

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

Keiran Thomas
Executive Director
Key Sites & Regional Assessments

Sydney

22 December 2023

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

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

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	SSD- 47498458
Applicant:	Infrastructure NSW
Consent Authority:	Minister for Planning and Public Spaces
Site:	29-51 Hickson Road, Barangaroo (Part Lot 52 DP 1213772, Part Lot 4 DP 876514, Part Lots 1, 2 and 5 DP 912271, Part Lot 7 DP 43776).
Development:	Fit out and operation of the Cutaway Cultural Facility including: • internal alterations and fit-out of the existing Cutaway space over three (3) levels to accommodate event and gallery spaces, back of house areas, amenities, commercial kitchen, offices and ancillary retail and café • enclosure of existing roof openings/voids • new façade and entry treatment from the forecourt adjacent to Nawi Cove, including new landscaping • varied hours of operation for a range of events, exhibitions, cultural uses, festivals and installations.

SUMMARY OF MODIFICATIONS

CONSOLIDATED CONSENT

Application Number	Determination Date	Decider	Modification Description
SSD-47498458-MOD-1	19 September 2024	Team Leader	• minor amendment to internal layout and relocation of grease trap from basement 1 to basement 2
SSD-47498458-MOD-2	26 September 2025	Acting Team Leader	• minor amendment to internal layout of Level 1

FOR INFORMATION

CONSOLIDATED CONSENT

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
AHD	Australian Height Datum
Amplified noise	Any noise generated by a loudspeaker or any other device or apparatus used for the purpose of providing speech or sound reinforcement including music.
Applicant	Infrastructure NSW, the person having the benefit of this consent from time to time, or any person carrying out any of the development to which this consent applies
AS	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
BC Act	<i>Biodiversity Conservation Act 2016</i>
CCS	Community Communication Strategy
Certifier	A council or accredited certifier or in the case of Crown development, a person qualified to conduct Certification of Crown Building work
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including (except where specifically excluded by a condition of this consent) but not limited to the carrying out of works for the purposes of the development, including remediation/earthworks, and erection of buildings or infrastructure permitted by this consent, but excluding the following: • building and road dilapidation surveys • investigative drilling or investigative excavation • installation of environmental impact mitigation measures, fencing, enabling works, and • minor adjustments to services or utilities.
Council	City of Sydney Council
CPTED	Crime Prevention Through Environmental Design Assessment
CWMP	Construction Waste Management Sub-Plan
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The destruction and removal of buildings, sheds and other structures on the site.
Department	NSW Department of Planning and Environment
Development	The development approved pursuant to this consent, as defined in Condition A2 and as modified by the conditions of this consent
EIS	The Environmental Impact Statement titled <i>Barangaroo – Cutaway Cultural Facility, Environmental Impact Statement for State Significant Development (SSD-47498458)</i> , prepared by SJB Planning, dated 17 February 2023, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
Entertainment noise	Music (unamplified or amplified), or any other noise which is generated in course of providing entertainment to a group of people other than that generated by mechanical plant and ancillary equipment to support or service the use.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPL	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i>
Feasible	Means what is possible and practical in the circumstances

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Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: "material harm" is defined in this consent</i>
INSW	Infrastructure NSW
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: - involves actual or potential harm to the health or safety of people or to the environment that is not trivial, or - results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate).
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of approved land uses upon completion of construction
Owner	Means the registered proprietor of the Property from time to time.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Patron Noise	Conversational discourse noise and other noise made by patrons who attend the event while within the venue.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
PMNSW	Placemaking NSW
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information
RtS	The Applicant's response to issues raised in submissions received in relation to the application for this development consent under the EP&A Act.
RRFI	The Applicant's response to requests for information from the Department in relation to the application for this development consent under the EP&A Act.
SDRP	State Design Review Panel
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
SSD	State Significant Development
Suitably Qualified Acoustic Consultant	A consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.
TfNSW	Transport for NSW
Work(s)	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.
General Events (Category 3)	General events are activities which are taken to be events with a low to medium potential for noise impact on the surrounding environment and must only occur in accordance with all terms of this consent.
5-Hour Duration Medium Scale Events (Category 4)	5-Hour Duration Medium Scale Events are activities which are taken to be events with a low to medium potential for noise impact on the surrounding environment and must only occur in accordance with all terms of this consent.

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Single Day Medium Scale Events (Category 2)	Single Day Medium Scale Events are activities which are taken to be events with a low to medium potential for noise impact on the surrounding environment and must only occur in accordance with all terms of this consent.
Major Events (Category 1)	Major Events are activities which are taken to be major events of potential high noise impact on the surrounding environment and must only occur in accordance with all terms of this consent.
New Years Events (Category 1)	New Years Events are activities which are taken to be major events of potential high noise impact on the surrounding environment and must only occur in accordance with all terms of this consent.

FOR INFORMATION

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 must only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS, RtS and any RRFI;
- (d) **As amended by, and in accordance with, the following modification applications:**
 - (i) Section 4.55 (1A) Modification report prepared for SSD 47498458 Mod 1 by SJB Planning Pty Ltd dated 12 July 2024;
 - (ii) **Section 4.55 (1A) Modification report prepared for SSD 47498458 Mod 2 by SJB Planning (NSW) Pty Ltd dated 1 August 2025.**
- (e) in accordance with the approved plans in the table below (except where amended by the conditions of consent):

Architectural drawings prepared by fjstudio			
Drawing Number	Rev	Name of Plan	Date
20000	K	Ground Floor Plan	12/07/2024
20001	J	Level 1 Floor Plan	23/07/2025
20002	J	Level 2 Floor Plan	12/07/2024
20004	K	Basement Level 1 Floor Plan	12/07/2024
20005	A	Detail Roof Plan	13/12/2023
20006	K	Basement Level 2 Floor Plan	12/07/2024
21000	I	Demolition Plan – Ground Floor	15/11/2023
40000	J	Sections 01 and 02	30/11/2023
40001	I	Section 03	15/11/2023
Landscape Plans prepared by fjstudio			
Drawing Number	Rev	Name of Plan	Date
8000	I	Landscape and Entry	15/11/2023
8100	I	Landscape Sections & Details	15/11/2023

- 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.

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**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

- A5. This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.
- A6. The consent does not approve the following:
- (a) any future entry marker structure for the site, including the general location, size and form
 - (b) any interpretation device associated with the former Harbour Control Tower
 - (c) the detailed fit-out and operation of the café on level two
 - (d) the installation of external signage.
- Where required, separate approvals must be obtained from the relevant consent authority (except where exempt and/or complying development applies).

PRESCRIBED CONDITIONS

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 1 of the EP&A Regulation.

PLANNING SECRETARY AS MODERATOR

- A8. In the event of a dispute between the Applicant and a public authority, in relation to a 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 will be binding on the parties.

LEGAL NOTICES

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

EVIDENCE OF CONSULTATION

- A10. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for 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

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

Notes:

- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*
- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

OPERATION OF PLANT AND EQUIPMENT

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

APPLICABILITY OF GUIDELINES

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

management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

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

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

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

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

NON-COMPLIANCE NOTIFICATION

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

COMPLIANCE

- A21. 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.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A22. Within three months of:
- (a) the submission of a compliance report under this consent;
 - (b) the submission of an incident report under this consent;
 - (c) the submission of an Independent Audit under this consent;
 - (d) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or
 - (e) the issue of a direction of the Planning Secretary under this consent which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.
- A23. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

COMPLIANCE REPORTING

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

- A27. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, 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.

