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

Signed

Deputy Secretary
Development Assessment and Systems

Sydney 4 December 2023 File: SSD 49295711

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.

FOR INFORMATION

SCHEDULE 1

Application Number: SSD 49295711

Applicant: Mirvac Retail Sub SPV Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

Site: Harbourside Shopping Centre, Darling Harbour [Lots 1-10, 12-15 and 17 DP 776815, Lot 300 DP 836419 and part Lot 2015 DP 1234971]

Development: Redevelopment of former Harbourside Shopping Centre, comprising:

- construction of a 50 storey development (RL 170) including tower, podium and basement levels for residential accommodation, office and retail;
- parking for cars, motorcycles, service vehicles and bicycles;
- provision of hard and soft landscaping and through site links;
- electricity and stormwater infrastructure; and
- consolidation and stratum subdivision of the site.

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-49295711 MOD-1	3 July 2024	Team Leader	Modification 1 to: • amend the internal layout of apartments on levels 9 to 45 • amend the mix of three and four bed apartments • make minor external façade changes.
SSD-49295711 MOD-3	12 March 2025	Team Leader	Modification 3 to: • defer submission of the Affordable Workspace Strategy, Signage Strategy and Heritage Interpretation Plan • amend level 4 plant area
SSD-49295711 MOD-2	11 April 2025	Team Leader	Modification 2 to: • include event and conference land uses on level one of the podium • amend the basement, podium and residential tower layout and design.
SSD-49295711 Mod-4	14 July 2025	Team Leader	Modification 4 to: • amalgamate apartment units • amend the level 45 floor height, façade, layout of rooftop plant and level 46-48 apartments • enclose 9 car spaces on basement level 3
SSD-49295711 Mod-5	8 September 2025	Acting Team Leader	Modification 5 to: • stage occupation of the development
SSD-49295711 Mod-7	25 November 2025	Acting Team Leader	Modification 7 to: • amend the ground floor to include new fire protection hoods, substation, and storage area

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			• amend the façade to provide an awning and building overhang • amend the internal layout of the level 2 podium
SSD-49295711 Mod-9	9 November 2025	Acting Team Leader	Modification 9 to: • amend conditions B6, B9, B10, B11, B16 and B17
SSD-49295711 Mod-6	3 March 2026	Team Leader	Modification 6 to: • extend construction hours
SSD-49295711 Mod-10	13 March 2026	Team Leader	Modification 10 to: • apply noise levels in Conditions G19-G21 to receivers outside the site only • apply separate noise criteria to the Harbourside Tower apartments.
SSD-49295711 Mod-8	1 May 2026	Team Leader	Modification 8 to: • amend the built form to align with the non-reinstatement of the North Bridge • relocate the pedestrian lift connecting the Waterfront Garden to the Waterfront Promenade

FOR INFORMATION

DEFINITIONS

Above ground works	Above ground works means any works to a proposed building within the development above the ground floor slab
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Mirvac Retail Sub SPV Pty Ltd, 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
AHD	Australian Height Datum
BC Act	*Biodiversity Conservation Act 2016*
CCS	Community Communication Strategy
Certifier	A council or person registered as a registered certifier under the *Building and Development Certifiers Act 2018*
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
Construction Certificate	A certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation
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
DIP	Design Integrity Panel
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EIS	The Environmental Impact Statement titled *'Environmental Impact Statement Redevelopment of Harbourside Shopping Centre Built Form Detailed Design (SSD 49295711) Version V2'*, prepared by Ethos Urban, dated 20 January 2023, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2021*
EV	Electric vehicle
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance *Note: "material harm" is defined in this consent*

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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.
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 titled *'Response to Submissions Report Redevelopment of Harbourside Shopping Centre Built Form Detailed Design (SSD 49295711) Version 3.0'*, prepared by Ethos Urban, dated 14 August 2023
RRFI	The Applicant's responses to requests for information from the Department prepared by Ethos Urban and titled *'Response to Request for Additional Information SSD 49295711 – Harbourside Shopping Centre Redevelopment – Podium and Tower'* and dated 5 and 12 October 2023 and 6 November 2023.
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.
Site	The land identified in Schedule 1
SSD	State Significant Development
SSDA3	A separate SSD planning application (SSD-49653211) related to public domain elements within and around the development.
State Planning Agreement	A planning agreement entered into by the Applicant with the NSW State Government and executed 12 August 2022, for the payment of development contributions including a $5.2 million affordable housing contribution and a $7 million art and future activation contribution
TfNSW	Transport for NSW
Tenanted Component	Has the same meaning as the definition of the term in section 71 of the *State Environmental Planning Policy (Housing) 2021*
Work(s)	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.

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) generally in accordance with the EIS, RtS and RRFI

(d) **As amended by, and generally in accordance with, the following modification applications:**

(i) **Section 4.55(1A) Modification Application report prepared for SSD 49295711 MOD 1 by Ethos Urban dated 14 May 2024;**

(ii) **Section 4.55(1A) Modification Application – SSD 49295711 Mod 3 Harbourside Shopping Centre Redevelopment' dated 29 November 2024 and as amended by the Response to Request for Additional Information dated 3 March 2025 and email from Ethos Urban dated 7 March 2025.**

(iii) **Section 4.55(1A) Modification Application report prepared for SSD 49295711 MOD 2 by Ethos Urban dated 17 September 2024 and Response to Request for Additional Information prepared by Ethos Urban and dated 30 October 2024 and 9 January, 24 February, 20 March, 25 March and 27 March 2025;**

(iv) **Section 4.55(1A) Modification Application report prepared for SSD 49295711 MOD 4 by Ethos Urban dated 23 April 2025 and Response to Request for Information prepared by Ethos urban and dated 26 June 2025.**

(v) **Section 4.55(1A) Modification Application report prepared for SSD 49295711 MOD 5 by Ethos Urban dated 29 May 2025 and response to request for information prepared by Ethos Urban dated 12 August 2025.**

(vi) **Section 4.55(1A) Modification Application report prepared for SSD 49295711 MOD 7 by Ethos Urban dated 11 September 2025 and Response to Request for Information prepared by Ethos Urban dated 5 November 2025.**

(vii) **Section 4.55(1A) Modification Application report prepared for SSD 49295711 MOD 9 by Ethos Urban dated 5 November 2025.**

(viii) **Section 4.55(1A) Modification Application report prepared for SSD 49295711 MOD 6 by Ethos Urban dated 6 June 2025 and Response to Request for Information prepared by Ethos Urban dated 13 October 2025 and 27 October 2025.**

(ix) **Section 4.55(1A) Modification Application report prepared for 49295711 MOD 10 by Colliers dated 30 January 2026.**

