Level 20 (Plant)	13.12.22
BSMART-AR-DAD-70L21000	[3]	Area Plans Level 21	13.12.22
BSMART-AR-DAD-70L22000	[3]	Area Plans Level 22	13.12.22
BSMART-AR-DAD-70L23000	[3]	Area Plans Level 23-44	13.12.22
BSMART-AR-DAD-70L45000	[3]	Area Plans Level 45 (Plant)	13.12.22
BSMART-AR-DAD-70L46000	[3]	Area Plans Level 46 (Plant) Upper	13.12.22
BSMART-AR-DAD-70L47000	[3]	Area Plans Roof	13.12.22
BSMART-AR-DAD-70001000	[3]	Area Plans Public Areas	13.12.22
BSMART-AR-SCH-03000000[3]	[3]	Area Schedule	13/12/2022
<b>Landscape plans prepared by Arcadia Landscape Architecture</b>			
Plan No.	Issue	Name of Plan	Date
ARCADIA-LA-DAD-0000000	I	COVER SHEET	18.08.2023
ARCADIA-LA-DAD-01B1000	I	LANDSCAPE PLAN KEY PLAN - RL 16	18.08.2023



## CONSOLIDATED CONSENT

ARCADIA-LA-DAD-0100000	I	LANDSCAPE KEY PLAN RL 21	18.08.2023
ARCADIA-LA-SCH-0300000	I	LANDSCAPE PLANTING SCHEDULE	18.08.2023
ARCADIA-LA-DAD-0400000	I	LANDSCAPE SPECIFICATION	18.08.2023
ARCADIA-LA-DAD-1000000	I	LANDSCAPE PLAN - RL 16	18.08.2023
ARCADIA-LA-DAD-1000100	I	LANDSCAPE PLAN - RL21	18.08.2023
ARCADIA-LA-DAD-40B1001	I	LANDSCAPE DETAILED PLAN - RL16	18.08.2023
ARCADIA-LA-DAD-10B1002	I	LANDSCAPE DETAILED PLAN - RL16	18.08.2023
ARCADIA-LA-DAD-10B1003	I	LANDSCAPE DETAILED PLAN - RL16	18.08.2023
ARCADIA-LA-DAD-4000101	I	LANDSCAPE DETAILED PLAN - RL21	18.08.2023
ARCADIA-LA-DAD-4000102	I	LANDSCAPE DETAILED PLAN - RL21	18.08.2023
ARCADIA-LA-DAD-4000103	I	LANDSCAPE DETAILED PLAN - RL21	18.08.2023
ARCADIA-LA-DAD-4000104	I	LANDSCAPE DETAILED PLAN - RL21	18.08.2023
ARCADIA-LA-DAD-5700001	I	LANDSCAPE DETAILS	18.08.2023
ARCADIA-LA-DAD-5700002	I	LANDSCAPE DETAILS	18.08.2023
ARCADIA-LA-DAD-5700003	I	LANDSCAPE DETAILS	18.08.2023
ARCADIA-LA-DAD-5700004	I	LANDSCAPE DETAILS	18.08.2023
ARCADIA-LA-DAD-5700005	I	LANDSCAPE DETAILS	18.08.2023
ARCADIA-LA-DAD-5700006	I	LANDSCAPE DETAILS	18.08.2023
ARCADIA-LA-DAD-5700007	I	LANDSCAPE DETAILS	18.08.2023
<b>Civil plans prepared by Northrop</b>			
Plan No.	Rev	Name of Plan	Date
CI-DAD-00-000	02	COVER SHEET, DRAWING SCHEDULE AND LOCALITY PLAN	14.12.22
CI-DAD-13-B04-001	02	SEDIMENT AND SOIL EROSION CONTROL PLAN - BASEMENT LEVEL 4	14.12.22
CI-DAD-14-001	02	BULK EARTHWORKS PLAN	14.12.22
CI-DAD-15-B01-001	03	SITEWORKS AND STORMWATER MANAGEMENT PLAN - BASEMENT LEVEL 1	14.12.22
CI-DAD-15-GF0-002	03	SITEWORKS AND STORMWATER MANAGEMENT PLAN - LOWER GROUND LEVEL	14.12.22
CI-DAD-15-GF1-003	03	SITEWORKS AND STORMWATER MANAGEMENT PLAN - GROUND LEVEL	14.12.22
CI-DAD-18-001	02	WSUD CATCHMENT PLAN	14.12.22
CI-DAD-50-001	01	STORMWATERS DETAILS	01.07.22
CI-DAD-51-001	01	SEDIMENT AND SOIL EROSION CONTROL DETAILS	01.07.22

- A3. The Applicant must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the SSD;
  - (b) any document or correspondence in relation to the SSD;
  - (c) any notification given to the Planning Secretary under the terms of this approval;
  - (d) any audit of the construction or operation of the SSD;
  - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
  - (f) the carrying out of any additional monitoring or mitigation measures; and
  - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.



## CONSOLIDATED CONSENT

- 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. 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.

### 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:

- (a) fit-out of commercial premises
- (b) fit-out and operation of the hotel, wellness centre and ancillary uses, retail and the Level 7 roof terrace;
- (c) any outdoor dining areas;
- (d) any signage or signage zones;
- (e) subdivision or stratum subdivision; and
- (f) external flood-lighting or illumination of the building(s).

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	
	Non-Heritage Components	Heritage fPPb Components
CC1	Demolition, excavation and shoring, site infrastructure services	Soft strip of hotel finishes, interior fabric investigative works and survey, removal of hazardous material, temporary propping and bracing and fPPb demolition works
CC2	Tower and basement structure	N/A
CC3	Structural slab supporting Henry Deane Plaza	Structural infills, make-good of interfaces between the fPPB and tower structures, structural remediation works to the fPPB and heritage roof structure and bridge connection at Level 6
CC4	Facades	New façade works interfacing with the existing fPPB (but not including restoration of the existing heritage façade)
CC5	Services	Services within fPPb
CC6	Interiors, finishes and landscaping	Internal and external conservation heritage works and base building internal finishes within the fPPB

### 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 *'Design Excellence Strategy Block C, Western Gateway Sub-Precinct'*, prepared by Urbis and submitted at Appendix I of the EIS (the DES).
- A9. The established Design Integrity Panel (DIP) outlined in the DES 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) in response to the requirements of **Conditions C1, C2, C5, C7 and C36**;
    - (ii) prior to construction;

- (iii) prior to occupation;
    - (iv) prior to the lodgement of any modification application, which modifies the design, unless the Planning Secretary has confirmed in writing that DIP review is not required;
  - (b) a design development schedule must be provided to the DIP prior to its first meeting, including details of when relevant elements of the detailed design will be available for review by the DIP. The schedule must be updated every 3 months until CC6 is issued
  - (c) the frequency of DIP meetings is to be agreed with the DIP and coordinated with the Proponent's program requirements as outlined in condition A9b), to ensure timely advice and adjustment
  - (d) 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;
  - (e) 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;
  - (f) to ensure high quality design resolution of the development, all matters identified as requiring further consideration in the DIP letter dated 19 December 2022 (including lower ground floor ceiling design and co-ordination of Henry Deane Plaza design with landowners) shall be prepared for the review and endorsement of the DIP.
  - (g) to ensure high quality design resolution of the development, all matters identified below as requiring additional considerations shall be prepared for the review and endorsement of the DIP;
    - (i) Ventilation Stacks
    - (ii) Materiality
    - (iii) Travel paths Lee St Stairs
- A10. The architectural design team comprising Bates Smart Architects (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.

### BUILDING HEIGHT AND GFA

- A11. No part of the building shall project higher than any part of the sun access plane to Prince Alfred Park, as identified in the Sydney LEP 2012.
- A12. The height of the building must not exceed RL 201.28 (AHD) to the top of the building and the GFA shall not exceed 43,000 m<sup>2</sup>.
- A13. All roof-top plant and associated equipment must be located within the approved building envelope with the exception of any necessary obstacle lighting installed as a warning to aircraft.

### 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.

### STRUCTURAL ADEQUACY

- 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 NCC.

**Note:** Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.

### OPERATION OF PLANT AND EQUIPMENT

- A19. 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

- A20. 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.
- A21. 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

- A22. 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

- A23. 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

- A24. 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.
- A25. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

### NON-COMPLIANCE NOTIFICATION

- A26. 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.
- A27. 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.
- A28. 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

A29. Within three months of:

- (a) the submission of a compliance report under **Condition A31**;
- (b) the submission of an incident report under **Condition A25**;
- (c) the submission of an Independent Audit under **Condition A35**;
- (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.

A30. 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

A31. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).

A32. 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.

A33. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.

A34. Despite 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

A35. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).

A36. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

A37. 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.

A38. 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.

A39. 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.

A40. Despite 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 WORKS ON THE HERITAGE ITEM****HERITAGE CONSULTANT**

- B1. 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.
- B2. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, evidence and details of the above commission on the above terms (**Condition B1**) are to be provided to the Planning Secretary, Heritage NSW and Council.

**DEMOLITION AND DISMANTLING OF HERITAGE FABRIC METHODOLOGY**

- B3. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, a 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 of the existing eastern façade and south-east corner of the fPPb, 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 Revision A'* prepared by Urbis dated 1 August 2022 as amended by the *'Heritage Impact Statement Revision C'* prepared by Urbis dated 13 December 2022; and
    - (ii) *'Conservation Management Plan 05'* prepared by Urbis Pty Ltd and dated 24 November 2022
  - (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 B12**);
  - (e) confirmation that all work to significant fabric, shall be carried out by suitably qualified tradespersons with practical experience in dismantling and conserving similar heritage structures, materials and construction methods;
  - (f) 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 which is listed as a Heritage Item; and
  - (g) 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.