WASTE AND RECYCLING MANAGEMENT - GENERAL

- A28. The proposal must comply with the relevant provisions of Council's Guidelines for Waste Management in New Developments 2018 which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.

PAVING MATERIALS

- A29. 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".

HARBOUR CONTROL TOWER VOID

- A30. The final design of the northern most void area shown on the Roof Plan (Drawing Number 20003, rev. J, dated 30 November 2023) in the approved location of the future Harbour Control Tower interpretive structure must be developed in consultation with Council, Heritage NSW, PMNSW and the SDRP in conjunction with the final resolution of the HCT interpretive structure and submitted to the Planning Secretary for approval.

Note: *The final design must be accompanied by confirmation from a Suitably Qualified Noise Consultant that the acoustic assumptions and noise criteria outlined in the Noise and Vibration Impact Assessment, prepared by Arup dated 26 January 2023 remain relevant or a revised Noise and Vibration Impact Assessment which reflects the revised design.*

PART B PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

CROWN BUILDING WORK

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

NOTIFICATION OF COMMENCEMENT

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

ACCESS TO INFORMATION

- B4. At least 48 hours before the commencement of any works and until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in Condition **A2** of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.
 - (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

ENTRANCE DESIGN

- B5. Prior to the commencement of construction works at the entrance adjacent to Nawi Cove, the Applicant must submit revised plans of the entrance design to the Planning Secretary for approval. The revised plans must show the detailed design of the entrance forecourt area, including etchings and engravings, and be developed in consultation with Bangawarra and Jake Nash Design and reviewed by Council, PMNSW and the SDRP. The revised plans must be accompanied by evidence demonstrating how the advice from Council, PMNSW and the SDRP has been addressed.

DESIGN EXCELLENCE AND INTEGRITY

- B6. The architectural design team comprising fjcstudio (the Design Team) is to have direct 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 Certifier prior to the commencement of construction, and
 - (b) the design team is not to be changed without prior written notice and approval of the Planning Secretary.
- B7. The Planning Secretary is to determine whether any proposed modifications to the approved architectural drawings require review by the State Design Review Panel or other appropriate person(s).

MATERIALS AND FINISHES

- B8. Prior to the commencement of construction works at the entrance, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes. The details must include:
- (a) evidence that the following elements have been reviewed by the SDRP and how their advice has been addressed:
 - (i) a sample board showing the proposed timber finishes to be used for the entry sculptural tree

- (ii) 3D digital visualisations that show the detailing and connection of the entry sculptural tree to the existing concrete column
- (iii) full-scale mock-ups that show the proposed sandstone and GRC finishing at the entrance, including jointing and junction details
- (b) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application
- (c) confirmation of the process and methods in arriving at the final choice for all materials and finishes
- (d) detailed architectural drawings of the façade details. This must include snapshots at different points in the facade in plan, elevation and section to a scale of 1:20 or 1:50 as necessary.

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

LONG SERVICE LEVY

- B9. Prior to the commencement of construction, 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>.

STRUCTURAL DETAILS

- B10. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the NCC; and
 - (b) this development consent.

EXTERNAL WALLS AND CLADDING

- B11. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.
- B12. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier 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 NCC.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

- B13. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitably qualified professional demonstrating that the building has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.

MECHANICAL VENTILATION

- B14. The premises must be ventilated in accordance with the NCC and applicable Australian Standards.
- B15. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier details that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, prepared by a suitably qualified person certified in accordance with clause A2.2(a)(iii) of the NCC, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

SITE STABILITY AND CONSTRUCTION WORK

- B16. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced professional engineer/s, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land
 - (b) details to demonstrate that the proposed methods of support and construction in relation to the bulk excavation and demolition works that are the subject of this consent are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration
 - (c) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work
 - (d) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B17. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the design of the development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within the CPTED report prepared by Urbis and dated 16 February 2023.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B18. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all design, construction and operation measures as identified in the Barangaroo Cutaway SSDA Report - ESD prepared by ARUP, dated 25 January 2023.
- B19. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the development will achieve a minimum 6 Star Green Star Buildings v1 rating in accordance with the Green Star Design and As-Built V.1.3 (Green Building Council Australia).

INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

- B20. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating:
- (a) all toilets installed within the development will be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS)
 - (b) all taps and shower heads installed within the development will be water efficient with at least a 3-star rating under the WELS, where available
 - (c) new urinal suites, urinals and urinal flushing control mechanisms installed within the development will utilise products with at least a 4-star rating under the WELS.
 - (d) systems will reduce unnecessary flushing and will not involve the use of continuous flushing systems.

MECHANICAL PLANT NOISE MITIGATION

- B21. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant drawings) and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.

SYDNEY WATER ASSETS

- B22. Prior to the commencement of construction, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

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

A Water Servicing Coordinator must be engaged as soon as possible and a feasibility application must be lodged with Sydney Water prior to development. The feasibility application should include a detailed concept servicing proposal. An inception meeting should be held with Sydney Water after the Applicant has prepared a detailed concept servicing proposal for potable water and wastewater services.

CONSTRUCTION AND FIT-OUT OF FOOD PREMISES

- B23. The construction, fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 – 2004 Design, Construction and Fit-out of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au.

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au

SANITARY FACILITIES – FOOD PREMISES

- B24. The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the National Construction Code (previously known as Building Code of Australia), Part F 3.1, 4.8 and 4.9.

PERSONAL LOCKERS

- B25. Clothing lockers or change rooms for staff must be provided in the premises or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas, in accordance with AS4674 - Design, Construction and Fit out of Food Premises.

WASTE STORAGE AREA

B26. Prior to the commencement of construction on the ground floor, detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Certifier. To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment and comply with the Council Policy for Waste Minimisation in New Developments, and must be:

- (a) Provided with a hose tap connected to the water supply.
- (b) Paved with impervious floor materials.
- (c) Coved at the intersection of the floor and walls.
- (d) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
- (e) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the Protection of the Environment Operations Act 1997 or a nuisance.
- (f) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
- (g) Appropriately managed to PMNSW's satisfaction so that it does not attract pests or create litter.

Note: Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

COOLROOMS

B27. Coolrooms, refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the National Construction Code (previously known as Building Code of Australia), and:

- (a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
- (b) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (c) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (d) Must be fitted with a door that can be opened at all times from inside without a key.
- (e) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 dB(A) when measured 3 metres from a sounding device.

GREASE AND LIQUID WASTE TRAPS

B28. Prior to the commencement of construction, plans and details of a grease trap installed in accordance with the relevant Sydney Water requirements are to be submitted to and approved by the Registered Certifier showing the following:

- (a) The grease trap is not located in any kitchen, food preparation or food storage areas;
- (b) The grease trap is constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
- (c) The grease trap is constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.

Note: In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas. The installation of any grease traps and treatment equipment must be carried out by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia.