(x) **Section 4.55(1A) Modification Application report prepared for SSD 49295711 MOD 8 by Ethos Urban dated 25 September 2025 and Response to Submissions Report prepared by Ethos Urban dated 26 February 2026 and all additional information; and**

(e) in accordance with the approved plans in the table below (except where amended by the conditions of consent):

Architectural plans prepared by *Snøhetta and Hassell*			
Plan No.	**Rev**	**Name of Plan**	**Date**
AR-SSDA2-0000_00	**F**	Cover Sheet	**15/09/2025**
AR-SSDA2-0100_00	**E**	Site Plan	**15/09/2025**
AR-SSDA2-1095_B5	**D**	General Arrangement Plan – Basement 5 Plan	**06/06/2024**
AR-SSDA2-1096_B4	**D**	General Arrangement Plan – Basement 4 Plan	**06/06/2024**

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AR-SSDA2-1097_B3	F	General Arrangement Plan – Basement 3 Plan	25/06/2025
AR-SSDA2-1098_B2	D	General Arrangement Plan – Basement 2 Plan	06/06/2024
AR-SSDA2-1099_B1	D	General Arrangement Plan – Basement 1 Plan	06/06/2024
AR-SSDA2-1100_00	L	General Arrangement Plan – L00 Ground Plan	15/03/2026
AR-SSDA2-1101_00	F	General Arrangement Plan – L01 Plan	15/09/2025
AR-SSDA2-1102_00	F	General Arrangement Plan – L02 Plan	15/09/2025
AR-SSDA2-1103_00	F	General Arrangement Plan – L03 Plan	15/09/2025
AR-SSDA2-1104_00	F	General Arrangement Plan – L04 Plan	15/09/2025
AR-SSDA2-1105_00	E	General Arrangement Plan – L05 Plan	15/09/2025
AR-SSDA2-1106_00	D	General Arrangement Plan – L06 Plan – CV	12/06/2024
AR-SSDA2-1106_01	D	General Arrangement Plan – L06 Plan – CV	12/06/2024
AR-SSDA2-1107_00	D	General Arrangement Plan – L07 Plan – CV	12/06/2024
AR-SSDA2-1107_01	D	General Arrangement Plan – L07 Plan – CV	06/06/2024
AR-SSDA2-1108_00	D	General Arrangement Plan – L08 Plan – LR-A	12/06/2024
AR-SSDA2-1108_01	D	General Arrangement Plan – L08 Plan – LR-A	06/06/2024
AR-SSDA2-1109_00	D	General Arrangement Plan – L09 - L13 Plan – LR-A	08/03/2024
AR-SSDA2-1109_01	C	General Arrangement Plan – L09 Plan – LR-A	22/02/2024
AR-SSDA2-1110_01	C	General Arrangement Plan – L10 Plan – LR-A	22/02/2024
AR-SSDA2-1111_01	C	General Arrangement Plan – L11 Plan – LR-A	22/02/2024
AR-SSDA2-1112_01	C	General Arrangement Plan – L12 Plan – LR-A	22/02/2024
AR-SSDA2-1113_01	C	General Arrangement Plan – L13 Plan – LR-A	22/02/2024
AR-SSDA2-1114_00	**B**	**General Arrangement Plan – L14-L16 Plan LR-A**	08/03/2024
AR-SSDA2-1114_01	C	General Arrangement Plan – L14 Plan – LR-A	22/02/2024
AR-SSDA2-1115_01	C	General Arrangement Plan – L15 Plan – LR-A	22/02/2024
AR-SSDA2-1116_01	E	General Arrangement Plan – L16 Plan – LR-A	02/04/2025
AR-SSDA2-1117_00	D	General Arrangement Plan – L17-L26 Plan – LR-B	08/03/2024
AR-SSDA2-1117_01	C	General Arrangement Plan – L17 Plan – LR-B	22/02/2024
AR-SSDA2-1118_01	C	General Arrangement Plan – L18 Plan – LR-B	22/02/2024
AR-SSDA2-1119_01	C	General Arrangement Plan – L19 Plan – LR-B	22/02/2024
AR-SSDA2-1120_01	C	General Arrangement Plan – L20 Plan – LR-B	22/02/2024
AR-SSDA2-1121_01	C	General Arrangement Plan – L21 Plan – LR-B	22/02/2024
AR-SSDA2-1122_01	C	General Arrangement Plan – L22 Plan – LR-B	22/02/2024
AR-SSDA2-1123_01	C	General Arrangement Plan – L23 Plan – LR-B	22/02/2024
AR-SSDA2-1124_01	C	General Arrangement Plan – L24 Plan – LR-B	22/02/2024
AR-SSDA2-1125_01	C	General Arrangement Plan – L25 Plan – LR-B	22/02/2024
AR-SSDA2-1126_01	C	General Arrangement Plan – L26 Plan – LR-B	22/02/2024
AR-SSDA2-1127_00	D	General Arrangement Plan – L27 Plan Mid Plant	08/03/2024
AR-SSDA2-1127_01	C	General Arrangement Plan – L27 Plan Mid Plant	22/02/2024
AR-SSDA2-1128_00	D	General Arrangement Plan – L28 Stair Transfer	08/03/2024
AR-SSDA2-1128_01	C	General Arrangement Plan – L28 Stair Transfer	22/02/2024
AR-SSDA2-1129_00	D	General Arrangement Plan – L29-L37 Plan – MR	08/03/2024