**TEMPORARY PROTECTION PLAN**

- B4. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, a Temporary Heritage Protection Plan (THPP) is prepared by a suitably qualified and experienced heritage practitioner with input from a structural and geotechnical engineer (as required) and submitted to and approved by the Certifier. 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 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 the heritage building is 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

- B5. Prior to the commencement of any demolition or dismantling of the heritage item and or alteration of the existing buildings and structures on the site, a photographic archival recording of the fPPb 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 the Planning Secretary, Heritage NSW and Council. The record is to be 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) 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'.
  - (c) 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; and
    - (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.
- B6. As significant fabric may remain concealed and only be exposed during works, further archival recording is to be undertaken in stages, as considered appropriate by the conservation architect commissioned for the project, but must include:
- (a) prior to the removal of any significant building fabric or furnishings from the site;
  - (b) during the removal of fabric on site that exposes significant building fabric or furnishings; and
  - (c) after demolition and dismantling work has been completed on site.
- B7. The staged and final archival recordings are to be prepared according to the procedure outlined in **Condition B5(a) to (c)** and copies are to be submitted to Heritage NSW and Council.



**HERITAGE ASSET CONSTRUCTION METHODOLOGY**

- B8. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, a Heritage Asset Construction Methodology (HACM) must be prepared and submitted to and approved by Council. The HACM must:
- (a) consider the demolition of heritage fabric relating to the internal voids within the former Parcels Post building;
  - (b) include a methodology to prevent risk of damage to significant detailing of stucco of existing columns and other significant finishes adjacent to the void construction zone; and
  - (c) include mitigation measures to limit potential risk to internal columns and finishes.

**HERITAGE CONSERVATION WORKS**

- B9. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, a Schedule of Conservation Works (internal and external) to be implemented during the project is to be submitted to and approved by Council. The schedule must:
- (a) detail the conservation of all fabric identified as having a heritage significance, which is to be retained on site, including but not limited to, the following: stonework, brickwork, door and window joinery, glazing, hardware, pavements, tiling, roof plumbing, roofing and painting;
  - (b) be supported by outline specifications and methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales are to be provided where required. The details should incorporate any structural and/or building services design for the building;
  - (c) include all defective exterior fabric, reversal of unsympathetic alterations, masonry salt analysis and recommended methodology for restoration, repairs and any desalination works;
  - (d) ensure all new material for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties. Where details are reconstructed, they should accurately replicate the original;
  - (e) detail investigation of internal elements including, but not limited to, floor structure behind existing ceilings, decorative columns and basement pavement lights, and methodology of repair and restoration;
  - (f) retain and conserve the significant original fabric of the shopfronts of the south façade (such as stallboard lights, top lights and steel framing). Where the shopfronts are no longer required, the stallboard lights should be reinstated to the original detail. The easternmost bay of the southern façade should be retained as (or appear as) an entrance;
  - (g) retain and conserve early post office signage and incorporate reconstructive works recommended by the Conservation Management Plan, including interpretive reinstatement of traditional bronze swing doors, side lights and transom to western entry based on the original drawings and reconstructive works to northern and southern shopfronts;
  - (h) ensure all conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013;
  - (i) ensure 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; and
  - (j) ensure the 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.
- B10. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, a Schedule of Site Inspections at key points during construction must be submitted to and approved by Council. The schedule must:
- (a) include, but not be limited to, the following key points: after demolition, before covering significant fabric with new ceilings and floors and/or when design changes impacting significant fabric need to be implemented and required to be discussed with Council;
  - (b) allow for the conservation works to be progressively inspected by Council Heritage Specialists in accordance with approved scheduled site inspections; and
  - (c) identify the process for notifying Council where the Schedule of Site Inspections is required to be altered due to changes in the construction program.



## CONSISTENCY WITH THE CONSERVATION MANAGEMENT PLAN

- B11. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, a Conservation Management Plan Schedule (CMPS) must be submitted to and approved by Council. The CMPS must detail:
- (a) methodologies for implementation of the recommendations of the Conservation Management Plan prepared by Urbis and dated 24 November 2022; and
  - (b) how the recommendations will be undertaken and include references to relevant detailed drawings and outline specifications of works included in the schedule of conservation works.

## SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS

- B12. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, a Materials Salvage Methodology (MSM) must be prepared by a suitably qualified and experienced heritage practitioner and submitted to and approved by Council. The MSM must:
- (a) confirm stone, bricks, roof tiles joinery and decorative architectural elements to be demolished would be salvaged and identify the materials / heritage fabric for salvage; and
  - (b) confirm 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.

## PROTECTION OF PUBLIC INFRASTRUCTURE

- B13. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, 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 in accordance with **Condition B14**; and
  - (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

- B14. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, the Applicant shall submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, including (but not limited to) a photographic survey of identified properties and infrastructure, prepared by a suitably qualified person.
- B15. The Pre-Construction Dilapidation 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, all other existing infrastructure along the street and TfNSW and Sydney Trains infrastructure) 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, Council, Heritage NSW, TfNSW and Sydney Trains and each of the affected property owners for information.
- Note:** With regard to Council's public domain, the process of photographic recording of the public domain is described in the Public Domain Manual available at <https://www.cityofsydney.nsw.gov.au/>
- B16. 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.
- B17. 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.

## DEMOLITION

- B18. 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.

## ENVIRONMENTAL MANAGEMENT PLAN REQUIREMENTS

- B19. Management plans required under 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 and Council for information.

**Note:** The Environmental Management Plan Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>

## CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- B20. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, 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) any proposed closures / diversions of existing pedestrian tunnels and their duration address the following:
      - are consulted with key stakeholders and approved by TfNSW;
      - consider the 'Preliminary Construction Management Plan Issue A', prepared by TOGA and dated 1 August 2022, as amended by letter titled 'Request for Additional Information on RtS | Ref: SSD-3325337 EF21/18415' prepared by TOGA and dated 20 April 2023;
      - the instances and duration of pedestrian diversions around Central Station are minimised and as far as reasonably possible avoid peak pedestrian flows periods of the year, contained within the Western Gateway Sub-Precinct;
      - a minimum of 3 weeks' notice is provided to users of the pedestrian tunnels prior to any closure and redirection, through the display of signs on the site in prominent locations. The signs must clearly display the closure start date, predicted duration and proposed diversion route;
    - (ii) hours of work;
    - (iii) 24-hour contact details of site manager;
    - (iv) community consultation and complaint handling procedure
    - (v) traffic management
    - (vi) noise and vibration management, prepared by a suitably qualified person
    - (vii) management of dust and odour to protect the amenity of the neighbourhood
    - (viii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site
    - (ix) contamination management, including any unexpected contamination finds protocol
    - (x) waste management
    - (xi) external lighting in compliance with applicable Australian Standards
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (**Condition B22**);
  - (c) Construction Noise and Vibration Management Sub-Plan (**Condition B24**);
  - (d) Construction Waste Management Sub-Plan (**Condition B25**);
  - (e) Construction Soil and Water Management Sub-Plan (**Condition B26**);
  - (f) Flood Emergency Response (**Condition B27**);
  - (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.

- B21. The Applicant must not commence any demolition or dismantling of the heritage item and construction certificate one (CC1) must not be issued until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.

**CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN SUB-PLAN**

- B22. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, the Applicant shall submit to the satisfaction of the Certifier a Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMSP), prepared in consultation with TfNSW and Council and the final CPTMSP must be submitted to TfNSW for endorsement. 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, 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;
  - (h) details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site;
  - (i) pedestrian and traffic management measures;
  - (j) construction program and construction methodology, including any construction staging;
  - (k) a detailed plan of any proposed hoarding and/or scaffolding;
  - (l) consultation strategy for liaison with surrounding stakeholders, including other developments under construction;
  - (m) 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;
  - (n) cumulative construction impacts of projects including Sydney Metro City and South West. Existing CPTMSPs 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
  - (o) 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.
- B23. 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](mailto:development.sco@transport.nsw.gov.au)) is current during any stage of construction.

**CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN**

- B24. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development. The Sub-Plan must include:
- (a) identification of the specific activities that will be carried out and associated noise sources at the site;
  - (b) identification of all potentially affected sensitive residential receiver locations;
  - (c) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS;
  - (d) 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;
  - (e) 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;

- (f) 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;
- (g) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction including all of the recommendations and mitigation measures of the acoustic report titled '*Noise and Vibration Assessment - Issue D*', prepared by Renzo Tonin & Associates and dated 21 April 2023;
- (h) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must 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;
- (i) where night-time noise management levels cannot be satisfied, a report must 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;
- (j) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;
- (k) 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;
- (l) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
- (m) measures to monitor noise performance and respond to complaints;
- (n) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
- (o) procedures to allow for regular professional acoustic input to construction activities and planning; and
- (p) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

### CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

B25. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, the Applicant shall submit to the satisfaction of the Certifier a Construction Waste Management Sub-Plan (CWMSP). The CWMSP 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):
  - (i) a traffic plan showing transport routes within the site;
  - (ii) 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* (POEO Act); and
  - (iii) 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

B26. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, the Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSP) 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

B27. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, 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 EHG;
- (b) address the provisions of the *Floodplain Risk Management Guidelines* (EHG);
- (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.

### HERITAGE INDUCTION

B28. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, the Applicant must submit a heritage induction plan to Heritage NSW for approval. The plan must:

- (a) be prepared by the nominated heritage consultant;
- (b) be incorporated into the overall site induction plan / process for the development;
- (c) convey the history, significance and listing of the fPPb and obligations of all tradespeople working on site.

### HAZARDOUS MATERIALS SURVEY

B29. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, 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.

B30. 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 B29** must be complied with.

### SOIL AND WATER

B31. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, the Applicant must install erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP (**Condition B26**) which must remain in place throughout demolition, dismantling and construction works.

**CONSTRUCTION WORKER TRANSPORTATION**

- B32. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, 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.

**CONSTRUCTION PARKING AND TRUCK MOVEMENTS**

- B33. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, 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.
- B34. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, 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.
- B35. 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.
- B36. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, 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](mailto:development.sco@transport.nsw.gov.au)) is current during any stage of construction.