WASTE ROOMS (GENERAL WASTE AREAS)

B29. Prior to the commencement of construction, detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Certifier. To ensure the adequate storage and collection of waste from the occupation of the building, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area. The waste storage area must be designed and constructed in accordance with the following requirements to minimise odours, deter vermin, and protect surrounding areas:

- (a) Provided with a hose tap connected to the water supply.
- (b) Paved with impervious floor materials.
- (c) Coved at the intersection of the floor and walls.

- (d) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water).
- (e) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997.
- (f) An adequate lighting system must be provided (natural or artificial) to the waste room to aid with cleaning and the detection of pest activity.
- (g) Fitted with appropriate interventions to meet fire safety standards in accordance with the National Construction Code (previously known as Building Code of Australia).

B30. A design certification report for floor levels of buildings and structures must be submitted to the Registered Certifier prior to the commencement of construction.

SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

- B31. 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.
- B32. Prior to the commencement of construction, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by the Certifier. 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.

HERITAGE INTERPRETATION

- B33. Prior to the commencement of construction, plans identifying opportunities for heritage interpretation (in accordance with the Barangaroo Heritage Interpretation Plan 2022, prepared by Curio Projects) including opportunities to integrate First Nations culture and history into the proposal such as through naming and wayfinding must be submitted to and approved by the Certifier.

GREEN TRAVEL PLAN

- B34. Prior to the commencement of construction, the Applicant must update the Green Travel Plan (GTP) in consultation TfNSW. The GTP must consider:
- (a) Bicycle Parking and end of trip facilities for use by staff
 - (b) Parking - Reduce car parking usage by encouraging use of sustainable modes such as public transport;
 - (c) Initiatives to encourage more staff and visitors to participate in sustainable transport options;
 - (d) A Travel Access Guide (TAG) - TAG as an appendix for staff, performers and visitors who will be using the proposed development.
- B35. The Applicant must submit a copy of the final plan via development.sco@transport.nsw.gov.au for TfNSW, three (3) months prior to the occupation. The GTP must be approved by the Certifier prior to the commencement of construction.
- B36. The GTP must be implemented and updated as required to ensure sustainable transport outcomes and achieve the overall strategic planning objectives in the Future Transport 2056 and provide an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes.

UTILITIES AND SERVICES

- B37. 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.
- B38. Prior to the commencement of any 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.

DIAL BEFORE YOU DIG SERVICE

- B39. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services or rail services.

- B40. 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 principal certifier.
- B41. 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.

NO OBSTRUCTION OF THE PUBLIC DOMAIN WITHOUT APPROVAL

- B42. A Work Zone Permit must be sought and issued by the relevant roads authority to allow any obstructions of the public way, footpaths, road reserves and the like, by any mobile cranes, materials, vehicles, refuse, skips, loading and unloading or the like. Where supported by the relevant authority, the Work Zone Permit should be given for the shortest possible time, so as to not restrict movement or use of the public domain. Consideration should be given to issuing the permit for a specific time period(s) or specific works.

COMMUNITY COMMUNICATION STRATEGY

- B43. Before the commencement of works, the Applicant must update the Community Communication Strategy (CCS) for the development to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the construction of the development and for a minimum of 12 months following the completion of construction.
- B44. The CCS for the development must:
- (a) identify people to be consulted during the construction phases;
 - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
 - (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
 - (d) set out procedures and mechanisms:
 - through which the community can discuss or provide feedback to the Applicant;
 - through which the Applicant will respond to enquiries or feedback from the community; and
 - to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- B45. The updated CCS must be submitted to the Planning Secretary for approval no later than one month before the commencement of construction.
- B46. Construction must not commence until the updated CCS has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.
- B47. The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

DEMOLITION

- B48. 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 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 before the commencement of works.

PRE-CONSTRUCTION DILAPIDATION REPORTS

- B49. Prior to the commencement of any construction, the Applicant must submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by a suitably qualified person.
- B50. 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, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to each of the affected property owners.
- B51. 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 Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

- B52. 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 to the satisfaction of the public authority responsible for the public way.
- B53. Prior to a Certificate of Completion being issued for Public Domain Works or prior to occupation, whichever is the sooner, the damage must be fully rectified by the Applicant in accordance with:
- (a) Council's standards for Council owned adjoining buildings, infrastructure and roads
 - (b) NSW's standards for NSW owned adjoining buildings, infrastructure and roads.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- B54. Prior to the commencement of any works, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Certifier and Council
 - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- B55. Prior to the commencement of any works, the Preliminary Construction Environmental Management Plan (CEMP) prepared by EY and dated 22 December 2022 must be updated, submitted to and approved by the Certifier. The CEMP must address, but not be limited to, the following matters where relevant:
- (a) Details of:
 - (i) hours of work
 - (ii) 24 hour contact details of the site manager
 - (iii) community consultation and complaint handling procedure
 - (iv) traffic management
 - (v) noise and vibration management, prepared by a suitably qualified person
 - (vi) management of dust and odour to protect the amenity of the neighbourhood
 - (vii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site
 - (viii) contamination management, including any unexpected contamination finds protocol
 - (ix) waste management
 - (x) external lighting in compliance with applicable Australian Standards
 - (xi) flora and fauna management.
 - (b) Construction Traffic and Pedestrian Management Sub-Plan
 - (c) Construction Noise and Vibration Management Sub-Plan
 - (d) Air Quality Management Sub-Plan
 - (e) Construction Waste Management Sub-Plan
 - (f) Construction Soil and Water Management Sub-Plan
 - (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
 - (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT SUB-PLAN

- B56. Prior to commencement of any works, the Applicant must submit to the satisfaction of TfNSW a final detailed Construction Pedestrian and Traffic Management Plan (CPTMP), prepared by a suitably qualified person in consultation with TfNSW, Sydney Metro and PMNSW. The CPTMP must be endorsed by TfNSW and submitted to the Planning Secretary for information prior to the commencement of works.

The CPTMP must address, but not be limited to, the following matters:

- (a) a description of the development
- (b) proposed construction program and construction methodology
- (c) proposed construction hours
- (d) a detailed plan of any proposed hoarding and/or scaffolding
- (e) details of crane arrangements, including location of any crane(s)

- (f) location(s) where it is proposed to park construction vehicles
- (g) location of any proposed work zone(s)
- (h) haulage routes
- (i) 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
- (j) measures to avoid construction worker vehicle movements
- (k) measures to ensure the arrival of construction vehicles to the site do not cause additional queueing on public roads
- (l) pedestrian and traffic management measures
- (m) details of construction vehicle routes and entry and exit to and from the site, including evidence of consultation with TfNSW and PMNSW on preferred construction routes and routing construction traffic and deliveries along Towns Place where possible to minimise exposure to residences
- (n) details of roads that may be excluded from use by construction traffic i.e. roads with load limits, quiet residential streets or access/turn restricted streets
- (o) details of the monitoring regime for maintaining the simultaneous operation of buses, light rail and construction vehicles on roads surrounding the site
- (p) consultation strategy for liaison with surrounding stakeholders, including other developments under construction
- (q) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works
- (r) cumulative construction impacts of projects within Barangaroo. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure the coordination of work activities are managed to minimise impacts on the surrounding road network, and
- (s) 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 must be enforced throughout the duration of works.