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AR-SSDA2-1129_01	C	General Arrangement Plan – L29 Plan – MR	22/02/2024
AR-SSDA2-1130_01	C	General Arrangement Plan – L30 Plan –MR	22/02/2024
AR-SSDA2-1131_01	C	General Arrangement Plan – L31 Plan –MR	22/02/2024
AR-SSDA2-1132_01	C	General Arrangement Plan – L32 Plan –MR	22/02/2024
AR-SSDA2-1133_01	C	General Arrangement Plan – L33 Plan –MR	22/02/2024
AR-SSDA2-1134_01	C	General Arrangement Plan – L34 Plan –MR	22/02/2024
AR-SSDA2-1135_01	C	General Arrangement Plan – L35 Plan –MR	22/02/2024
AR-SSDA2-1136_01	C	General Arrangement Plan – L36 Plan –MR	22/02/2024
AR-SSDA2-1137_01	C	General Arrangement Plan – L37 Plan –MR	22/02/2024
AR-SSDA2-1138_00	D	General Arrangement Plan – L38-L41 Plan – HR	08/03/2024
AR-SSDA2-1138_01	C	General Arrangement Plan – L38 Plan – HR	22/02/2024
AR-SSDA2-1139_01	C	General Arrangement Plan – L39 Plan – HR	22/02/2024
AR-SSDA2-1140_01	C	General Arrangement Plan – L40 Plan – HR	22/02/2024
AR-SSDA2-1141_01	C	General Arrangement Plan – L41 Plan – HR	22/02/2024
AR-SSDA2-1142_00	**B**	**General Arrangement Plan – L42-L45 Plan – HR**	**08/03/2024**
AR-SSDA2-1142_01	C	General Arrangement Plan – L42 Plan – HR	22/02/2024
AR-SSDA2-1143_01	C	General Arrangement Plan – L43 Plan – HR	22/02/2024
AR-SSDA2-1144_01	C	General Arrangement Plan – L44 Plan – HR	22/02/2024
AR-SSDA2-1145_01	D	General Arrangement Plan – L45 Plan – HR	02/04/2025
AR-SSDA2-1146_00	E	General Arrangement Plan – L46 Plan – Subpenthouse	02/04/2025
AR-SSDA2-1146_01	E	General Arrangement Plan – L46 Plan – Subpenthouse	02/04/2025
AR-SSDA2-1147_00	E	General Arrangement Plan – L47 Plan – Penthouse	02/04/2025
AR-SSDA2-1147_01	E	General Arrangement Plan – L47 Plan – Penthouse	02/04/2025
AR-SSDA2-1148_00	E	General Arrangement Plan – L48 Plan – Penthouse/Plant	02/04/2025
AR-SSDA2-1148_01	E	General Arrangement Plan – L48 Plan – Penthouse/Plant	02/04/2025
AR-SSDA2-1148M_00	E	General Arrangement Plan – L48 Mezzanine Plant	02/04/2025
AR-SSDA2-1148M_01	E	General Arrangement Plan – L48 Mezzanine Plant	02/04/2025
AR-SSDA2-1149_00	E	General Arrangement Plan – L49 Roof Plan	02/04/2025
AR-SSDA2-1149_01	E	General Arrangement Plan – L49 Roof Plan	02/04/2025
AR-SSDA2-1900_00	B	Adaptable Apartments	29/06/2022
AR-SSDA2-1900_01	**B**	**Adaptable Apartments**	**02/04/2025**
AR-SSDA2-2000_00	J	General Arrangement Plan – North Elevation	15/09/2025
AR-SSDA2-2000_01	G	General Arrangement Plan – North Elevation – Part 1	15/09/2025
AR-SSDA2-2000_02	G	General Arrangement Plan – North Elevation – Part 2	02/04/2025
AR-SSDA2-2001_00	H	General Arrangement Plan – South Elevation	15/09/2025
AR-SSDA2-2001_01	G	General Arrangement Plan – South Elevation – Part 1	15/09/2025
AR-SSDA2-2001_02	G	General Arrangement Plan – South Elevation – Part 2	02/04/2025
AR-SSDA2-2002_00	H	General Arrangement Plan – East Elevation	15/09/2025
AR-SSDA2-2002_01	F	General Arrangement Plan – East Elevation – Part 1	19/12/2024
AR-SSDA2-2002_02	G	General Arrangement Plan – East Elevation – Part 2	15/09/2025
AR-SSDA2-2002_03	G	General Arrangement Plan – East Elevation – Part 3	02/04/2025

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AR-SSDA2-2003_00	H	General Arrangement Plan – West Elevation	15/09/2025
AR-SSDA2-2003_01	G	General Arrangement Plan – West Elevation – Part 1 & 2	15/09/2025
AR-SSDA2-2003_02	G	General Arrangement Plan – West Elevation – Part 3	06/06/2024
AR-SSDA2-3000_00	F	Section A & B	02/04/2025
AR-SSDA2-3001_00	G	Section C	02/04/2025
AR-SSDA2-3001_01	G	Section C – Part 1	02/04/2025
AR-SSDA2-3001_02	F	Section C – Part 2	02/04/2025
AR-SSDA2-3002_00	H	Section D	15/09/2025
AR-SSDA2-3003_00	G	Section E & F	14/07/2025
AR-SSDA2-3004_00	E	Section G & H	19/12/2024
AR-SSDA2-4000_00	B	Typical Façade Details – Podium	16/06/2023
AR-SSDA2-4010_00	A	Typical Façade Details – Retail	03/10/2023
AR-SSDA2-4011_00	A	Typical Façade Details – Retail	03/10/2023
AR-SSDA2-4012_00	A	Typical Façade Details – Retail	03/10/2023
AR-SSDA2-4013_00	A	Typical Façade Details – Retail	03/10/2023
AR-SSDA2-4014_00	A	Typical Façade Details – Retail	03/10/2023
AR-SSDA2-4050_00	B	Typical Façade Details – Tower	28/09/2023
AR-SSDA2-5054_00	A	ADG Storage	20/06/2023
AR-SSDA2-9000_00	B	Materials Board	16/06/2023
SKETCH SK_230605	A	B02 Residential Waste Layout	03/10/2023
GFA Schedule	-	GFA Schedule	-
STG-SSDA2-1100_00	**A**	**SSDA2 Staging Diagram – Ground Plan**	**20/05/2025**
STG-SSDA2-1100_01	**A**	**SSDA2 Staging Diagram – Section Plan**	**20/05/2025**

Landscape plans prepared by *Snøhetta and Hassell*			
Plan No.	**Rev**	**Name of Plan**	**Date**
0051_01	**C**	**LEGEND**	**12/06/2024**
0051_02	**C**	**PLANTING SCHEDULE**	**12/06/2024**
1051_01	**C**	**SITE MASTER PLAN – ROOF**	**12/06/2024**
1151_01	**C**	**GENERAL ARRANGEMENT PLAN – L5 AMENITIES**	**12/06/2024**
1152_01	**C**	**GENERAL ARRANGEMENT PLAN – L6 TERRACE**	**12/06/2024**
1153_01	**C**	**GENERAL ARRANGEMENT PLAN – L7 TERRACE**	**12/06/2024**
1153_02	**C**	**GENERAL ARRANGMENT PLAN – L48 PENTHOUSE**	**12/06/2024**
1501_03	**C**	**GENERAL ARRANGEMENT PLAN -SOUTHERN GREEN ROOF**	**12/06/2024**
1501_04	**C**	**GENERAL ARRANGEMENT PLAN – NORTHERN GREEN ROOF**	**12/06/2024**
4501_04	**C**	**DETAILS – GREEN ROOF PLANTING**	**12/06/2024**
4501_05	**C**	**DETAILS – GREEN ROOF PLANTING**	**12/06/2024**