**TFNSW REQUIREMENTS DURING DEMOLITION AND DISMANTLING**

- B37. No 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.

**RODENT TREATMENT PROGRAM**

- B38. Prior to the commencement of any demolition or dismantling of the heritage item or the issue of construction certificate one (CC1), whichever is the earlier, 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 to be submitted to and endorsed by Council, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site.



**PART C PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE****INTERIM AND FINAL SCENARIO PUBLICLY ACCESSIBLE MANAGED SPACE DESIGNS**

- C1. Prior to the issue of construction certificate three (CC3), amended landscaping plans, elevations and sections for the design, layout and integration of Henry Deane Plaza and associated space(s) and public domain at the Interim and Final Scenario stages must be submitted to and approved by the Planning Secretary. The amended drawings must address the following:
- (a) be divided into two separate sets of drawings including:
    - (i) one set specific to the Interim Scenario and showing the proposed Henry Dean Plaza / landscaping relationship to the completed Atlassian development, the existing (undeveloped) Central Place Sydney site and Lee Street;
    - (ii) one set specific to the Final Scenario showing proposed Henry Dean Plaza / landscaping relationship to the completed Atlassian and Central Place Sydney developments and Lee Street;
  - (b) be prepared in consultation with TfNSW, Council and the landowners of the adjoining Atlassian and Central Place Sydney development sites;
  - (c) evidence of consultation with the DIP on amendments to the design and how their advice has been addressed;
  - (d) incorporate the required amendments to Henry Deane Plaza, associated public spaces and landscaping as required by **Conditions C2, C3, C4, C5 and C7**;
  - (e) the Interim Scenario must:
    - (i) include materials and finishes that co-ordinate / integrate Henry Deane Plaza and associated public domain with the Atlassian and Lee Street palette of materials and finishes;
    - (ii) show the interim site boundary interface with the (undeveloped) Central Place Sydney site;
    - (iii) include appropriate levels / grades of all surfaces and pathways and structures to align seamlessly with the adjoining the Atlassian development and Lee Street at the site boundaries; and
    - (iv) include management and mitigation measures to address flood and drainage impacts in the event that the proposed development is completed prior to the adjoining Central Place Sydney development;
  - (f) the Final Scenario must:
    - (i) include materials and finishes that co-ordinate / integrate Henry Deane Plaza and associated public domain with the Atlassian, Central Place Sydney and Lee Street palette of materials and finishes;
    - (ii) include appropriate levels / grades of all surfaces and pathways and structures to align seamlessly with the adjoining the Atlassian and Central Sydney Place developments and Lee Street at the site boundaries; and
    - (iii) include any amendments to the design of the Lee Street stairs down to the Lower Ground floor level and adjoining public space(s) along the shared boundary with Central Place Sydney to further integrate both sites in this location following consultation with the owners of the Central Place Sydney;

**HENRY DEANE PLAZA, ASSOCIATED PUBLICLY ACCESSIBLE MANAGED SPACE AND LANDSCAPING**

- C2. Prior to the issue of construction certificate three (CC3), amended plans, elevations and sections for the design, layout and integration of Henry Deane Plaza and associated public spaces with adjoining sites and spaces must be submitted to and approved by the Planning Secretary. The amended drawings must:
- (a) be prepared in consultation with TfNSW, Council and the landowners of the adjoining Atlassian and Central Place Sydney development sites;
  - (b) include evidence of consultation with the DIP on amendments to the design and how their advice has been addressed;
  - (c) include details drawn to scale and technical specifications, by a registered landscape architect and show the following details:
    - (i) location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure;
    - (ii) location and details of existing and proposed structures on the site including, but not limited to, paving, walls, services, furniture, shade structures, lighting and other features;



- (iii) details of earthworks and soil depths and volumes, including finished levels and any mounding;
  - (iv) 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;
  - (v) details of drainage, waterproofing and watering systems;
  - (d) include the following modifications to the Lee Street stairs up to Henry Deane Plaza:
    - (i) relocate the northern-most tree and planter at the base of the stair elsewhere within the site;
    - (ii) include an improved alignment / centring of the trees and planters in the middle of the stairs to increase the width of the pedestrian paths of travel on either side;
  - (e) provide for tree planting as follows:
    - (i) planting of a minimum of 23 native trees, including a minimum of four broad canopy trees;
    - (ii) planting of trees with a pot container of 100 litres or greater;
  - (f) relocate the street furniture in the public domain on Lee Street to avoid obstructions adjacent to the Lee Street pedestrian crossing;
  - (g) include additional public seating and rubbish bins in appropriate locations within the public domain;
  - (h) clarify the location and design of lighting within the public domain;
  - (i) revise the location of bicycle racks within the public domain including:
    - (i) ensure bicycle racks are located in appropriate locations and do not cause visual or physical clutter of the public domain;
    - (ii) relocate the bicycle racks at the top of the Lee Street stairs and within the public domain on Lee Street to elsewhere within the site to prevent obstruction of pedestrian movement;
  - (j) demonstrate consistency with City of Sydney's Public Domain Manual, Stormwater Drainage Manual, Sydney Lights Design Code and Sydney Streets Technical Specification;
  - (k) demonstrate that proposed landscaping, tree planting and works are consistent with the Sydney Landscape Code Volume 2;
  - (l) provide drainage in accordance with Council's specifications; and
  - (m) if located within Henry Deane Plaza, incorporate the final approved design of the basement and substation supply / exhaust / ventilation system(s) in accordance with **Condition C7**.
- C3. Prior to the issue of construction certificate three (CC3), the Applicant must prepare revised soil vault, depth and quality plans for tree planting. The revised plans must be prepared in consultation with Council and submitted to and approved by the Planning Secretary. The revised plans must:
- (a) include detailed strata cell / vault / tree pit design, location and specifications;
  - (b) demonstrate that strata cell pits can support the healthy growth of trees and the relationship and impact of services / service risers;
  - (c) demonstrate that the proposal provides for soil depths consistent with the Sydney Landscape Code Volume 2 and submit a report from a qualified professional(s) demonstrating the soil volume and depth is suitable for the proposed plants specified.
- C4. No tree removal shall occur prior to the issue of construction certificate one (CC1). Tree removal and retention shall be in accordance with the following:
- (a) all tree removal works must be carried out by a qualified Arborist, with a minimum AQF Level 3 and in accordance with SafeWork's Code of Practice;
  - (b) existing trees identified for retention, must be retained and protected throughout construction and development; and
  - (c) approval is granted for the following tree removal and retention:

Tree Ref No.	Remove / Retain	Species:	Location
1-8 & 15-17	Remove	<i>Livistona australis</i> (Cabbage Tree Palm)	Within Site
9-14 & 18-20	Remove	<i>Platanus x acerifolia</i> (London Plan Tree)	Within Site
21-22	Retain	<i>Platanus x acerifolia</i> (London Plan Tree)	Street Tree – Lee Street frontage

**MATERIALS, FINISHES, EXTERNAL WALLS AND CLADDING**

- C5. Prior to the issue of construction certificate three (CC3), details of final materials and finishes of the development (buildings, Henry Deane Plaza and associated spaces and public domain) must be submitted to and approved by the Planning Secretary. The details must:
- (a) be presented to the DIP and evidence provided of the DIP advice and how the advice has been addressed;
  - (b) include specifications and sample board(s) for all external finishes, surfaces, paving, colours and glazing including annotated drawings and computer-generated imagery of their application;
  - (c) include physical material samples erected on site for the inspection of the DIP, TfNSW, Council and the Planning Secretary;
  - (d) include detailed architectural drawings of the façade details, including 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; and
  - (e) confirm the process and methods in arriving at the final choice for all materials and finishes.
  - (f) for public domain materials, demonstrate consistency with City of Sydney's Public Domain Manual, Stormwater Drainage Manual, Sydney Lights Design Code and Sydney Streets Technical Specification.

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

- C6. 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.

**DESIGN OF MECHANICAL PLANT, EXHAUST AND EQUIPMENT**

- C7. Prior to the issue of construction certificate three (CC3), amended plans, elevations and sections for the design, layout and integration of any necessary basement and substation supply / exhaust / ventilation system(s) must be submitted to and approved by the Planning Secretary. The revised proposal must:
- (a) be prepared in consultation with Council, TfNSW and the landowners of the adjoining Atlasian and Central Place Sydney development sites;
  - (b) be presented to the DIP and evidence provided of the DIP advice and how the advice has been addressed;
  - (c) include design options for any required supply / exhaust / ventilation system(s) that:
    - (i) consider a range of locations, designs, height / size and materiality including potential incorporation within building(s), Henry Deane Plaza and associated spaces and public domain or both;
    - (ii) provide analysis of each identified option including consideration of the benefits and disbenefits from urban design, materiality, visual, amenity, landscape, heritage and engineering perspectives;
    - (iii) include option(s) for the potential use of Central Place Sydney 'air-rights' above the public domain, subject to negotiations with the owner of the Central Place Sydney site;
    - (iv) demonstrate that any required supply / exhaust / ventilation system(s) have been designed to limit / minimise any visual, amenity, landscape, heritage and air-quality impacts;
  - (d) include detailed engineering, acoustic, air-quality and technical specifications of any required supply / exhaust / ventilation system(s) and confirm compliance with relevant standards; and
  - (e) consider the impact of any required supply / exhaust / ventilation system(s) and include any necessary management or mitigation measures.
- C8. Prior to the issue of construction certificate five (CC5), the mechanical exhaust systems and/or shafts must be designed to allow for the treatment and removal of offensive 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*.
- C9. Prior to the issue of construction certificate five (CC5), 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 acoustic report titled '*Noise and Vibration Assessment - Issue D*', prepared by Renzo Tonin & Associates and dated 21 April 2023 and any requirements under **Condition C7**. 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.

- C10. Prior to the issue of construction certificate five (CC5), 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*.