- B57. The CPTMP approved under **Condition B56** must be complied with during any works associated with this consent.
- B58. Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Transport for NSW (development.CTMP.CJP@transport.nsw.gov.au) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The Applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- B59. Prior to the commencement of any works, a Construction Noise and Vibration Management Sub-Plan (CNVMP) must be prepared by a suitably qualified acoustic consultant and approved by the Certifier. The CNVMP must include but not be limited to the following:
- (a) any recommendations made in the Noise and Vibration Impact Assessment prepared by ARUP and dated 26 January 2023 including specification of the actual equipment to be used during construction and updated estimates of the likely noise and vibration impacts;
 - (b) identification of the specific activities that will be carried out and associated noise sources at the site;
 - (c) identification of all potentially affected sensitive residential receiver locations;
 - (d) a representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997
 - (e) 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;
 - (f) what plant and equipment is to be used on site and proposed number of high noise intrusive appliances intended to be operated onsite
 - (g) 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;
 - (h) 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;
 - (i) the required scheduling of activities and works having regard to the nearest sensitive receivers
 - (j) the preferred location of plant and equipment to behind structures to maximise shielding of receivers
 - (k) use and maintenance of the preferred equipment

- (l) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;
- (m) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be implemented; 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;
- (n) 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;
- (o) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;
- (p) 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;
- (q) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
- (r) confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phase
- (s) measures to monitor noise performance
- (t) measures to respond to complaints, including what course of action will be undertaken following receipt of a complaint concerning offensive noise;
- (u) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
- (v) procedures to allow for regular professional acoustic input to construction activities and planning; and
- (w) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

AIR QUALITY MANAGEMENT SUB-PLAN

B60. Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. The Sub-Plan must include, as a minimum, the following elements:

- (a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods);
- (b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);
- (c) mission statement;
- (d) dust and VOCs/odour management strategies consisting of:
 - (i) objectives and targets;
 - (ii) risk assessment;
 - (iii) suppression improvement plan;
 - (iv) monitoring requirements including assigning responsibility (for all employees and contractors);
 - (v) communication strategy; and
 - (vi) system and performance review for continuous improvements.

B61. The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The AQMP must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (eg. frequency, duration and method of monitoring) to be undertaken for the project.

B62. The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

B63. Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier a final Construction Waste Management Sub-Plan (CWMP) for the development. The Sub-Plan must include, as a minimum, 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 concrete waste, rinse 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 are cleaned of debris prior to leaving the premises;
- (g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
 - a traffic plan showing transport routes within the site;
 - a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
 - the name and address of each licensed facility that will receive waste from the site (if appropriate).
- (h) on-site general waste and co-mingled recycling waste bins are available for waste generated by workers and suitably located (e.g. break out areas)
- (i) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- B64. Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMP) which must be prepared by a suitably qualified expert and address, but not be limited to, the following:
- (a) describe all erosion and sediment controls to be implemented during construction
 - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the Site)
 - (c) detail all off-Site flows from the Site
 - (d) 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 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

LANDSCAPING PLANS

- B65. Prior to the commencement of construction, a detailed landscape design including plans and details drawn to scale and technical specification by a registered landscape architect is to be prepared in consultation with Council and PMNSW and approved by PMNSW. These documents must include:
- (a) Location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, on structure and in pots;
 - (b) Location and details of existing and proposed surface materials and structures on the site including, but not limited to, paved areas, infill pit lids, furniture, removable bollards, bike racks, light poles, signage, drainage, services, shade structures, other features, and all associated footings;
 - (c) Coordinated services plan including location and approximate depth of all existing and proposed pits, services (electricity, gas, sewer, potable water), proposed plaza drainage, sculptural tree, wall and fence footings, sign posts, lights and GPO if applicable;
 - (d) Detailed grading plan with existing and proposed levels, falls, and pits;
 - (e) Details of GRC cladding to walls including capping, GRC specification and samples to colour match sandstone;
 - (f) Interface details for landscape to skylights in Stargazer Lawn;
 - (g) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers;
 - (h) 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;
 - (i) Landscape maintenance plan. This plan is to be complied with during occupation of the property; and
 - (j) Details of drainage, waterproofing and watering systems.

TREE PROTECTION PLAN / ARBORIST REPORT

- B66. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier a detailed site-specific Tree Protection Plan (TPP) prepared by a qualified Arborist (minimum AQF Level 5) and must identify all potentially impacted trees and appropriate protection measures. The TPP is to be prepared in accordance with the Australian Standards AS4970 'Protection of trees on development sites' and implemented throughout all construction and development works.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B67. Prior to the commencement of construction, the Applicant must submit evidence to the Certifier from a Suitably Qualified Acoustic Consultant which confirms that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Noise and Vibration Impact Assessment, prepared by ARUP, dated 26 January 2023.

CONSTRUCTION PARKING

- B68. Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles and for site personnel (where required), to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

COMPLIANCE

- B69. Prior to the commencement of any works, 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.

OUTDOOR LIGHTING

- B70. 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.

PUBLIC LIABILITY INSURANCE

- B71. Prior to the commencement of any earthwork or construction over, on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to Council.

REMEDIALATION – UNEXPECTED FINDS PROTOCOL

- B72. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

BARRICADE PERMIT

- B73. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

HOARDING

- B74. Prior to the commencement of works, the final design and masterplan for the construction hoarding is to be provided to PMNSW for review and endorsement.
- B75. An application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- (a) architectural, construction and structural details of the design as well as any proposed artwork
 - (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.
- B76. Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with the conditions of approval (Permit) granted including:
- (a) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (b) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (c) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (d) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (e) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
 - (f) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
 - (g) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved (Clause 3.9.4);

- (h) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (i) ensuring all required signage, artwork or historic images are provided and fully maintained (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

B77. If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2017).

PART C DURING CONSTRUCTION

APPROVED PLANS TO BE ON-SITE

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

SITE NOTICE

- C2. 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.

CONTACT TELEPHONE NUMBER

- C3. The 24-hour contact telephone number must be continually attended by a person(s) with authority over the works for the duration of the development.

IMPLEMENTATION OF MANAGEMENT PLANS/COMPLIANCE WITH MANAGEMENT PLANS

- C4. The Applicant must ensure the requirements and recommendations outlined in the following plans are complied with:
- (a) Construction Environmental Management Plan and all appendices required by **Condition B55**
 - (b) Construction Pedestrian and Traffic Management Sub-Plan required by **Condition B56**
 - (c) Construction Noise and Vibration Management Sub-Plan required by **Condition B59**
 - (d) Air Quality Management Sub-Plan required by **Condition B60**
 - (e) Construction Waste Management Sub-Plan required by **Condition B63**
 - (f) Construction Soil and Water Management Sub-Plan required by **Condition B64**.

HOURS OF CONSTRUCTION

- C5. All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with the commencement of work (e.g. loading and unloading of goods, transferring of tools, delivery of materials or machinery to and from the site), may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 5pm, Saturdays.
- C6. No work may be carried out on Sundays or public holidays.
- C7. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- C8. Notification of activities undertaken in the circumstances in **Condition C7** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C9. The operation of high noise emission appliances, plant and/or machinery such as pile drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E and 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* and/or any other work generating high noise impact (i.e. work exceeding a NML of 75dB(A)) are restricted to 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 must 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.

NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

- C10. 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.

CONSTRUCTION NOISE LIMITS

- C11. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.
- C12. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- C13. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- C14. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any sensitive receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.
- C15. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.

VIBRATION CRITERIA

- C16. Vibration caused by works at any residence or structure outside the Site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999)
 - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- C17. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the CNVMP required by under **Condition B59** of this consent.

AIR QUALITY

- C18. 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.

CONSTRUCTION LIGHTING

- C19. Any construction lighting must be 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.
- C20. Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting*. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

SAFework REQUIREMENTS

- C21. 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

TREE PROTECTION

- C22. No street tree is to be trimmed 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.
- C23. All street trees must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council.

EROSION AND SEDIMENT CONTROL

- C24. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book'.

CUT AND FILL

- C25. 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.
- C26. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

STOCKPILES

- C27. All stockpiles of soil or other materials must:
- (a) not be placed on footpaths or nature strips unless prior approval has been obtained from Council
 - (b) be placed away from drainage lines, gutters or stormwater pits or inlets.
 - (c) be covered if likely to generate dust or odours
 - (d) if contaminated, be stored in a secure area and be covered if remaining for more than 24 hours.

COVERING OF LOADS

- C28. All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

- C29. 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.

DISPOSAL OF SEEPAGE AND STORMWATER

- C30. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- 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.
- C31. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- C32. 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*.

CONSTRUCTION TRAFFIC

- C33. 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.

- C34. All loading and unloading associated with the works must be accommodated on-site, unless in accordance with a Work Zone Permit (see **Condition B42**).

ROAD OCCUPANCY LICENCE

- C35. 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

- C36. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement may result in the issue of a notice by the Planning Secretary to stop all work on site.

DAMAGE TO THE PUBLIC WAY

- C37. 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 to the satisfaction of the public authority responsible for the public way.

PROTECTION OF PUBLIC INFRASTRUCTURE

- C38. 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 the carrying out of 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.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

- C39. 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 and PMNSW in respect of a relic and notify the Planning Secretary, PMNSW 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.
- C40. 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*
- C41. “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.

NOTIFICATION – NEW CONTAMINATION EVIDENCE

- C42. The Planning Secretary must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.

ASBESTOS AND HAZARDOUS WASTE REMOVAL

- C43. The Applicant must ensure that any asbestos or hazardous waste encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017;*
 - (b) *SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;*
 - (c) *SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and*
 - (d) *Protection of the Environment Operations (Waste) Regulation 2014.*

CONTAMINATION EVIDENCE

- C44. The Applicant must implement the Unexpected Finds Protocol outlined within the CEMP required by **Condition B55** for the duration of works. Should any new information come to light during demolition which has the potential to alter previous conclusions about site contamination, the Planning Secretary must be immediately notified and works must cease. Works must not recommence on the site until the Planning Secretary confirms works can recommence.

INDEPENDENT ENVIRONMENTAL AUDIT

- C45. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.

- C46. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C47. 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.
- C48. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, 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.
- C49. 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.
- C50. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

RESOLUTION OF HARBOUR CONTROL TOWER VOID

- D1. The design resolution of the void area, in the location of the former Harbour Control Tower (approved under **Condition A30**) must be implemented prior to the occupation or commencement of use.

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- D2. Prior to the occupation or commencement of use, 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 satisfaction of the Certifier.

NOTIFICATION OF OCCUPATION

- D3. The Department must be notified in writing at least one month prior to the proposed occupation of the development.
- D4. 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.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

- D5. Prior to the occupation or commencement of use, evidence must be submitted to the Certifier demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent.
- D6. The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.

HERITAGE INTERPRETATION

- D7. Prior to the occupation or commencement of use, the Applicant must provide evidence to the Certifier that heritage interpretation has been implemented in accordance with **Condition B33**.

OPERATIONAL WASTE MANAGEMENT

- D8. Prior to the occupation or commencement of use, PMNSW must prepare an Operational Waste Management Plan (OWMP) for the development in consultation with Council and endorsed by INSW. The OWMP must:
- (a) be prepared in consultation with Council
 - (b) confirm the location of waste collection and establish appropriate routes to the collection point
 - (c) provide confirmation of the engagement of a qualified private waste collection contractor
 - (d) detail the type and quantity of waste to be generated during operation of the development
 - (e) describe the handling, storage and disposal of all waste streams generated on site, consistent with the Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (EPA)
 - (f) detail the materials to be reused or recycled, either on or off site
 - (g) include the Management and Mitigation Measures included in the EIS.

WASTE STORAGE AREA

- D9. Prior to the occupation or commencement of use, evidence that waste storage areas associated with the development have been constructed in accordance with the detailed plans and specifications outlined in **Condition B26** must be submitted to and approved by the Certifier.

SURVEY INFRASTRUCTURE - RESTORATION

- D10. Prior to the occupation or commencement of use, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by the Surveyor-General. This evidence must include:
- (a) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
 - (b) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;
 - (c) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

PROTECTION OF PUBLIC INFRASTRUCTURE

- D11. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure that is damaged by carrying out the development;
- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.
- (c) infrastructure includes, but is not limited to, ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area.

MECHANICAL VENTILATION

- D12. Prior to occupation or commencement of use, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) any conditions of this consent
 - (b) the NCC
 - (c) any applicable Australian Standards
 - (d) any dispensation granted by Fire and Rescue NSW.

POST-CONSTRUCTION DILAPIDATION REPORT

- D13. Prior to the occupation or commencement of use, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Certifier, detailing whether:
- (a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads; and
 - (b) where there has been structural damage to any adjoining buildings, infrastructure or roads, that it is a result of the building work approved under this development consent; and
 - (c) relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- D14. Prior to the occupation or commencement of use, the Certifier is to provide a copy of the post-construction dilapidation report to the consent authority and to the relevant adjoining property owner(s).

ROAD DAMAGE

- D15. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

FIRE SAFETY CERTIFICATION

- D16. Prior to the occupation or commencement of use, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier and be prominently displayed in the building.

STRUCTURAL INSPECTION CERTIFICATE

- D17. Prior to the occupation or commencement of use, 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 must be submitted to the Planning Secretary 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.

OUTDOOR LIGHTING

- D18. 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.

SYDNEY WATER COMPLIANCE

- D19. Prior to the occupation or commencement of use, 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

- D20. Prior to the occupation or commencement of use, 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.
- D21. Prior to the occupation or commencement of use, the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.

ENVIRONMENTAL PERFORMANCE

- D22. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

ACOUSTIC VERIFICATION REPORT

- D23. Prior to the occupation or commencement of use, the Applicant must submit a written Acoustic Verification Report, prepared by a Suitably Qualified Acoustic Consultant, to the satisfaction of the Certifier that the noise mitigation recommendations in the report titled '*Barangaroo – Cutaway Cultural Facility Noise and Vibration Impact Assessment*' prepared by ARUP and dated 26 January 2023 (as amended by conditions of this consent) have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels.

All physical aspects of the building's structure installed to meet the performance parameters must be maintained at all times.