Civil plans prepared by *at&l*			
Plan No.	**Issue**	**Name of Plan**	**Date**
CIV-DWG-OA-2000	D	COVER SHEET, DRAWING LIST AND LOCALITY PLAN	26-06-23
CIV-DWG-OA-2001	D	GENERAL NOISE AND LEGENDS	26-06-23
CIV-DWG-OA-2003	D	GENERAL ARRANGEMENT PLAN	26-06-23

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CIV-DWG-OA-2101	E	SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 1	26-06-23
CIV-DWG-OA-2102	E	SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 2	26-06-23
CIV-DWG-OA-2103	D	SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 3	26-06-23
CIV-DWG-OA-2104	D	SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 4	26-06-23
CIV-DWG-OA-2501	D	STORMWATER MUSIC CATCHMENT PLAN	26-06-23
CIV-DWG-OA-2601	D	EROSION AND SEDIMENT CONTROL PLAN	26-06-23
CIV-DWG-OA-2602	D	EROSION AND SEDIMENT CONTROL DETAILS	26-06-23

Stratum subdivision plans prepared by *Beveridge Williams & Co Pty Ltd*			
Plan No.	**Issue**	**Name of Plan**	**Date**
2000767 DSUB	04	PLAN OF PROPOSED SUBDIVISION OF LOTS 1 TO 10 IN DP 776815 LOTS 12, 12, 14, 15 & 17 IN DP 776815 AND LOT 2015 IN DP 1234971 BEING PART OF AN AGREEMENT FOR LEASE Sheet 1 of 4 sheet(s)	7 Nov 2022
2000767 DSUB	04	PLAN OF PROPOSED SUBDIVISION OF LOTS 1 TO 10 IN DP 776815 LOTS 12, 12, 14, 15 & 17 IN DP 776815 AND LOT 2015 IN DP 1234971 BEING PART OF AN AGREEMENT FOR LEASE Sheet 2 of 4 sheet(s)	7 Nov 2022
2000767 DSUB	04	PLAN OF PROPOSED SUBDIVISION OF LOTS 1 TO 10 IN DP 776815 LOTS 12, 12, 14, 15 & 17 IN DP 776815 AND LOT 2015 IN DP 1234971 BEING PART OF AN AGREEMENT FOR LEASE Sheet 3 of 4 sheet(s)	7 Nov 2022
2000767 DSUB	04	PLAN OF PROPOSED SUBDIVISION OF LOTS 1 TO 10 IN DP 776815 LOTS 12, 12, 14, 15 & 17 IN DP 776815 AND LOT 2015 IN DP 1234971 BEING PART OF AN AGREEMENT FOR LEASE Sheet 4 of 4 sheet(s)	7 Nov 2022
2000767 DSUB	04	PLAN OF PROPOSED SUBDIVISION OF LOTS 1 TO 10 IN DP 776815 LOTS 12, 12, 14, 15 & 17 IN DP 776815 AND LOT 2015 IN DP 1234971 BEING PART OF AN AGREEMENT FOR LEASE BASEMENT LEVEL 5 & BELOW Sheet 1 of 12 sheets	7 Nov 2022
2000767 DSUB	04	PLAN OF PROPOSED SUBDIVISION OF LOTS 1 TO 10 IN DP 776815 LOTS 12, 12, 14, 15 & 17 IN DP 776815 AND LOT 2015 IN DP 1234971 BEING PART OF AN AGREEMENT FOR LEASE BASEMENT LEVEL 4 Sheet 2 of 12 sheets	7 Nov 2022
2000767 DSUB	04	PLAN OF PROPOSED SUBDIVISION OF LOTS 1 TO 10 IN DP 776815 LOTS 12, 12, 14, 15 & 17 IN DP 776815 AND LOT 2015 IN DP 1234971 BEING PART OF AN AGREEMENT FOR LEASE BASEMENT LEVEL 3 Sheet 3 of 12 sheets	7 Nov 2022
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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(c)**, 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. This consent does not approve the following:

(a) the detailed fit-out and operation of the retail premises;

(b) the detailed fit-out of office accommodation;

(c) **the detailed fit-out and operation of the event and conference use on level one;**

(d) **the level 1 operable façade on the northeast and eastern elevations;**

(e) licenced areas or outdoor dining areas;

(f) landscaping, fit-out and embellishment works within the public domain including:

(i) the Waterfront Promenade, Waterfront Steps, Waterfront Garden;

(ii) Pyrmont Steps, Bunn Street Bridge and the fit-out of Bunn Street pedestrian through site link and the two ground floor level through site links;

(iii) event spaces and retail outdoor promenade areas;

(iv) vehicle arrival including pick-up/drop-off area and all non-residential visitor bicycle spaces;

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(g) the northern podium lift **(located adjoining Waterfront Steps)** above RL12.5 providing access / connection between the foreshore and the Waterfront Garden;

(h) the Public Art Strategy and the Events Management Plan; and

(i) the installation of signage.

Where required, separate approvals must be obtained from the relevant consent authority (except where exempt and/or complying development applies).

DESIGN EXCELLENCE AND INTEGRITY

A7. The detailed design of the development and the assessment of design integrity must be carried out in accordance with the documents titled:

(a) *'Harbourside Shopping Centre Redevelopment Design Integrity Report – FINAL Rev 00'*, prepared by Urbis Pty Ltd and dated 7 November 2022 (the DIR); and

(b) *'Architectural Design Competition Report Harbourside Shopping Centre'*, prepared by Urbis Pty Ltd and dated 10 December 2021.

A8. The established Design Integrity Panel (DIP) outlined in the DIR must be retained throughout the detailed design and construction phases of the development. In addition:

(a) the DIP must review the design at the following stages (as a minimum):

(i) in response to the requirements of **Condition C1** (Bunn Street through site link), **Condition C3** (landscaping)

(ii) prior to occupation;

(iii) prior to the lodgement of any modification application, which modifies the design, unless the Planning Secretary has confirmed in writing that DIP review is not required;

(b) a design development schedule must be provided to the DIP prior to its first meeting, including details of when relevant elements of the detailed design will be available for review by the DIP;

(c) the frequency of DIP meetings is to be agreed with the DIP and coordinated with the Applicant's program requirements as outlined in **Condition A8b)**, to ensure timely advice;

(d) the DIP must provide independent, expert and impartial advice in relation to the achievement of design excellence and ensure the design integrity of the competition winning scheme is maintained or enhanced throughout the detailed design and construction phases of the development;

(e) the Applicant must consider the advice of the DIP and incorporate its recommendations into the development. Any departures from the DIP recommendations must be justified; and

(f) to ensure high quality design resolution of the development, all matters identified as requiring further consideration in the DIP letter dated 4 November 2022 must be prepared for the review and advice of the DIP.