### ELECTRIC SUBSTATION

- C11. Prior to the issue of construction certificate two (CC2), if required by the applicable energy supplier, an area of land must be dedicated to the applicable energy supplier, free of cost within the development site, but not in any landscaped or public domain area (including Henry Deane Plaza), to enable an electricity substation to be installed. The size and location of the substation is to be submitted to and approved by the applicable energy supplier prior to the issue of the above construction certificate or commencement of the use, whichever is the earlier.

### OPERATIONAL WASTE STORAGE AND PROCESSING

- C12. 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 Council Guidelines *Waste Management in New Developments 2018* and must address the following:
- (a) be dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste;
  - (b) collection points for waste and recycling must be wholly located within the boundary of the development;
  - (c) the nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments 2018*;
  - (d) provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times;
  - (e) the path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14.

**Note:** *The building manager/strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's policies, and best practice waste and recycling source separation.*

### PARKING ALLOCATION AND INFRASTRUCTURE

- C13. Prior to the issue of construction certificate two (CC2), evidence must be submitted to the Certifier demonstrating that the basement car park provides for:
- (a) a maximum of 104 car parking spaces, including:
    - (i) 54 office spaces;
    - (ii) 41 hotel spaces;
    - (iii) Nine retail spaces;
  - (b) a minimum of five accessible spaces
  - (c) a maximum of nine motorcycle spaces;
  - (d) a minimum of four car share spaces;
  - (e) a minimum of eight service vehicle spaces; and
  - (f) the following infrastructure for electric vehicles:
    - (i) 50% of commercial parking spaces are to be capable of supporting electric vehicle charging;
    - (ii) 25% of visitor parking bays must have Level 2 or higher charger fitted; and
    - (iii) all car share bays must have Level 2 or higher chargers fitted.

## SERVICE VEHICLE PARKING DESIGN AND LAYOUT

- C14. 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 eight 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
  - (b) 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;
  - (c) the size of vehicles servicing the property must not exceed 8.8m in length.
  - (d) signs must be erected within the loading / unloading area confirming the service vehicle parking is for service vehicles only;
  - (e) all vehicles can enter and leave the site in a forward direction; and
  - (f) 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

- C15. Prior to the issue of construction certificate three (CC3), evidence must be submitted to the Certifier demonstrating:
- (a) the development provides for a minimum of:
    - (i) 223 staff bicycle parking spaces (Class 2 bicycle facilities);
    - (ii) 72 visitor bicycle parking spaces (Class 3 bicycle rails);
    - (iii) associated end of trip facilities for staff including 12 showers with change area and 223 personal lockers; and
  - (b) the layout, design and security of bicycle facilities complies with the minimum requirements of the latest version of AS 2890.3 *Parking facilities - Bicycle Parking Facilities*.
  - (c) bicycle parking locations within Henry Dean Plaza and associated spaces and public domain are consistent with the amended locations approved under **Condition C2**.

## REFLECTIVITY

- C16. Prior to the issue of construction certificate four (CC4), evidence must be submitted to the Certifier demonstrating that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

## SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

- C17. 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.

## CONCEPT PLAN FOR COUNCIL'S PUBLIC DOMAIN

- C18. Conditions C19 to C21, C24 and C30, F29 and F31 do not apply to the publicly accessible managed space approved under conditions C2 and C3

- C19. Prior to the issue of construction certificate six (CC6), 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 road centreline; and
  - (b) be in accordance with the *Public Domain Manual* and the City's *Sydney Streets Code*.
- C20. Prior to the issue of construction certificate two (CC2), a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the Council'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:** Further information is available 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.
- C21. All existing or proposed drainage and service pit lids throughout the public domain shall be to Council's 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.
- C22. 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.
- C23. 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".

### PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

- C24. Prior to the issue of Construction Certificate six (CC6) a detailed Public Domain Plan and all relevant documentation must be submitted to and approved by Council's Public Domain Unit. This Plan must:
- (a) document all works required to ensure that the public domain complies with Council's Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights Design Code and Sydney Streets Technical Specification;
  - (b) be checked, accurate, and comply with specified requirements;
  - (c) must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions;
  - (d) be for construction issue and will be approved under Section 138 of the *Roads Act 1993*; and
  - (e) 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, details must be submitted for approval with the public domain plan and additional fees may apply.
- C25. Prior to any excavation in, disturbance or construction of any public domain works, approval under Section 138 / 139 of the *Roads Act 1993* must be obtained from Council.

### PUBLIC DOMAIN DAMAGE BOND

- C26. Prior to the issue of construction certificate six (CC6), a Public Domain Damage Bond calculated on the basis of 85 square metres of granite site frontage must be lodged with Council in accordance with Council's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- C27. Council's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with Council prior to approval being issued for the Public Domain Plan or any construction certificate being issued, whichever is the earlier.
- C28. The bond must be lodged with Council prior to an approval being issued for the Public Domain Plan. The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain



Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period

### HOLD POINTS

- C29. Prior to the issue of construction certificate six (CC6), 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.

### CONSERVATION OF PAVEMENT LIGHTS

- C30. Prior to the issue of construction certificate six (CC6), a Pavement Light Conservation Plan is to be submitted to and approved by Council. The Certifier must ensure compliance with the approved plan and conservation upgrade works during the period of construction. The plan must:
- (a) be prepared by a suitably qualified practitioner; and
  - (b) detail the conservation, upgrade and ongoing maintenance of the footpath lights, and vaults below.

### STORMWATER QUALITY

- C31. Prior to the issue of construction certificate five (CC5), a stormwater quality assessment must be undertaken and submitted to and approved by Council. The stormwater quality assessment must:
- (a) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
  - (b) use modelling from an industry-standard water quality model; and
  - (c) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
    - (i) reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
    - (ii) reduce the baseline annual pollutant load for total suspended solids by 85%;
    - (iii) reduce the baseline annual pollutant load for total phosphorous by 65%;
    - (iv) reduce the baseline annual pollutant load for total nitrogen by 45%.
  - (d) include a certificate and/or report from MUSIC-link and the electronic copy of the MUSIC Model.

### STORMWATER DRAINAGE DESIGN

- C32. Prior to issue of construction certificate two (CC2), a detailed stormwater management plan prepared by suitable qualified and experienced professional must be submitted to and approved by Council, TfNSW and Sydney Water. The plan must include:
- (a) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
  - (b) Council's Sydney Streets Technical Specifications, Standard Drawings;
  - (c) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
  - (d) Council's Stormwater Drainage Manual; and
  - (e) All relevant Australian Standards.

**Note:** Further information is available at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

**Note:** A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system may be required prior to issue of any Occupation Certificate.

### FLOODING AND FLOOD PLANNING LEVELS

- C33. Prior to the issue of construction certificate two (CC2), evidence must be submitted to the Certifier confirming that the development will comply with the flood management and mitigation measures, including flood planning levels:
- (a) indicated in the document titled 'Flood Risk Assessment Report Revision B' prepared by Northrop and dated 15 July 2022, as amended by the letters titled 'Re: TOGA Central- Response to Referral Agencies Comments' prepared by Northrop and dated 22 November 2022 and 4 May 2023, as may be amended by the final Levels and Gradients within the Public domain and Henry Dean Plaza and associated spaces because of **Conditions C1, C2, C3 and C20**.

## PUBLIC ART

- C34. Prior to the issue of construction certificate six (CC6), the Applicant must prepare a detailed Public Art Plan to be submitted to and approved by the Council and TfNSW. The plan must include (but not limited to):
- (a) evidence of consultation with the Council's Public Art Team and/or Public Art Advisory Panel and TfNSW;
  - (b) development of the plan in accordance with the Sydney Development Control Plan 2012, Council's Public Art Policy and Guidelines for Public Art in Private Development;
  - (c) consideration of the *'TOGA Central Preliminary Public Art Plan, Final Revision A'* dated October 2022;
  - (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 Henry Deane Plaza and associated spaces and public domain;
  - (g) evidence of coordination between Heritage Interpretation, Henry Deane Plaza and associated spaces and public domain and Public Art (and/or preparation of a document that combines these aspects); and
  - (h) confirmation of a fund comprising 0.5% of the proposed cost of carrying out the development to be used for public art.

**Note:** Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>

## HERITAGE INTERPRETATION PLAN

- C35. Prior to the issue of construction certificate six (CC6), a Heritage Interpretation Plan (HIP) that acknowledges the heritage of the site and considers opportunities for heritage interpretation 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 Former Parcels Post Building and broader Central Precinct;
  - (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 F23.

## DESIGNING WITH COUNTRY

- C36. Prior to the issue of construction certificate six (CC6), a final Designing with Country Framework (DCF) that acknowledges Aboriginal cultural heritage and considers Designing with Country 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), TfNSW, Council, the DIP and registered Aboriginal parties;
  - (b) consider GANSW's Connecting with Country Framework November 2020 and TfNSW's Connecting with Country framework;
  - (c) consider opportunities to incorporate the results of any site specific Aboriginal archaeological finds / outcomes;
  - (d) consider the opportunity for Aboriginal artwork / interpretative elements; and
  - (e) be presented to the DIP and detail how the DIP advice has been addressed.

## AIRSPACE PROTECTION

- C37. Prior to the issue of construction certificate two (CC2), 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.



- C38. 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.

### SIGNAGE STRATEGY

- C39. Prior to the issue of construction certificate six (CC6) a signage strategy must be submitted to and approved by Council. The strategy must include information and scale drawings of the location, type, construction, materials and total number of signs.