OPERATIONAL NOISE MANAGEMENT PLAN

- D24. Prior to the occupation or commencement of use, an Operational Noise Management Plan (ONMP) must be prepared in consultation with Council and approved by the Planning Secretary which includes, but is not limited to:
- (a) Details of how the operational noise management measures recommended in the report titled '*Barangaroo – Cutaway Cultural Facility Noise and Vibration Impact Assessment*' prepared by ARUP and dated 26 January 2023 (as amended by conditions of this consent) have been incorporated into the design
 - (b) Compliance with all other operational conditions of this consent, hours of operation, noise and security management
 - (c) Mitigation measures to manage operational noise impacts, including from events, bump in and out activities, use of the loading dock, and patrons entering and exiting the venue
 - (d) Provide a definitive list of streets for which residents and businesses whom occupy the adjacent land will be notified prior to any Major Event, New Years Event or Single Day Medium Event
 - (e) A community notification and complaints handling procedure.

TRANSPORT ACCESS GUIDE

- D25. The Applicant must prepare a Transport Access Guide in consultation with TfNSW, implemented and maintained by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times. The following information must be submitted to the Certifier prior to the occupation or commencement of use:

The Transport Access Guide is to include (but not be limited to) the following:

- (a) information regarding lack of off-street car parking and passenger pick-up and set down areas at the development site;
- (b) suitable nearby drop-off/pick-up locations;
- (c) identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and
- (d) suitable nearby Taxi Zones.

LANDSCAPE PRACTICAL COMPLETION REPORT

- D26. Prior to the occupation or commencement of use, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan. The Report is to verify that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required under **Condition B65** and is to verify that an effective maintenance program has been commenced.

LOADING AND SERVICING MANAGEMENT PLAN

- D27. Prior to the occupation or commencement of use, the Applicant must submit to the satisfaction of the Certifier, a Loading and Servicing Management Plan prepared by a suitably qualified professional in consultation with TfNSW and PMNSW.

The Plan needs to specify, but not be limited to, the following:

- (a) details of the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;

- (b) details of measures to manage any potential traffic and safety impacts of the loading dock operation; and
- (c) details of how vehicles larger than a 6.4m SRV delivering to the site must be managed.

The Loading and Servicing Management must be implemented by the Applicant following the issue of the Occupation Certificate.

EVENTS AND OPERATIONS MANAGEMENT PLAN

- D28. Prior to the occupation or commencement of use, the draft Operational Management Plan must be updated by PMNSW in consultation with INSW and Council and approved by the Planning Secretary. The final Events and Operational Management Plan (EOMP) must include, but not be limited to:
- (a) patron capacity and operational hours
 - (b) public access
 - (c) special events including bump in/bump out procedures and management
 - (d) event management including a description of the events to be held at the site, relevant patron capacities for each event, programming, activation principles and event layouts of internal spaces
 - (e) a clear strategy to coordinate community access and use of the forecourt with events within the Cutaway
 - (f) strategies for encouraging First Nations access and use of the site through the programming of the site
 - (g) strategies for providing First Nations employment opportunities (both direct and indirect)
 - (h) noise management including noise limits, noise monitoring, community consultation and complaints handling procedure
 - (i) security management including general security measures and event security
 - (j) emergency management and incident response
 - (k) management of food and alcohol
 - (l) work health and safety practices and considerations
 - (m) waste management including waste storage and event waste management
 - (n) transport and parking management, including for events
 - (o) sustainability, including a ventilation strategy to support mixed-mode ventilation
 - (p) stakeholder and community engagement procedure.

LANDSCAPE MAINTENANCE PLAN

- D29. Prior to the occupation or commencement of use, the Applicant must prepare a Landscape Maintenance Plan in consultation with PMNSW and to the satisfaction of the Certifier.

ADDITIONAL REQUIREMENTS ON PLANS – SINKS AND HAND WASH BASINS

- D30. Prior to the commencement of operation, amended scale plans confirming the position of all sinks and hand wash basins within the food premises must be submitted to and approved by Council's Health and Building Unit. The location and accessibility of sinks and hand wash basins must comply with the requirements of *AS4674 Design, Construction and Fit-out of Food Premises and Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment*.

TOILETS FOR FOOD HANDLERS

- D31. Prior to the commencement of operation, details of the location of toilets which are provided exclusively for the use of food handlers and staff working at the business must be submitted to and approved by the Certifier. The Certifier must confirm that:
- (a) toilets and associated facilities are provided in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises and the Australia New Zealand Food Standards Code, 3.2.3 - Food Premises and Equipment*.
 - (b) the toilet(s) are provided with a hand wash basin, with hot and cold running water mixed through a common spout, hand wash soap, hygienic hand drying facilities and hands-free taps.

FOOD PREMISES – DETAILED PLANS

- D32. Prior to the commencement of operation, detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the Australia New Zealand Food Standards Code – 3.2.3 – Food Premises and Equipment under the Food Act 2003 and AS 4674 - Design, Construction and Fit-out of Food Premises and approved by the Certifier.

PART E OCCUPATION AND ONGOING USE

PATRON CAPACITY

- E1. The maximum number of persons (including staff, patrons and performers) permitted in the Cutaway premises at any one time is 2,995 persons.

The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.

- E2. A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details are to be provided to the satisfaction of the Certifier prior to issue of a Construction Certificate and the Principal Certifier is to confirm compliance prior to the issue of an Occupation Certificate.

Note: Clause 73 of the Environmental Planning and Assessment Regulation 2021 requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

HOURS OF OPERATION

- E3. 24-hour operation is allowed for overnight cleaning, kitchen operation and security. Noise impacts during 24-hour operations must comply with the Project Noise Trigger Levels based on the Noise Policy for Industry outlined in the *Noise and Vibration Impact Assessment* prepared by Arup and dated 26 January 2023.
- E4. Events are permitted to operate for the following hours and in accordance with the noise criteria specified in **Condition E5 to Condition E9**:
- (a) General events: 8am to 6pm, any day of the week
 - (b) 5-hour Medium Scale Event: 10am to 11pm, up to a maximum of 15 times per year
 - (c) Single Day Medium Event: 10am to 10pm, up to a maximum of 6 times per year
 - (d) Major Events: 7am to 11pm, up to a maximum of 4 times per year
 - (e) New Years Events: 10am to 2am, once per year.

GENERAL EVENTS (CATEGORY 3)

- E5. General events must operate in accordance with the following conditions:
- (a) General events must occur between 8am and 6pm, any day of the week.
 - (b) The cumulative, broadband $L_{Aeq, 10 \text{ minute}}$ noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the project noise trigger levels outlined in the *Noise and Vibration Impact Assessment* prepared by Arup and dated 26 January 2023 between the hours of 8am and 6pm when assessed at the boundary of any noise sensitive receivers identified in this report.

5-HOUR DURATION MEDIUM SCALE EVENTS (CATEGORY 4)

- E6. 5-Hour Duration Medium Scale Events must operate in accordance with the following conditions:
- (a) 5-Hour Duration Medium Scale Events must operate between 10am and 11pm, any day of the week, with a maximum of 5 hours overall event duration.
 - (b) There must be no more than 15 5-Hour Duration Medium Scale Events per calendar year.
 - (c) The cumulative, broadband $L_{Aeq, 10 \text{ minute}}$ noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the following at the boundary of any noise sensitive commercial premise or residential premise:
 - (i) 55 dB(A) during the hours of 10am to 10pm on any day. As a guideline to resolving low frequency noise issues, the $L_{Ceq, 10 \text{ minute}}$ must not exceed 65 dB(C) during these times.
 - (ii) 50 dB(A) between the hours of 10pm and 11pm. As a guideline to resolving low frequency noise issues, the $L_{Ceq, 10 \text{ minute}}$ must not exceed 60 dB(C) during these times.