A9. The architectural design team comprising Snøhetta and Hassell is to have direct involvement in the design documentation, contract documentation and construction stages of the project, and:

(a) the architectural design team is to have full access to the site, following safety induction, and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the project;

(b) evidence of the architectural design team's commission is to be provided to the Certifier prior to the release of the first Construction Certificate; and

(c) the architectural design team is not to be changed without prior written notice and approval of the Planning Secretary.

STATE PLANNING AGREEMENT CONTRIBUTIONS

A10. The development must be carried out in accordance with all of the obligations referenced within the State Planning Agreement between the Minister for Planning and Mirvac Projects Pty Ltd executed on 12 July 2022.

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PRESCRIBED CONDITIONS

A11. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

PLANNING SECRETARY AS MODERATOR

A12. 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

A13. 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

A14. 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

A15. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC.

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

A16. 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

A17. 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.

A18. 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

A19. 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.*

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COMPLIANCE

A20. 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

A21. Within three months of:

(a) the submission of a compliance report under this consent;

(b) the submission of an incident report under this consent;

(c) the 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.

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

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

COMPLIANCE REPORTING

A23. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements.

A24. 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.

A25. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.

A26. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

A27. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.

A28. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

A29. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.

A30. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:

(a) review and respond to each Independent Audit Report prepared under this consent;

(b) submit the response to the Planning Secretary; and

(c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.

A31. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in

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

A32. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements, 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.

REMEDIATION – REMEDIAL ACTION PLAN

A33. The Applicant must remediate and validate the site in accordance with the specifications and requirements detailed in the Remedial Action Plan prepared by JBS&G dated 3 May 2022, reference number 62851/145122 (approved Remedial Action Plan) and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW EPA accredited Site Auditor Senversa dated 6 May 2022, reference Interim Advice 2. All remediation work carried out shall be in accordance with the guidelines in force under the *Contaminated Land Management Act 1997.* Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

Any new information which comes to light during remediation, demolition and construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Planning Secretary, the Site Auditor and the Principal Certifier

Any variations to the approved Remedial Action Plan must be approved in writing by the Site Auditor and the Planning Secretary prior to the commencement of such work.

TFNSW'S CONCURRENCE REQUIREMENTS

A34. The Applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor.

A35. The Applicant must comply with the requirements of T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines.

A36. Activities of the Applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the Applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator.

A37. The Applicant must apply to Altrac and the Sydney Light Rail Operator for any required non-scheduled network shutdowns four (4) months prior to each individual required network shutdown event. Each request for a new network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion.

A38. The Applicant must provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times.

A39. TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

A40. All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the Applicant.

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PART B PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

COMPLIANCE WITH SSD 7874 (AS AMENDED)

B1. Full compliance must be given to the conditions of the development consent contained within the Development Consent issued by the Minister for Planning, as subsequently amended, in relation to the development of the subject site (SSD 7874, as amended) where applicable to this subdivision.

LAND SUBDIVISION – SUBDIVISION CERTIFICATE

B2. A separate application must be made online through the Planning Portal, at www.planningportal.nsw.gov.au to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the Environmental Planning and Assessment Act 1979. Go to the "Post Consent Certificates" section on the website for Subdivision Certificates. It is recommended that the PDF versions of the subdivision, Administration sheets & Section 88B Instrument that are uploaded are between 400 & 600 dpi as these may be digitally signed.

STRATA SUBDIVISION – DEVELOPMENT CONSENT

B3. Any proposal for strata subdivision will require subsequent approval from Council, or a Registered Strata Certifier, of the Strata Plan – and issue of a Strata Certificate, under the Strata Schemes Development Act 2015.

FLOOR SPACE RATIO RESTRICTION

B4. The following applies to Floor Space Ratio:

(a) A Restrictive Covenant must be placed on the Titles of all of the lots in the subdivision limiting the total Gross Floor Area of the components of the building occupying all lots, taken together, to be no more than that permissible for the entire site by the approval to development application SSD 7874, or the relevant Environmental Planning Instrument in existence at the time.

(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development applicable at the time of development consent, to the satisfaction of the Principal Certifier.

SYDNEY WATER SECTION 73 CERTIFICATE

B5. Prior to the issue of a Subdivision Certificate (or any future Strata Certificate), a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to a Subdivision Certificate being issued.

A separate Section 73 certificate will not be required for the Stage 2 subdivision dedicating existing lots as public road.

BUILDING/STRATA MANAGEMENT STATEMENT

B6. The Building/Strata Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to **PMNSW's** satisfaction, and be submitted with the subdivision application for the stratum subdivision.

STRATA TITLE PARKING SPACES AND STORAGE AREAS

B7. All parking spaces and storage areas other than visitor parking or service spaces must form part of a residential or commercial strata unit in any future strata subdivision. No parking spaces or storage spaces are to have their own individual strata title.

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USE OF COMMON AREAS AND FACILITIES

B8. Any common areas or common facilities must be available for the use all residents of the building and must be designated as common property on any future strata subdivision of the site, with no exclusive use rights.

RESTRICTION ON USE OF CAR SPACES – COMMERCIAL CAR PARKING

B9. Prior to the issue of an occupation certificate, a documentary Restrictive Covenant is to be created burdening all lots with car spaces, pursuant to Section 88B of the *Conveyancing Act 1919*, created appurtenant to **PMNSW**, in terms to the satisfaction of **PMNSW**, requiring the on-site car parking spaces, exclusive of service car spaces, are not to be used other than by an occupant, tenant or visitor to the commercial lot within the building, with the **PMNSW** being the authority to release, vary or modify the restriction. The terms of the restriction must also prevent the storage of any boxes or items other than motor vehicles in the parking spaces.

ADDITIONAL EASEMENTS AND COVENANTS

B10. Aside from Easements mentioned in the **conditions of this consent**, any further Easements and/or Covenants required as a consequence of the subdivision are to be created via Section 88B of the Conveyancing Act 1919 and to **PMNSW's** satisfaction.

EASEMENTS RELATING TO STRATUM LOTS

B11. Documentary reciprocal easements for future services, drainage, access shared facilities, support and shelter, and emergency egress (and other similar easements as required), affecting the whole of each lot if so desired, must be created over the lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to **PMNSW's** satisfaction.