### CERTIFIED DRAWINGS AND STRUCTURAL CERTIFICATION

- C40. Prior to the issue of each of the relevant construction certificates for the structural works to be carried out (being CC2 to CC6), 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.
- C41. Prior to the issue of construction certificate two (CC2) a qualified practising registered structural engineer must provide structural certification to the Certifier verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of the *Building Code of Australia* prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

### ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- C42. Prior to the issue of each of each of the relevant construction certificates for the relevant work to be carried out (being CC2 to CC6), 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 Stage Significant Development Application: TOGA Central – 2&8 Lee St, Haymarket Revision A*', prepared by Atelier Ten and dated 25 July 2022.
- C43. Prior to the issue of each of each of the relevant construction certificates for the relevant work to be carried out (being CC2 to CC6), the Applicant must provide evidence to the Certifier confirming the development achieves the following minimum targets:
- (a) 5 star Green Star Design and As-Built rating (v1.3), with stretch target of 6 Star rating;
  - (b) 5.5 Star NABERS Energy rating for the commercial component;
  - (c) 4.5 Star NABERS Energy rating for the hotel component;
  - (d) 4 Star NABERS Water rating for commercial and hotel components;
  - (e) Silver core and shell WELL rating (or equivalent industry standard) for commercial uses

### ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

- C44. Prior to the issue of construction certificate one (CC1), the Applicant must prepare a Heritage Management Plan for the development to be submitted to and approved by the Planning Secretary. The plan must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by Heritage NSW;
  - (b) be prepared in consultation with Aboriginal Stakeholders;
  - (c) reviewed by Heritage NSW and TfNSW;
  - (d) include a methodology for the monitoring of ground disturbance works in areas that may contain alluvial soils;
  - (e) include a methodology for a test excavation and salvage excavation program with Aboriginal Stakeholder participation if alluvial soils are identified during construction works with consideration to understanding site characteristics, and local and regional archaeological context;
  - (f) include a description of the measures that would be implemented for:
    - (i) protecting the Aboriginal heritage items identified within the project footprint or items located outside the approved development footprint, including fencing off the Aboriginal heritage items prior to commencing construction;
    - (ii) salvaging and relocating the Aboriginal heritage items located within the approved development footprint;
    - (iii) salvaging, relocating or avoiding any Aboriginal heritage items located within the approved development footprint identified during test excavations of the site;

- (iv) include updated baseline mapping of the heritage items within and adjoining to the development disturbance area;
- (v) include updated mapping of all areas that have been and will be subject to monitoring, test excavations, and salvage excavations
- (vi) include conservation options for the mitigation and avoidance to impacts AHIMS registered sites situated within and outside the project footprint;
- (vii) prepare a methodology outlining when Registered Aboriginal Parties must be notified of changes to the Heritage Management Plan;
- (viii) include a procedure for assessing significance of Aboriginal Objects identified during the monitoring, test excavations, and salvage excavation and ensure that the management and mitigation measures are considered for all sites, and with special consideration for those of high significance;
- (ix) a strategy for the long-term management of any Aboriginal heritage items or material collected during the test excavation or salvage works;
- (x) a contingency plan and reporting procedure if:
  - an Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected heritage finds (heritage items and values) in accordance with any guidelines and standards prepared by Heritage NSW;
  - the Unexpected Heritage Finds and Human Remains Procedure must be prepared by a suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010);
  - the Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction;
- (xi) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions;
- (xii) ongoing consultation with Aboriginal stakeholders during the implementation of the plan;
- (g) include the completion of Aboriginal cultural heritage test and salvage excavations, an Aboriginal Cultural Heritage Excavation Report(s), prepared by a suitable qualified expert. The Aboriginal Cultural Heritage Excavation Report(s), must:
  - (i) be prepared in accordance with the Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW, 2011 and the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, 2010; and
  - (ii) document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds).
  - (iii) the Registered Aboriginal Parties must be given a minimum of 28 days to consider the report and provide comments before the report is finalised. The final report must be provided to the Planning Secretary, Heritage NSW, the relevant Councils, and the relevant Local Aboriginal Land Council, and the Registered Aboriginal Parties within 24 months of the completion of the Aboriginal archaeological collections and excavations (both test and salvage).
  - (iv) where previously unidentified Aboriginal objects are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects must not recommence until Heritage NSW has been informed. The measures to consider and manage this process must be specified in the Unexpected Heritage Finds and Human Remains Procedure required by Condition and include registration in the Aboriginal Heritage Information Management System (AHIMS).

### EXCAVATION DIRECTOR

- C45. Prior to the issue of construction certificate one (CC1), 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). This person must fulfil the Heritage Council's Excavation Director Criteria 2019 for the excavation of State significant archaeological sites to the satisfaction of Heritage NSW.

### SYSTEMS AND SAFETY ENGINEERING AND ASSURANCE

- C46. 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) Assurance Management Plan (AMP) including Technically Assured Organisation (TAO) requirements. The AMP should also present how the project will meet the needs of TfNSW Asset Management Branch and which entities will assure all works, as per the TAO framework;

- (b) Systems Engineering Management Plan (SEMP). The SEMP should present the process, procedures and methodologies to capture and manage project requirements, process, technical, safety, etc. The SEMP will also capture how Reliability, Maintainability, Availability (RAM) data, obsolescence, test, commissioning and handover activities and systems integration management that will be undertaken throughout the project lifecycle. The project requirements database template needs to be supplied;
- (c) Safety Assurance Management Plan (SAP). The SAP should present how the project will manage safety related activities throughout the project lifecycle and how residuals risks will be handed over the asset owners or operator / Maintainer, presenting the hazards and associated mitigations or controls. The SAP and or SEMP will present how any interfaces with rail operations and assets will be managed, with respect to requirements, hazards and risks both operational and during construction phases and rail safety;
- (d) Project Safety Hazard Log (PSHL). The PSHL must be documented in the SAP and the PSHL template needs to be supplied; and
- (e) Project Risks Report (PRR). The PRR should document all key project risks and how these risks will be mitigated and managed throughout the project.

**FIRE ENGINEERING ASSESSMENT**

- C47. Prior to the issue of construction certificate one (CC1), the Applicant shall provide, for TfNSW endorsement, an updated Fire Risk Assessment Report based on the updated status of the adjacent developments and any shared services or infrastructure, together with supporting evidence that Applicant's fire design approach will have associated mitigations in place.

**PROTECTION OF RAIL ASSETS AND OPERATION - ENGINEERING**

- C48. Prior to the issue of construction certificate one (CC1), the following reports must be prepared in consultation with and endorsed by Sydney Trains:
- (a) Geotechnical Engineering Report demonstrating that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis. The report shall include the potential impact of demolition and excavation activities, and demolition-and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains Facilities by the development;
  - (b) Hydrologic Assessment Report demonstrating that the dewatering during construction will not have any adverse settlement impacts on the rail corridor. No works are to commence until this report has been endorsed by Sydney Trains;

**PROTECTION OF RAIL ASSETS AND OPERATION - SURVEY AND SERVICES**

- C49. Prior to the issue of construction certificate one (CC1), the Applicant shall prepare a survey and cross-sectional diagrams locating the development with respect to the rail boundary and rail infrastructure. The works is to be undertaken by a registered surveyor to the satisfaction of Sydney Trains.
- C50. 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.
- C51. 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.

**PROTECTION OF RAIL ASSETS AND OPERATION - CONSTRUCTION**

- C52. Prior to the issue of construction certificate one (CC1), the Applicant must contact Sydney Trains to confirm whether it requires the preparation of a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works. If Sydney Trains both or either of the plans need to be addressed, the Applicant shall prepare/action the required details in consultation with Sydney Trains and submit evidence to the Certifier of Sydney Trains' endorsement(s) of the final details.
- C53. 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.

- C54. Prior to the issue of construction certificate one (CC1) the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

#### **PROTECTION OF CBD RAIL LINK (CBDRL) CORRIDOR**

- C55. Prior to the issue of each of the construction certificates CC1 to CC6, 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.
- C56. Prior to issue of construction certificate one (CC1), the Applicant shall address all impacts on the CBD Rail Link (CBDRL) identified in State Environmental Planning Policy (Transport and Infrastructure) 2021. 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;
  - (g) Provide to TfNSW drawings, reports and other information related to the design, construction and maintenance of the approved development (as may be required)
  - (h) make allowances that are to be agreed with TfNSW in the design for the future construction of railway tunnels in the vicinity of the approved development
  - (i) prepare a detailed regime for consultation with and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved

development, which may include geotechnical and structural certification in the form required by TfNSW.

- C57. Prior to the issue of construction certificate one (CC1) to CC6, 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 all the measures recommended in the report into the development.

The Certifier is not to issue construction certificate one (CC1) until it has received written confirmation from TfNSW that **Condition C56 to C57** have been complied with.

## LONG SERVICE LEVY

- C58. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a 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>.

## DEVELOPMENT CONTRIBUTIONS

- C59. Prior to the issue of construction certificate one (CC1), a payment of a levy of the proposed cost of carrying out the development must be paid to Council pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Central Sydney Development Contributions Plan 2020*. The Section 7.12 levy is determined by the development cost, as per the following table:

Development cost (s2.3 of the <i>Central Sydney Development Contributions Plan 2020</i> )	Levy
Up to and including \$250,000	NIL
More than \$250,000, up to and including \$500,000	1%
More than \$500,000, up to and including \$1,000,000	2%
More than \$1,000,000	3%

The Section 7.12 levy is payable to the City of Sydney in accordance with the following:

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. To obtain such verification, one of the following must be submitted:
  - (i) **For development between \$250,000 and \$3,000,000** – the City of Sydney *Cost Summary Report* must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Cost Summary Report* is available from the City's website at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au); or
  - (ii) **For development more than \$3,000,000** – The City of Sydney *Registered Quantity Surveyor's Detailed Cost Report* must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Registered Quantity Surveyor's Detailed Cost Report* is available from the City's website at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).
- (c) The City of Sydney will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted, Condition C59 and to such other matters as it considers appropriate and will notify the Registered Certifier accordingly.
- (d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.
- (e) Notwithstanding Condition C59(d) above, the calculation of the **cost of the** development shall exclude the costs of works for the direct repair and adaptive re-use of the fPPb heritage item,

## CONSOLIDATED CONSENT

excluding the cost of any enabling works to the heritage item that facilitate the construction or use of the tower, or the connection of the tower to the heritage item

- (f) **The cost of the works related to the embellishment (e.g. planting, park furniture, **public art** and shade structures) for the upper level of Henry Deane Plaza **may be offset from the development contribution payable under this condition.****

**Note:** Please contact Council's Planning Administration staff at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to request a written Statement of Contributions Owing, prior to payment.