SINGLE DAY MEDIUM SCALE EVENTS (CATEGORY 2)

- E7. Single Day Medium Scale Events must operate in accordance with the following conditions:
- (a) Single Day Medium Scale Events must operate between 10am and 10pm, any day of the week.
 - (b) There must be no more than 6 Single Day Medium Scale Events per calendar year.

- (c) The cumulative, broadband $L_{Aeq, 10 \text{ minute}}$ noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the following at the boundary of any noise sensitive commercial premise or residential premise:
 - (i) 55 dB(A) during the hours of 10am to 10pm on any day. As a guideline to resolving low frequency noise issues, the $L_{Ceq, 10 \text{ minute}}$ must not exceed 65 dB(C) during these times.
 - (ii) Amplified noise, music and other entertainment noise (excluding patron noise) is to be inaudible outside the above hours at all times.

MAJOR EVENTS (CATEGORY 1)

- E8. Major Events must operate in accordance with the following conditions:
- (a) Major Events must operate between 7am and 11pm, any day of the week.
 - (b) There must be no more than 4 Major Events per calendar year.
 - (c) The cumulative, broadband $L_{Aeq, 10 \text{ minute}}$ noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the following at the boundary of any noise sensitive commercial premise or residential premise:
 - (i) 65 dB(A) during the hours of 10am to 10pm on any day. As a guideline to resolving low frequency noise issues, the $L_{Ceq, 10 \text{ minute}}$ must not exceed 75 dB(C) during these times.
 - (ii) 55 dB(A) during the hours of 7am to 10am and 10pm to 11pm. As a guideline to resolving low frequency noise issues, the $L_{Ceq, 10 \text{ minute}}$ must not exceed 65 dB(C) during these times.
 - (iii) Amplified noise, music and other entertainment noise (excluding patron noise) is to be inaudible outside the above hours at all times.

NEW YEARS EVENTS (CATEGORY 1)

- E9. New Years Events must operate in accordance with the following conditions:
- (a) New Years Events must operate between 7am to midnight, on the last day of the year, and midnight to 2am on the first day of the year.
 - (b) There must be no more than one New Years Event per calendar year.
 - (c) The cumulative, broadband $L_{Aeq, 10 \text{ minute}}$ noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the following at the boundary of any noise sensitive commercial premise or residential premise:
 - (i) 65 dB(A) during the hours of 10am and midnight on New Years Eve. As a guideline to resolving low frequency noise issues, the $L_{Ceq, 10 \text{ minute}}$ must not exceed 75 dB(C) during these times.
 - (ii) 55 dB(A) during the hours of midnight and 2am on new Years Day. As a guideline to resolving low frequency noise issues, the $L_{Ceq, 10 \text{ minute}}$ must not exceed 65 dB(C) during these times.
 - (iii) Amplified noise, music and other entertainment noise (excluding patron noise) is to be inaudible outside the above hours at all times.

LOADING DOCK / BUMP IN AND OUT ACTIVITIES

- E10. Heavy and medium vehicle movements associated with the loading dock must only be undertaken between 7am and 10pm.
- E11. Deliveries are restricted to between 7am and 10pm.
- E12. Notwithstanding **Condition E10** and **Condition E11**, time critical bump in and bump out activities may be undertaken for events up to a maximum of four times per calendar year between 10pm and 7am. All work associated with bump in and bump out activities must comply with the noise limits prescribed by the City of Sydney Code of Practice for Construction Hours/Noise 1992 and methodologies and be in accordance with the Australian Standard 2436 – 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites. This noise criteria is applicable at any residential or commercial premise.

ALL EVENTS TO BE PLANNED AND APPROVED BY PMNSW, A REGISTER OF DETAILS KEPT AND NOTIFICATIONS ARE TO OCCUR

- E13. All event operations held at the Cutaway premise must be planned and organised and operated in consultation with and to the satisfaction of PMNSW.
- E14. Prior to, during the occurrence of, and after any event being held at the Cutaway, PMNSW must ensure the following is carried out:
- (a) An accurate and documented hard copy record of events are kept and available for review by any person during normal business hours at the PMNSW offices. The record is to include the following at a minimum:
 - (i) The Event type (i.e. general event, major event, medium event)
 - (ii) The details of the organisation or individual who held the event, including a contact person
 - (iii) The date the event is/was scheduled and held

- (iv) An overview of the activities the planned event will encapsulate.
- (b) In addition to the above, PMNSW is to establish and maintain the following on its website:
 - (i) An overview of planned events to be held in the next three calendar months. Planned Major Events, New Years Events and Single Day Medium Events are to be marked with an asterisk (*) referencing potential audible noise off-site and referring the reader to the events hotline.
 - (ii) An overview of planned events held in the calendar year to date.

PMNSW TO ESTABLISH RECORD OF COMPLAINTS

- E15. PMNSW is to establish a written record of complaints which is to be kept for the duration of this consent. The following details of all complaints received in relation to the operation of or bump-in and bump-out of any event are to be kept:
- (i) The complainants name, address and a return phone number (where provided),
 - (ii) The nature of the complaint e.g. music, noise, noise from patrons, noise from setup, crowds of people blocking the road etc
 - (iii) The results of an investigation conducted into the complaint, inclusive of whom actioned the complaint, and any action or inaction taken as a result of the investigation,
 - (iv) An overview of any information conveyed to the complainant in discussion following an investigation into their complaint.

COMPLAINTS HANDLING

- E16. The Applicant must operate a noise complaint handling procedure for the operation of the site in accordance with the approved Operational Noise Management Plan (**Condition D24**).
- The Applicant must provide a bi-annual (six monthly) register of complaints received by the public to the Department. The register shall detail the date the complaint was received and the actions taken to address the source of the complaint.
- Should a noise complaint be received by PMNSW and/or the Department that is substantiated, the use of the site for events must cease until the noise emissions from the use can comply with the noise criteria outlined in this consent.
- E17. Prior to any planned Major Events or New Years Events, the Applicant must notify and consult with neighbouring noise sensitive receivers in accordance with **Condition D24**.
- E18. The Applicant is responsible for investigating and reacting to any complaints made during events.