Proposed easements to be included are as shown on "Plan of Proposed Subdivision of Lots 1 TO 10 IN DP 776815 Lots 12, 12, 14, 15 & 17 IN DP 776815 and lot 2015 IN DP 1234971 being part of an agreement for lease" by Registered Surveyor Mark John Andrew, Draft – Stratum Sub, Issue 4 – printed 7 Nov 2022.

SURVEY

B12. AT FOUNDATION STAGE – All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.

B13. AT COMPLETION – Prior to the issue of any staged or final Occupation Certificate for a part or the whole of the building – a Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment. Any encroachments of the building over the external site boundaries or proposed internal boundaries as approved by this consent must be rectified prior to the issue of a staged or final Occupation Certificate for the whole or any part of the building, or suitable easements registered on title.

SURVEY CERTIFICATE AT COMPLETION

B14. A survey and report, prepared by a Registered Surveyor, must be submitted at the completion of the building work detailing the location of the building in relation to the boundaries of the allotment by offset measurements and confirming whether the new construction work lies completely within the boundaries of the land.

EASEMENT FOR PUBLIC ACCESS

B15. Prior to the issue of an Occupation Certificate for the development, a documentary Easement for Public Access, limited in stratum if so desired, is to be created and registered on the Title of the development site as shown on "Plan of Proposed Subdivision of Lots 1 TO 10 IN DP 776815 Lots 12, 12, 14, 15 & 17 IN DP 776815 and lot 2015 IN DP 1234971 being part of an agreement for lease" by Registered Surveyor Mark John Andrew, Draft – Stratum Sub, Issue 4 – printed 7 Nov 2022.

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B16. Prior to the issue of an Occupation Certificate for the development or the commencement of the use, whichever occurs earlier, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to **PMNSW**. The Positive Covenant is to be created in terms indemnifying Council **and PMNSW** against any claims and damages arising from the use of the Easement for Public Access, and is to require the maintenance of a $20,000,000 public indemnity insurance policy to which Council **and PMNSW** is a named party and **which PMNSW** is to require the maintenance, upkeep, repair and lighting of the Easement for Public Access in accordance with **PMNSW's** requirements and to the satisfaction of **PMNSW**.

EASEMENTS FOR ACCESS

B17. Appropriate Easements for Access (or similar) are to be created over any required corridors, passages, traffic aisles, stairs and lifts, within the development that are need to provide access from (or across) one lot to another, pursuant to Section 88B of the *Conveyancing Act 1919*. The Easements are to be reciprocal in nature (where applicable), granting rights of access to persons and/or vehicles, and are to be created in appropriate terms acceptable to **PMNSW**, with **PMNSW** being the authority to release, vary or modify the easement.

PROTECTION OF SURVEY INFRASTRUCTURE

B18. Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

STREET ADDRESSES OF LOTS

B19. In accordance with Clause 60 of the Surveying and Spatial Information Regulation 2017, the street addresses for each lot must be shown on the Administration Sheet for the final plan of subdivision. An application must be made to Council's Spatial Services Unit prior to the lodgement of the subdivision application, to obtain the correct street address for each lot. The street addresses allocated by Council must be provided to the registered surveyor for inclusion in a schedule on the Administration Sheet.

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PART C PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

BUNN STREET THROUGH SITE LINK DESIGN AND LAYOUT

C1. Prior to the issue of the first Construction Certificate for above ground works, an amended Bunn Street through site link design and layout (Link Design) must be submitted to and approved by the Planning Secretary. The Link Design must:

(a) be presented to the DIP for its review / consideration. The Applicant must consider the advice of the DIP and confirm how the advice has been addressed

(b) be legible as a publicly accessible through site link and have strong civic qualities, particularly relating to its height, scale and width along the full length of the link

(c) have an internal height appropriate to its function and to support high-quality pedestrian amenity

(d) be open to the sky. However, the proposal may partly bridge over the link provided bridged components:

(i) do not adversely restrict the openness and visibility of sky within the link;

(ii) do not adversely reduce the civic quality / nature of the link, its legibility as a publicly accessible through site link and the provision of clear sightlines through the link;

(iii) provide for a minimum vertical height clearance beneath any bridge of 2-3 storeys for a an appropriate distance measured from the waterfront promenade building entrance to ensure the link feels sufficiently open, internally spacious and civic in scale and character;

(iv) ensure the majority of the link remains open to the sky;

(v) are primarily designed for circulation/connectivity between the north and south floorplates to minimise bulk and retain openness.

(vi) are designed to be light-weight in appearance and / or highly transparent;

(e) ensure the destinations of the link (i.e. foreshore / Bunn Street bridge) are legible / identifiable to pedestrians when standing at the opposite entrance of the link;

(f) provide direct, convenient and equitable access;

(g) include opportunity for the incorporation / integration of public art and/or heritage interpretation;

(h) include design, layout and other measures to support activation, overlooking / passive; surveillance and appropriate safety and security measures to provide for a safe environmental; and

(i) provide for high quality materials and finishes.

RETAIL SHOPFRONTS

C2. Prior to the issue of the first Construction Certificate for external finishes, evidence must be provided to the satisfaction of the Certifier that:

(a) the design of shopfronts provide for equitable access in accordance with relevant guidelines;

(b) no more than 60% of the cumulative length of retail frontages fronting the Waterfront Promenade (indicated yellow in drawings 4010_00 and 4011_00) is to be comprised of a single kit-shopfront façade type;

(c) no more than 50% of the cumulative length of retail frontages fronting secondary frontages (indicated red in drawings 4012_00 and 4013_00) is to be comprised of a single kit-shopfront façade type; and

(d) no more than 50% of the cumulative length of retail frontages fronting edge locations (indicated blue in drawing 4014_00) is to be comprised of a single kit-shopfront façade type.

PODIUM LANDSCAPING

C3. Prior to the issue of the first Construction Certificate for above ground works, amended plans, elevations and sections for the design, layout and integration of the Southern and Central Podium landscaping works must be submitted to and approved by the Planning Secretary. The amended drawings must address the following:

(a) be prepared in consultation with the DIP, Council and PMNSW;

(b) consider the landscape plans listed at **Condition A2** and associated landscaping reports;

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(c) demonstrate that proposed landscaping, tree planting and works are consistent with the Sydney Landscape Code Volume 2;

(d) include details drawn to scale and technical specifications, by a registered landscape architect and show the following details:

(i) details of earthworks and soil depths and volumes, including finished levels, tree pits and any mounding;

(ii) available and adequate soil volume quantities per tree regarding on structure planting must be indicated to ensure the long term establishment of all trees;

(iii) typical sections through all green roofs, detailing various profiles, soil buildup and edge conditions and providing:

- details of any mounding on the green roof(s), noting that a typical maximum of 200mm mounding is encouraged;
- translation of the details of product type and planter buildup set out in the landscape maintenance plan to drawn details;
- detailed sections through the accessible roof terraces; and
- reconsideration of the location of fences within planting to avoid small, leftover strips of planting that are hard to access and maintain as they are outside the fence.