## PART D PRIOR TO COMMENCEMENT OF CONSTRUCTION

### NOTIFICATION OF COMMENCEMENT

- D1. The Applicant must notify the Planning Secretary in writing, via the NSW Major Projects Portal, of the dates of the intended commencement of works and operation at least 48 hours before those dates.
- D2. 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

- D3. 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

- D4. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the Certifier:
- (a) All footings/ foundations
  - (b) At other stages of construction – any marks that are required by the Certifier.
- D5. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the Certifier which demonstrates that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
  - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.
- D6. 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.

### SYDNEY WATER CERTIFICATE

- D7. The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.
- Note:** Further information is available at Sydney Water's "Tap-in" online service [www.sydneywater.com.au](http://www.sydneywater.com.au).
- D8. Prior to the commencement of works, the Certifier must ensure that Sydney Water has endorsed the plans before the commencement of work.



## CHANGES TO KERBSIDE PARKING RESTRICTIONS

- D9. 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.

- D10. All costs associated with:
- (a) signposting of any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer; and
  - (b) 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'.

## VEHICLE FOOTWAY CROSSING

- D11. A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

## TRAFFIC WORKS

- D12. Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee. A Traffic Works Plan is to be prepared and submitted to Council for approval. The necessary referral and advice of the Local Pedestrian, Cycling and Traffic Calming Committee must be obtained prior to the commencement of any public domain works, including Henry Deane Plaza. The plan must include:
- (a) road, parking and traffic arrangements;
  - (b) signs;
  - (c) pedestrian crossings;
  - (d) Traffic signals; and
  - (e) Any relevant approvals from TfNSW.

## WATER MANAGEMENT

- D13. 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.
- D14. Prior to the commencement of any demolition, earthworks or construction works, the Applicant must prepare a Water Management Plan (WMP) for the construction phase in consultation with Department of Planning, Industry and Environment, Water (DPE Water). The WMP must include a construction phase monitoring program including:
- (a) monitoring bores at or around the subject property (minimum of three), number and locations to be agreed in consultation with DPE Water and monitoring bores must be situated to be protected from construction damage;
  - (b) the following monitoring programme:
    - (i) present the pre-construction measurements of groundwater level on or around the site, with a minimum of 3 bore locations with measurements spanning 3 months or more;
    - (ii) present the pre-construction groundwater quality field measurements—include provision for testing electrical conductivity; temperature; pH and redox potential;
    - (iii) present the forward programme for water quality testing and water levels;
    - (iv) state the quality assurance and quality controls to be followed including the laboratory assurance;
    - (v) using the pre-construction baseline dataset, establish water level and water quality performance targets that are to apply throughout the construction phase;
    - (vi) applying the estimated groundwater dewatering take reported at the development application stage, set staged cumulative performance targets for the volume of de-watering extracted;
    - (vii) present the trigger action and response procedure (TARP) inclusive of agency notification should the performance targets listed in item (v) and/or (vi) be breached;

- (viii) the exceedance of the predicted groundwater dewatering volume during the construction phase requires (within 28 days) the re-assessment of the predicted take for both during and post construction phases;
- (ix) the WMP must document the process for mitigation options to ensure post- construction take is minimised; and
- (x) the WMP must document the process for conflict resolution.

### SITE CONTAMINATION

- D15. Prior to the commencement of construction involving ground disturbance (but excluding demolition), 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 86884.06 Revision 0'* prepared by Douglas Partners and dated 15 July 2022 and the *'Interim Advice 04: Review of Detailed Site Investigation and Remedial Action Plan'* prepared by Harwood Environmental Consultants and dated 07 December 2022 and the remedial action 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 86884.06 Revision 0'* prepared by Douglas Partners and dated 15 July 2022 and the *'Interim Advice 04: Review of Detailed Site Investigation and Remedial Action Plan'* prepared by Harwood Environmental Consultants and dated 07 December 2022 and the unexpected finds procedure must be updated following results of further site investigations and implemented throughout duration of project work.

### GENERAL HERITAGE

- D16. Following engagement of the heritage consultant in accordance with **Condition B1**, throughout the documentation, demolition, dismantling 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 B3 to B5, B9, C35 and C36**;
  - (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 the Planning Secretary, Heritage NSW and Council.
- D17. The 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 which is listed as a Heritage Item.
- D18. The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- D19. All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- D20. New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (a) new services must use existing service runs; and

- (b) where this is not possible, details of an alternative solution must be shown on drawings at a suitable scale and submitted and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to the issue of any Construction Certificate.
- (c) appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (d) the new windows and doors on the existing building must match the original material, which is timber joinery.
- (e) the face brickwork/stone/tiles must not be rendered, painted or coated.
- (f) where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

### ARCHAEOLOGICAL HERITAGE INDUCTION

D21. Prior to the commencement of works, the applicant must ensure that the nominated Excavation Director delivers an archaeological induction to all relevant construction personnel. The archaeological induction should include:

- (a) heritage obligations of all project personnel;
- (b) how to identify archaeological relics of State or local significance;
- (c) what to do in the event potential relics are uncovered; and
- (d) unexpected finds protocol.

### OUTDOOR LIGHTING

D22. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of 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.

### REMEDIATION – SITE AUDITOR

D23. 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.

### TEMPORARY GROUND ANCHORS, SHORING AND RETAINING WALLS AFFECTING THE ROAD RESERVE

D24. For temporary shoring including ground anchors affecting the road reserve, a separate application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council.

### SYDNEY TRAINS

D25. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant to establish the extent of any damage and enable any deterioration during construction to be observed.

## PART E DURING CONSTRUCTION

### APPROVED PLANS TO BE ON-SITE

- E1. 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

- E2. A site notice(s) must be erected in a prominent position on 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) state the name, address and telephone number of the principal certifier for the work
  - (b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints
  - (c) state the approved hours of work
  - (d) state that unauthorised entry to the work site is prohibited
  - (e) the 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
  - (f) the notice is to be durable and weatherproof and is to be displayed throughout the works period
  - (g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.

### HOURS OF CONSTRUCTION

- E3. 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 5pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- E4. Construction activities may be undertaken outside of the hours in **Condition E3** 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.
- E5. Notification of such construction activities as referenced in **Condition E4** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- E6. Despite **Conditions E3, E4** and **E5**, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993*.

### CONSTRUCTION NOISE MITIGATION

- E7. 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 B24** of this consent.
- E8. Rock breaking, rock hammering, sheet piling, pile driving, hydraulic hammers and those high noise emission appliances/machines not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* are only 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.

Where these activities are undertaken for a continuous three-hour period and exceed the construction noise management levels at noise sensitive receivers, a minimum respite period of at least one hour shall be scheduled before activities recommence.

For the purposes of this condition, 'continuous' includes any period during which there is less than a one-hour respite between ceasing and recommencing any of the work the subject of this condition.

- E9. The Applicant must ensure all construction vehicles do not arrive at the site outside of the construction hours of work outlined under **Condition E3**.
- E10. 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.
- E11. Where all mitigation measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still:
- (a) exceed the applicable criteria in the *City of Sydney Construction Hours/Noise Code 1992* and
  - (b) 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.
- E12. 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

- E13. 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).
- E14. 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 E13**.
- E15. The limits in **Condition E13** and **Condition E14** apply unless otherwise outlined in the CNVMP required by **Condition B24** of this consent.

## WORK IN ACCORDANCE WITH COUNCIL'S CODE

- E16. All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

## IMPLEMENTATION OF MANAGEMENT PLANS

- E17. The Applicant must carry out the construction of the development in accordance with:
- (a) the most recent version of the CEMP **Condition B20** (including Sub-Plans); and
  - (a) all heritage conservation work requirements under **Conditions B9 to B11**.

## HOARDING REQUIREMENTS

- E18. 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.

## CONSTRUCTION TRAFFIC

- E19. 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

- E20. 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

- E21. 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.

## CONTACT TELEPHONE NUMBER

- E22. 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

- E23. 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

- E24. 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.

## TREE PROTECTION

- E25. For the duration of the construction works:
- (a) the street trees along Lee Street must:
    - (i) not be trimmed, pruned or removed unless prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
    - (ii) 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;
  - (b) 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

- E26. The existing stone kerbs on the frontages 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 Council'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 Council 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.



## PROTECTION OF PUBLIC FEATURES

- E27. The proposed work must take measures to protect existing street furniture and features on the public land including street and laneway stone curbs and gutters. If they need to be interrupted during process of construction, they must be properly recorded and reinstated to the original condition.

## AIR QUALITY

- E28. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. 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.

## SHORING AND ADEQUACY OF ADJOINING PROPERTY

- E29. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the building, structure or work from possible damage from the excavation, and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage.
- This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

## EROSION AND SEDIMENT CONTROL

- E30. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP (**Condition B26**).

## CUT AND FILL

- E31. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements:
- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility; and
  - (b) the classification and the volume of material removed must be reported to the Certifier.
- E32. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the POEO Act or a material identified as being subject to a resource recovery exemption by the EPA.
- E33. 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

- E34. 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 POEO Act.
- E35. 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.
- E36. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*. The application must be submitted to Council, together with an application fee in accordance with Council's adopted Schedule of Fees and Charges.

## GROUND WATER MONITORING PROGRAM

- E37. The Applicant must comply with the approved ground water monitoring program (**Condition D14**) for the duration of construction phase.

## IMPLEMENTATION OF ABORIGINAL AND NON-ABORIGINAL ARCHAEOLOGICAL AND HERITAGE PROGRAMS

- E38. 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 C44 to C45**).
- E39. All reasonable measures must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.
- E40. The Registered Aboriginal Parties must be kept informed about the development and must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements.