NOISE MONITORING AND REPORTING

- E19. Prior to any Major Event, New Years Event or Single Day Medium Scale Event being held with an amplified noise aspect (excluding public announcement systems used for crowd announcements), the Applicant must appoint a Suitably Qualified Acoustic Consultant. The Acoustic Consultant must:
- (a) Review and familiarise themselves with:
 - (i) the *'Barangaroo – Cutaway Cultural Facility Noise and Vibration Impact Assessment'* prepared by ARUP and dated 26 January 2023
 - (ii) the Operational Noise Management Plan prepared in accordance with **Condition D24**
 - (iii) the proposed event and surrounding environment.
 - (b) Provide advice as to the setup of the proposed event for the purpose of minimising noise impact
 - (c) Undertake appropriate attended noise monitoring on the day of the event and verify that the noise emanating from the event, at the nearest residential boundary, does not exceed the noise criteria established in this consent.
 - (d) If necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria established in this consent
 - (e) Additionally, the Suitably Qualified Acoustic Consultant, the site operator and the proprietor of the planned event must:
 - (i) Ensure that the planned event complies with the noise criteria
 - (ii) The site operator and the proprietor of the planned event must follow all instructions given by the Suitably Qualified Acoustic Consultant in relation to noise control
 - (iii) Adequately staff the event to ensure compliance with (i) and (ii) above
 - (iv) Respond to any complaints in accordance with the complaints handling procedure developed as part of **Condition D24**
 - (v) Report on the event to the site operator.
 - (f) Prepare an Acoustic Report detailing the results of acoustic monitoring during the event which must be submitted to PMNSW within 7 days after the event.

- (g) If the Acoustic Consultant recommends that additional treatment or works be undertaken to satisfy part (d) above, those recommendations must be implemented to the Acoustic Consultant's satisfaction within one (1) month of the date of the Acoustic Consultant's report.

If the Acoustic Consultant's recommendations are not implemented in accordance with this condition, no Major Events, New Years Events or Single Day Medium Scale Events may occur until such time as the recommendations are implemented and verified.

NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- E20. 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). Further:
- (a) background noise monitoring must be carried out in accordance with the long-term methodology in *Fact Sheet B* of the NPfI
 - (b) commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- E21. An $L_{Aeq, 15 \text{ minute}}$ (noise level) emitted from the commercial plant associated with 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.

NO SPEAKERS OR MUSIC OUTSIDE

- E22. Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

NOISE FROM GLASS REMOVAL

- E23. Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

IMPLEMENTATION OF OPERATIONAL MANAGEMENT PLANS

- E24. The following operational management plans (and any updates to those plans) must be implemented and adhered to at all times by the Applicant following the occupation or commencement of use:
- (a) Operational Waste Management Plan (**Condition D8**)
 - (b) Operational Noise Management Plan (**Condition D24**)
 - (c) Green Travel Plan (**Condition B34**)
 - (d) Loading and Servicing Management Plan (**Condition D27**)
 - (e) Events and Operations Management Plan (**Condition D28**)
 - (f) Landscape Maintenance Plan (**Condition D29**).
- E25. The use must always be operated and managed in accordance with the approved final Events and Operations Management Plan (**Condition D28**). In the event of any inconsistency, the conditions of this consent prevail over the Operational Management Plan.

ANNUAL FIRE SAFETY STATEMENT

- E26. During occupation and ongoing use of the building(s), the Applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

FIRE SAFETY CERTIFICATION

- E27. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with **Condition D16**.

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- E28. During occupation and ongoing use of the building, the Applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

STORAGE AND HANDLING OF WASTE

- E29. All waste management and waste collection services must be undertaken in accordance with this consent and the requirements of the Operational Waste Management Plan approved under **Condition D8**.
- E30. The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- E31. Prior to the occupation or commencement of use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. Waste is to be stored and collected from within the curtilage of the site at all times.
- E32. Waste storage and the collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- E33. 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.
- E34. Waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.
- E35. 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
- E36. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
- E37. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the satisfaction of Council prior to commencing operation of the business.

LOADING AND SERVICING MANAGEMENT

- E38. All loading and unloading operations associated with the site must be carried out in accordance with the Loading and Servicing Management Plan approved under **Condition D27**, and:
- (a) within the confines of the site, at all times and must not obstruct other properties or the public way; and
 - (b) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
- E39. The service vehicle docks, car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.

ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

- E40. External lighting to the premises must be designed and located to minimise light-spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.
- E41. The use and operation of the premises must not give rise to an environmental health or public nuisance.
- E42. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.
- E43. Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage must be in bold letters not less than 25mm in height on a contrasting background.
- E44. The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

OPERATION OF PLANT AND EQUIPMENT

- E45. 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.

COMMUNITY COMMUNICATION STRATEGY

- E46. The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E47. Unless otherwise agreed by the Planning Secretary, within 18 months of commencement of operation, Green Star certification must be obtained demonstrating the development operating in accordance with this consent achieves

the minimum ESD sustainability targets in accordance with **Condition B18**. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

GREEN TRAVEL PLAN

- E48. The Green Travel Plan and Transport Access Guide approved in accordance with **Condition B34** and **Condition D25** must be implemented following occupation of the development and must be displayed throughout the site. The plans are to be reviewed and updated annually.

EXTERNAL LIGHTING

- E49. All outdoor lighting must operate in compliance with AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effectives of Outdoor Lighting*.

ODOUR REQUIREMENTS

- E50. 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.
- E51. Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act, 1997* and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

TREATMENT OF RUN-OFF

- E52. Any run-off from, either from stormwater or irrigation systems, must be captured and treated on-site to ensure that chemical products are not discharged to the stormwater network.

PARKING AND DROP-OFF REVIEW

- E53. Parking (including accessible parking), drop-off and traffic needs of the development must be reviewed within 12 months and three years of occupation.

PUBLIC WAY TO BE UNOBSTRUCTED

- E54. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

INCIDENTS – RECORDING AND NOTIFICATION

- E55. The manager/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

COPIES OF CONSENTS AND MANAGEMENT PLANS

- E56. A full and current copy of all current development consents for the operation of the licensed premises, and the Operational Management Plan (**Condition D28**) must be kept on-site and made available to Police or Special Investigator upon request.

SURVEILLANCE CAMERAS

- E57. CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:
- (a) principal entrance/s and exits;
 - (b) all areas within the premise occupied by the public (excluding toilets);
 - (c) staircases in multilevel premises; and
 - (d) the area within a 10m radius external to the public entrance(s) to the premise.
- E58. Suitable and clearly visible signage must be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- E59. All CCTV recording equipment and cameras must be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera must be capable of recording a minimum rate of 10 frames per second and at high resolution.
- E60. CCTV recording discs or hard drive recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be auto recorded on the disc or hard drive. The CCTV recording equipment must be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of PMNSW or Police Officers either immediately or within 12 hours of the request being made. Stored digital copies of CCTV recordings must be handed to Council, Police Officer or Special Inspectors as required.
- E61. All CCTV recording devices and cameras must be checked daily to ensure the equipment is operating correctly. The Licensee must record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and PMNSW. If it is discovered at any time that the equipment is not in full

operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.

- E62. All CCTV recording devices and cameras must be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- E63. The CCTV recording device must be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- E64. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

VENTILATION – MINOR WORKS

- E65. The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1-1998 and AS1668.2-1991.

GENERAL SITE REQUIREMENTS

- E66. Access for emergency vehicles shall be provided to and within the site area at all times for the duration of the event, including bump in and bump out periods.

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.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

ROAD OCCUPANCY LICENCE

- AN4. 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

- AN5. 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

- AN6. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

HANDLING OF ASBESTOS

- AN7. 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.

DISABILITY DISCRIMINATION ACT

- AN8. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.
- AN9. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

- AN10. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- AN11. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Agriculture, Water and Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

- 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).

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

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under this consent or; having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a contact person 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.