TREE MAINTENANCE PLAN

C4. Prior to the issue of the first Construction Certificate for external finishes, an amended Tree Maintenance Plan be submitted to the satisfaction of the Certifier. The amended TMP must address the following:

(a) be prepared in consultation with Council and evidence of Council's endorsement provided to the Certifier;

(b) include:

(i) type of activities and their methodologies;

(ii) frequency of maintenance;

(iii) qualifications and skill level required to perform each activity;

(c) be implemented and complied with immediately following the tree planting, and until the tree reaches the applicable minimum mature tree height and canopy width indicated in the landscape drawing LA-SSDA2-0052_00 B *'Planting Schedule'* dated 13 August 2023;

(d) newly planted tree(s) on-site must be appropriately maintained on an on-going basis;

(e) maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree;

(f) if the newly planted tree fails to establish or does not reach the minimum mature tree height and canopy width indicated in the landscape drawing LA-SSDA2-0052_00 B *'Planting Schedule'* dated 13 August 2023 it must be replaced with a tree of comparable qualities and container size of 100 litres; and

(g) the conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

EXTERNAL FACING MATERIALS AND FINISHES,

C5. Prior to the issue of the first Construction Certificate for external finishes, the Applicant must submit to the Planning Secretary for approval details of final external materials and finishes. The details must:

(a) include specifications and sample board(s) for all external finishes, surfaces, colours and glazing including annotated drawings and computer-generated imagery of their application;

(b) confirm the process and methods in arriving at the final choice for all materials and finishes; and

(c) include detailed architectural drawings of the façade details, including glazing specification and sun shading devices. This must include snapshots at different points in the façade in plan, elevation and section to a scale of 1:20 or 1:50 as necessary.

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

C6. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.

C7. Prior to the issue of the first Construction Certificate for external finishes, 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. The Applicant must provide a copy of the documentation to the Planning Secretary for information.

MAXIMUM BUILDING HEIGHT

C8. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details confirming the maximum height of the building does not exceed RL 170 m AHD, including plant and lift overruns, but excluding communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like.

GROSS FLOOR AREA CERTIFICATION

C9. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details confirming the gross floor area of the development does not exceed **84,243** m^2, comprising:

(a) **42,378** m^2 non-residential GFA (**21,021** m^2 office GFA and **9,857** m^2 retail GFA **and 11,500 m^2 for office/event and conference uses on level 1**); and

(b) **41,865** m^2 residential GFA.

LONG SERVICE LEVY

C10. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit https://www.longservice.nsw.gov.au/bci/levy/about-the-levy.

STATE PLANNING AGREEMENT CONTRIBUTIONS

C11. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming monetary contributions pursuant to the provisions of the State Planning Agreement executed on 12 August 2022 have been paid.

AFFORDABLE WORKSPACES

C12. Prior to the **submission of the first application for the fit out of the commercial or retail floorspace**, an Affordable Workspace Strategy (AWS) must be submitted to and approved by Planning Secretary. The AWS must confirm how opportunities to provide affordable workspaces were explored and/or confirm how the proposal provides for affordable workspaces and include:

(a) the location, quantum, target market, management / lease / marketing of the space(s);

(b) any planning mechanism for securing the spaces; and

(c) how the affordable workspace(s) would be maintained / provided into the future.

STRUCTURAL DETAILS

C13. Prior to the issue of the first Construction Certificate, 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.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

C14. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitability qualified professional demonstrating that the building has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.

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MECHANICAL VENTILATION

C15. The premises must be ventilated in accordance with the NCC and applicable Australian Standards.

C16. Prior to the issue of the first Construction Certificate for above ground works, 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.

C17. Prior to the issue of the first Construction Certificate for above ground works, the mechanical exhaust systems and/or shafts must be designed to allow for the treatment and removal of offensive odours and particulates, and the discharge of effluent air at a height and velocity that prevents discomfort and nuisance to the public. The mechanical system must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with *AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings,* and *AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings.*

REFLECTIVITY

C18. Prior to the issue of the first Construction Certificate for external finishes, a revised Reflectivity Report must be submitted to and approved by the Planning Secretary. The Reflectivity Report must:

(a) be prepared by a suitably qualified professional;

(b) consider the report titled *'Reflectivity Analysis'* prepared by RWDI Australia Pty Ltd and dated 4 November 2022 and addendum statement titled *'Harbourside Redevelopment Main Works SSDA Reflectivity Analysis RWDI Project #2105658'* prepared by RWDI Australia Pty Ltd and dated 29 June 2023;

(c) demonstrate that the visible light reflectivity from building materials used on the façade of the building does not exceed 20% in accordance with the Sydney Development Control Plan 2012; and

(d) amend the design, cladding and/or include appropriate physical mitigation measures to the northern podium elevation to prevent adverse glare to drivers on Darling Drive.

C18A. Prior to the issue of the first Construction Certificate for external finishes for the Waterfront Garden lift, a revised Reflectivity Report must be submitted to the satisfaction of the Planning Secretary. The Reflectivity Report must assess any impacts of the relocated lift and:

(a) be prepared by a suitably qualified professional;

(b) consider the report titled '*Reflectivity Analysis'* by RWDI Australia Pty Ltd dated 26 February 2025;

(c) demonstrate the visible light reflectivity from building materials used for the lift does not exceed 20% in accordance with the Sydney Development Control Plan 2012; and

(d) if necessary, amend the design/materials and/or include appropriate physical mitigation measures to prevent adverse glare to drivers on Darling Drive.

SITE STABILITY AND CONSTRUCTION WORK

C19. Prior to the issue of the first Construction Certificate, 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

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(b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings

(c) details to demonstrate that the proposed methods of support and construction 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

(d) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work

(e) 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

C20. Prior to the issue of the first Construction Certificate for above ground works, 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 titled *'Crime Prevention Through Environmental Design Report Version 4.0'* prepared by Ethos Urban and dated 04 November 2022.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

C21. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all relevant design, construction and operation measures as identified in the ESD report titled *'ESD SSDA Report Revision R5'* prepared by LCI Consultants and dated 13 July 2023.

C22. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the development will achieve the following a minimum Star Green Star ratings in accordance with the Green Star Buildings v1 (Green Building Council Australia):

(a) Commercial Office: minimum 6-star Green Star Building v1 rating;

(b) Retail: minimum 5-star Green Star Building v1 rating; and

(c) Residential: minimum 5-star Green Star Building v1 rating.