## UNCOVERING RELICS OR ABORIGINAL OBJECTS

- E41. All works in the immediate area must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The Applicant must notify the Heritage Council of NSW in respect of a relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.
- E42. In this condition:
- “relic” means any deposit, artefact, object or material evidence that:
- (a) *relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and*
  - (b) *is of State or local heritage significance; and*
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

## DISPOSAL OF SURPLUS SALVAGED MATERIALS

- E43. Salvaged traditional building materials surplus to the requirements of this project are to be sent to an established dealer in second-hand heritage building materials.

## OUTDOOR LIGHTING

- E44. 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

- E45. Remediation of the site must be carried out in accordance with the *‘Remediation Action Plan Proposed Commercial Development Project 86884.06 Revision 0’* prepared by Douglas Partners and dated 15 July 2022 and the *‘Interim Advice 04: Review of Detailed Site Investigation and Remedial Action Plan’* prepared by Harwood Environmental Consultants and dated 07 December 2022 and any variations to the plan approved by an NSW EPA-accredited Site Auditor (**Condition D15**).
- E46. 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).
- E47. 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.
- E48. 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

- E49. 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

- E50. 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.
- E51. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- E52. 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.
- E53. 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.
- E54. 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

- E55. 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) POEO Act;
  - (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**

- E56. 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 POEO Act 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 POEO Act 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**

- E57. 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**

- E58. 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.
- E59. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into Transport Asset Holding Entity / Sydney Trains property or easements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- E60. 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.
- E61. Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- E62. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.

**TFNSW ACCESS**

- E63. TfNSW, Sydney Trains 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 F PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE / COMMENCEMENT OF OPERATION

### OCCUPATION CERTIFICATE

- F1. 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

- F2. The Department must be notified in writing at least one month prior to the proposed occupation of the development.
- F3. If the occupation or use of the development is to be staged, the Department must be notified in writing at least one month before the commencement of the occupation of each stage, of the date of commencement of the occupation of the relevant stage.

### GFA, BUILDING HEIGHT AND BOUNDARY CERTIFICATION

- F4. A Registered Surveyor is to certify the following and details shall be provided to the Certifier demonstrating compliance with this condition prior to the issue of the final Occupation Certificate:
- (a) the development does not exceed the approved gross floor area and building height (**Condition A11**).
  - (b) the location of the building in relation to the boundaries of the allotment does not encroach onto any adjoining properties.

### EXTERNAL WALLS AND CLADDING

- F5. 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.
- F6. 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.

### PEDESTRIAN MOVEMENT AND WAYFINDING

- F7. Prior to the issue of any occupation certificate, the following Pedestrian Movement and Wayfinding Plan (PMWP) must be prepared in consultation with TfNSW and Council and submitted to and approved by the Planning Secretary. The PMWP must include:
- (a) a Pedestrian Movement Plan that clearly demonstrates how all types of people, including those with mobility challenges, prams and luggage, will be able to move through the site, including in scenarios where the lift on Lee Street fails and/ or if the Central Place Sydney development is not built or is delayed;
  - (b) a Wayfinding Signage Plan that considers:
    - (i) how pedestrians will navigate the lower ground level between Lee Street and the Devonshire Tunnel;
    - (ii) appropriate wayfinding / advisory signage for pedestrians and cyclists accessing the site;
  - (c) mitigation measures to address any identified pedestrian movement and wayfinding issues.
- F8. Any recommended pedestrian movement and wayfinding mitigation measures identified in accordance with **Condition F7** must be implemented prior to the issue of any occupation certificate.

### HERITAGE ASSET MAINTENANCE PLAN

- F9. 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 Council and Heritage NSW, 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.

### HERITAGE CONSERVATION WORKS

- F10. Prior to the issue of any occupation Certificate or commencement of the use, whichever is the earlier, all heritage conservation works required by **Conditions B9 to B11** must be implemented.
- F11. The work schedule must be implemented prior to the issue of any Occupation Certificate

### POST-CONSTRUCTION DILAPIDATION REPORT

- F12. 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 this consent; and
    - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure.
  - (c) to be forwarded to Council, Sydney Trains and TfNSW for information.

### PROTECTION OF PUBLIC INFRASTRUCTURE

- F13. 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.
- F14. Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

### PROTECTION OF PROPERTY

- F15. 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.

### VEHICLE FOOTWAY CROSSINGS

- F16. All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of any Occupation Certificate.

**Note:** *In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.*

### LOADING DOCK MANAGEMENT PLAN

- F17. Prior to the issue of any occupation certificate, the Applicant shall prepare a Loading Dock Management Plan (LDMP) in consultation with TfNSW and Council. The LDMP must be endorsed by TfNSW and specify, but not be limited to, the following:
- (a) details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
  - (b) plan to ensure that queuing does not occur on Lee Street;
  - (c) the details of alternate loading zones to redirect vehicles due to manage queuing at the access to loading dock;
  - (d) management of incidents at the access to the loading dock;
  - (e) loading dock management details including measures to minimise freight and service vehicle movements during peak periods; and
  - (f) management of conflicts between cars accessing the car park and vehicle movements to/from the loading dock.



## COACH MANAGEMENT PLAN

- F18. Prior to the issue of any occupation certificate, the Applicant must prepare a Coach Management Plan in consultation with TfNSW and Council. The Coach Management Plan must be endorsed by TfNSW and shall be reviewed in consultation with TfNSW 12 months after the original TfNSW endorsement.

## GREEN TRAVEL PLAN

- F19. Prior to the commencement of operation, the Applicant must prepare a Green Travel Plan (GTP) in consultation with TfNSW and Council to promote the use of active and sustainable transport modes. The GTP must be endorsed by TfNSW. 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) include specific tools and actions to help achieve the objectives and mode share targets;
  - (d) 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
  - (e) 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

- F20. Prior to the commencement of operation, the Applicant must prepare a Transport Access Guide (TAG) in consultation with TfNSW and Council. The TAG must be submitted to and approved by Council, 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, BICYCLE PARKING AND WAYFINDING ARRANGEMENTS

- F21. Prior to the issue of any occupation certificate, evidence must be submitted to the Certifier demonstrating that:
- (a) all car and motorcycle parking are provided in accordance with **Condition C13**;
  - (b) the service vehicle areas are provided in accordance with **Condition C14**;
  - (c) all bicycle parking and facilities are provided in accordance with **Condition C15**;
  - (d) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
  - (e) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance;
  - (f) end-of-trip facilities for staff are provided;
  - (g) appropriate wayfinding / advisory signage for pedestrians and cyclists is installed in accordance with the requirements of **Condition F7**;
  - (h) 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.

## RESTRICTION ON USE OF CAR PARKING SPACES - HOTEL

- F22. Prior to the issue of any occupation certificate or the use commencing, whichever is earlier, a documentary restrictive covenant is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect that the on-site car parking spaces are not to be used other than by

hotel guests, function patrons and staff of the subject building in accordance with the car parking tenure outlined at **Condition C13**. The covenant is to be created appurtenant to Council, at no cost to Council.

### HERITAGE INTERPRETATION

- F23. Prior to the issue of any occupation certificate or commencement of the use, whichever is earlier, the Applicant must provide evidence to the Certifier that the Heritage Interpretation Plan has been implemented in accordance with **Condition C35**.

### MECHANICAL VENTILATION

- F24. 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 AS 1668.1 and AS 1668.2 *The use of air-conditioning in buildings – Mechanical ventilation in buildings*.
- F25. 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

- F26. Prior to the issue of any occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the acoustic report titled '*Noise and Vibration Assessment - Issue D*', prepared by Renzo Tonin & Associates and dated 21 April 2023 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the noise reports.
- F27. All physical aspects of the building's structure installed in order to meet performance parameters in accordance with **Condition F26** must be maintained at all times.

### STRUCTURAL INSPECTION CERTIFICATE

- F28. 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

- F29. 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*. This condition does not apply to the publicly accessible managed space approved under conditions C2 and C3.
- F30. 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. This condition does not apply to the publicly accessible managed space approved under conditions C2 and C3.
- F31. Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by Council 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 Council's Public Domain Unit. This condition does not apply to the publicly accessible managed space approved under conditions C2 and C3.

### PUBLIC DOMAIN - HOLD POINTS

- F32. Prior to the issue of any occupation certificate, confirmation from the Council's Public Domain Unit, that hold point inspections have been completed and works have been accepted by Council must be provided to the Certifier.

## PUBLICLY ACCESSIBLE MANAGED SPACE COMPLETION

- F33. All publicly accessible managed space works to be constructed in accordance with the requirements of this consent, any technical requirements of TfNSW and having regard to City of Sydney's *Public Domain Manual*, *Stormwater Drainage Manual*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*.
- F34. All publicly accessible managed space works must be inspected and a Certificate of Practical Completion must be issued by TfNSW prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier
- F35. Prior to the issue of an occupation certificate works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by TfNSW for all publicly accessible managed space works, including where required Stormwater, Public Domain Lighting and Road construction. These works must be certified by a suitably qualified, independent professional.

## SURVEY INFRASTRUCTURE – RESTORATION

- F36. 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 C17** have been complied with;
  - (b) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from **Condition C17** 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

- F37. 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.
- F38. 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.

## SYDNEY WATER COMPLIANCE

- F39. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

## UTILITY PROVIDERS

- F40. Before the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.
- F41. Before the issue of any Occupation Certificate, the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.

## GROUNDWATER MONITORING

- F42. Prior to the issue of any occupation certificate the Applicant must submit a Completion Report to DPE Water following completion of the dewatering activity and any monitoring required under **Condition D14**.
- F43. Prior to the issue of any occupation certificate, the Applicant must develop a proposed occupational phase (after building completion) reporting schedule in consultation with DPE 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.

### WORKS AS EXECUTED PLANS

- F44. 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

- F45. 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 Parts 1 to 4 of *AS/NZS 3666:2011 Air handling and water systems of buildings – Microbial Control* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.
- F46. Prior to the issue of an occupation certificate associated with the Cooling Water System the occupier of the premise at which the system is installed, must notify the Council in writing on the prescribed form of the installation of all water-cooling tower systems within the premises under the Public Health Act 2010.

**Note:** Notification forms are available on Council's website.

### OUTDOOR LIGHTING

- F47. Prior to the occupation or commencement of use, 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.

### OPERATIONAL WASTE MANAGEMENT PLAN

- F48. Prior to the issue of any occupation certificate and/or commencement of the use, whichever is earlier, the Applicant must prepare an Operational Waste Management Plan (OWMP) in consultation with Council and submit it to the Certifier. The OWMP 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 POEO Act, *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 C12**
- F49. 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.
- F50. Prior to any occupation certificate being issued or the use commencing, whichever is earlier, the Certifier must ensure that waste handling works have been completed in accordance with **Condition F48**.

## SITE CONTAMINATION

- F51. 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 Certifier for approval.

## HAZARDOUS MATERIAL

- F52. 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 B29**) and that the site is safe for future occupation in accordance with the approved use.

## LANDSCAPING

- F53. Prior to the issue of any occupation certificate, the Henry Deane Plaza and associated public domain and landscaping works must be completed in accordance with and plans approved under **Conditions C1 to C7**.
- F54. 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.
- F55. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

## WIND MITIGATION MEASURES

- F56. Prior to the issue of any occupation certificate or prior to the point at which mitigation is required (whichever is the sooner), wind mitigation measures must be installed in accordance with the recommendations of the Pedestrian Wind Study, prepared by RDWI Australian Pty Ltd and dated 26 July 2022, as amended by Memorandum reference 1902973, prepared by RDWI Australia Pty Ltd and dated 25 November 2022.

## PUBLIC ART

- F57. Prior to the issue of any occupation certificate, the public art within the site must be completed / installed in accordance with the approved Detailed Public Art Plan (**Condition C34**) to the satisfaction of Council and the Final Public Art Report submitted and approved by Council.

## OPERATIONAL FLOOD EMERGENCY MANAGEMENT

- F58. Prior to the issue of any occupation certificate evidence must be submitted to the Certifier demonstrating that:
- (a) the approved flood management and mitigation measures of the adjoining Atlassian development (SSD 10405) have been installed, constructed and implemented and are fully operational; or
  - (b) in the event that the requirements of (a) above have not occurred:
    - (i) a suitably qualified and experienced person(s) has prepared an alternative scheme of flood management and mitigation measures to address the flooding and drainage impacts;
    - (ii) the alternative scheme of flood management and mitigation measures has been submitted to and approved by the Planning Secretary; and
    - (iii) the alternative scheme of flood management and mitigation measures have been installed, constructed and implemented and are fully operational.
- F59. 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 EHG and Council;
  - (b) addresses the provisions of the *Floodplain Risk Management Guidelines* (EHG);
  - (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.

F60. 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 (**Condition C33**) must be submitted to the Certifier. A copy of the report shall also be provided to Council for information purposes.

## FIRE SAFETY

F61. Prior to the issue of any occupation certificate, a Fire Safety Certificate must be obtained. 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.

## TFNSW AND RAIL

F62. Prior to the issue of any occupation certificate the Applicant is to submit a copy of as-built drawings to TfNSW, Sydney Trains and Council. The Certifier is not to issue the occupation certificate until the written confirmation has been received from TfNSW and Sydney Trains that this condition has been satisfied. 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.

F63. If required by Sydney Trains, prior to the issue of the occupation certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. The inspection may establish the extent of any existing damage and enable any deterioration during construction to be observed.

## PHYSICAL AND ELECTRONIC MODELS

F64. If there have been any changes affecting the models throughout the assessment / construction processes, prior to the issue of any occupation certificate the following models must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager:

- (a) an accurate 1:500 scale physical model of the development as constructed for the City Model in Town Hall House;
- (b) an accurate 1:1 electronic CAD model of the completed development for the electronic Visualisation City Model. The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

**Note:** The model(s) must:

- be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- comply with all of the conditions of the Development Consent.
- be amended to reflect any further modifications to the approval (under Section 4.55 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

**Note:** The electronic model data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file. The model must be constructed in accordance with the City's 3D CAD electronic model specification.



## PART H OCCUPATION AND ONGOING USE

### OPERATION IN ACCORDANCE WITH FIRE SAFETY CERTIFICATION

- H1. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

### OPERATION OF PLANT AND EQUIPMENT

- H2. All plant and equipment used in the development, or used 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.

### LEE STREET DRIVEWAY BASEMENT RAMP

- H3. In the event that vehicular access to the site is available via the Western Gateway Sub-Precinct site-wide basement via Block B, vehicles must only access the site via the Western Gateway Sub-Precinct site-wide basement and shall no longer access the site via the Lee Street driveway basement ramp.

### PARKING LIMITATIONS

- H4. Parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building occupants / visitors. The tenure / type of all car parking spaces must be clearly marked prior to the issue of any occupation certificate or the use commencing, whichever is earlier. All signs must be always maintained in good order.
- H5. The on-site car parking spaces are not to be used other than by hotel guests, function patrons and staff of the subject building in accordance with the car parking tenure outlined at **Condition C13**.
- H6. Car parking spaces used in connection with hotel function areas are to be available only to patrons while using the function facilities and must not be used for public car parking.

### WARM WATER SYSTEMS AND COOLING SYSTEMS

- H7. 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 – OVERALL DEVELOPMENT

- H8. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the acoustic report titled '*Noise and Vibration Assessment - Issue D*', prepared by Renzo Tonin & Associates and dated 21 April 2023.

### OPERATIONAL NOISE – COMMERCIAL PLANT AND EQUIPMENT

- H9. Noise from commercial plant 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 Council's Area Planning Manager.
  - (b) commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- H10. 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.

**Note:** Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

## **OPERATIONAL NOISE – ENTERTAINMENT**

- H11. The  $L_{Aeq, 15 \text{ minute}}$  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.
  - between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- H12. Despite compliance with **Condition 0(a)**, the  $L_{Aeq, 15 \text{ minute}}$  noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:
- the existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
  - if the  $L_{Z90, 15 \text{ minute}}$  background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level ( $L_p$ ) of the Tf curve in that octave band shall become that octave's  $L_{Zeq, 15 \text{ minute}}$  noise criteria level.
- H13. Despite **Condition 0(b)**, the  $L_{A1, 15 \text{ minute}}$  noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:
- the existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,
  - if the  $L_{Z90, 15 \text{ minute}}$  minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226: 2003) in an above octave band, the lowest audible sound level ( $L_p$ ) of the Tf curve in that octave band shall become that octave's  $L_{Z1, 15 \text{ minute}}$  noise criteria level.

**Note:**  $L_{eq}$ ,  $L_{01}$ , and  $L_{90}$  metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal  $L_{A90}$  level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External  $L_{A90}$  levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

## **EMISSIONS**

- H14. 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:
- gaseous emissions from the development must comply with the requirements of the POEO Act and *Protection of the Environment Operations (Clean Air) Regulation 2010*; and
  - uses that produce airborne particulate matter must incorporate an effective dust collection system.
- H15. 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*.

## **VIBRATION AND STRUCTURE BORNE NOISE**

- H16. Operation of the use is not to result in the transmission of any perceptible vibration to an occupiable area within a separate premises.
- H17. Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate commercial premise  $L_{A1, \text{Slow } 15 \text{ minute}} \leq L_{A90, 15 \text{ minute}} + 3 \text{ dB(A)}$ .

## **SERVICE VEHICLES**

- H18. The size of vehicles servicing the property must not exceed 8.8m in length.
- H19. 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.
- H20. signs must be erected within the loading / unloading area confirming the service vehicle parking is for service vehicles only;
- H21. 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

- H22. 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 C43**. 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

- H23. Despite **Condition E44**, 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

- H24. The Applicant must maintain the landscaping on the site in accordance with the approved landscape plans (**Conditions C1 to C4**) for the duration of occupation of the development.

## OPERATIONAL WASTE MANAGEMENT AND COLLECTION

- H25. 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*.
- H26. Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.
- H27. Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

## SIGNAGE

- H28. Any future development applications relating to signage must demonstrate consistency with the approved Signage Strategy (**condition C39**).

## PUBLIC FOOTWAYS

- H29. 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.
- H30. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

## DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

- H31. 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 Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

## IMPLEMENTATION OF THE VARIOUS OPERATIONAL MANAGEMENT PLANS

- H32. 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 F9**);
  - (b) Loading Dock Management Plan (**Condition F17**);
  - (c) Green Travel Plan (**Condition F19**), which shall also be updated annually in consultation with TfNSW;
  - (d) Transport Access Guide (**Condition F20**);
  - (e) Stormwater Operation and Maintenance Plan (**Condition F37**);
  - (f) Operational Waste Management Plan (**Condition F48**);
  - (g) Operational Landscape Management Plan (**Condition F54**); and
  - (h) Operational Flood Emergency Management Plan (**Condition F58**).

## APPENDIX 1 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. 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.

### ACCESS FOR PEOPLE WITH DISABILITIES

- AN3. 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

- AN4. 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.
- AN5. 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

- AN6. 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

- AN7. 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

- AN8. 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

- AN9. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### HANDLING OF ASBESTOS

- AN10. 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

- AN11. 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.

### BUILDING PLAN APPROVAL

- AN12. 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).

AN13. 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).

#### **TFNSW AND SYDNEY TRAINS**

AN14. 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

AN15. 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.

AN16. Sydney Trains has a High Voltage Substation near this site. It is advised that the applicant consult a relevant expert to prepare an EMF (Electromagnetic Fields) report and implement any recommendations.

AN17. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface and they can be contacted via email on [Central\\_Interface@transport.nsw.gov.au](mailto:Central_Interface@transport.nsw.gov.au).

## APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING 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 A24** 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.