BASIX CERTIFICATION

C23. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 1329072M_03 and any updated certificate issued if amendments are made. Prior to the issue of the first Construction Certifiate for above ground works, the BASIX Certificate must be submitted to the satisfaction of the Certifier with all commitments clearly shown on the Construction Certificate plans.

INSTALLATION OF EFFICIENT FIXTURES AND FITTINGS

C24. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the non-residential component of the development:

(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.

C25. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the internal lighting system for the commercial office spaces provides for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. LED lighting technology (or other technology with an improved lighting power density – watts per square metre) must be implemented.

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MECHANICAL PLANT NOISE MITIGATION

C26. Prior to the issue of the first Construction Certificate for external finishes and fit-out, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant Construction Certificate 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.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

C27. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the report titled *'SSSA Acoustic Assessment Revision 3'*, prepared Acoustic Logic Pty Ltd and dated 31 October 2022.

WIND MITIGATION MEASURES

C28. Prior to the issue of the first Construction Certificate for above ground works, an amended Wind Impact Assessment (WIA) must be submitted to and approved by the Planning Secretary. The WIA must:

(a) be prepared by a suitably qualified professional;

(b) consider the report titled '*Pedestrian Wind Environment Assessment RWDI #2105658*' prepared by RWDI Australia Pty Ltd and dated 4 November 2022 and wind statements titled *'Harbourside Redevelopment Main Works SSDA Wind Impact Assessment RWDI Project #2105658'* prepared by RWDI Australia Pty Ltd and dated 28 June and 2 August 2023;

(c) undertake wind tunnel testing and assess the existing and predicted wind environment, including scenarios with and without proposed physical and landscaped mitigation measures;

(d) include proposed mitigation measures to address wind impacts to the tower and podium private residential terraces / balconies, communal open spaces and any other impacted space; and

(e) consider the cumulative effect of any wind mitigation measures required under the separate SSDA3 application.

SYDNEY WATER ASSETS

C29. Prior to the issue of the first Construction Certificate, 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™ in online service is available at: https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm

PARKING ALLOCATION AND INFRASTRUCTURE

C30. Prior to the issue of the first Construction Certificate for basement fit-out, evidence must be submitted to the satisfaction of the Certifier demonstrating that the basement car park provides for:

(a) a maximum of **272** car parking spaces, including:

(i) **242** residential spaces;

(ii) 30 commercial spaces;

(b) a minimum of 27 residential and two commercial accessible spaces

(c) a maximum of 31 motorcycle spaces;

(d) a minimum of three car share spaces;

(e) a minimum of 20 service vehicle spaces; and

(f) the following infrastructure for electric vehicles (EV):

(i) 100% of residential apartments with car parking spaces are to include all necessary infrastructure to ensure they are capable of supporting the installation of EV charging;

(ii) 50% of commercial parking spaces are to include all necessary infrastructure to ensure they are capable of supporting the installation of EV charging and of that 50%, 20% of

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commercial spaces are to be EV ready at day one (i.e. have Level 2 or higher charger fitted); and

(iii) 100% of car share bays are to be EV ready at day one (i.e. have Level 2 or higher charger fitted).

C31. Prior to the issue of the first Construction Certificate for basement fit-out, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following traffic and parking requirements:

(a) all vehicles must enter and leave the subject site in a forward direction;

(b) all vehicles are to be wholly contained on site before being required to stop;

(c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;

(d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;

(e) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority;

(f) signs must be erected within the loading / unloading areas confirming the service vehicle parking is for service vehicles only;

(g) the basement vehicular entrance must include appropriate signage and a movement alarm to alert pedestrians when vehicles are entering / leaving the site;

(h) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, must be in accordance with AUSTROADS; and

(i) the basement area must be ventilated in accordance with the *Building Code of Australia* and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

DARLING DRIVE SLIP LANE CROSSOVER

C32. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must review the design of the Darling Drive slip lane crossover and submit evidence to the Certifier confirming:

(a) the design of the crossover has been prepared in consultation with the relevant roads authority; and

(b) the crossover width has been minimised / reduced as much as reasonably possible.

BICYCLE PARKING AND FACILITIES

C33. Prior to the issue of the first Construction Certificate for basement fit-out, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following:

(a) a minimum of **263** on-site residential bicycle parking spaces;

(b) a minimum of 27 on-site residential visitor bicycle parking spaces;

(c) a minimum of 223 on-site commercial staff bicycle parking spaces;

(d) a minimum of 50 on-site retail staff bicycle parking spaces; and

(e) provision of associated end of trip facilities for staff including a minimum of 273 personal lockers and 28 showers within changing facilities.

C34. The layout, design and security of bicycle facilities must comply with the applicable Australian Standards.

LOADING AND SERVICING MANAGEMENT PLAN

C35. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must consult with TfNSW whether the Applicant needs to prepare a Delivery and Servicing Plan or a Loading Dock Management Plan. Written evidence documenting the outcomes of this consultation must be provided to the satisfaction of the Certifier prior to the issue of the Construction Certificate for above ground works.

Note: Preliminary reading is available at: https://www.transport.nsw.gov.au/industry/freight-hub/urban-freight#:~:text=Delivery%20and%20Servicing%20Plan%20Guidance,usage%20changes%20withi n%20existing%20buildings

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C36. Prior to the issue of the first Construction Certificate for above ground works, and in the event that a Delivery and Servicing Plan or Loading Dock Management Plan is required in accordance with **Condition C35**, the required plan must be prepared by a suitably qualified person and be submitted to and approved by TfNSW via development.sco@transport.nsw.gov.au. The Plan must specify, but not be limited to, the following:

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

(b) details of loading and servicing facilities within the subject site which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business;

(c) management of queuing as a result of the proposed loading dock arrangement;

(d) the details of alternate loading zones to redirect vehicles due to extensive queuing at the access to loading dock;

(e) management of incidents at the access to the loading dock;

(f) loading dock management details including measures to minimise freight and service vehicle movements during peak periods; and

(g) management of conflicts between cars accessing the car park and vehicle movements to/from the loading dock.

OPERATIONAL WASTE

C37. Prior to the issue of the first Construction Certificate for basement fit-out, the Applicant must prepare an updated Operational Waste Management Plan (OWMP). The OWMP must be submitted to and approved by the Planning Secretary and must:

(a) be prepared by a suitably qualified professional in consultation with Council;

(b) consider both residential and non-residential waste and recycling requirements and procedures;

(c) meet the requirements as set out in Council's *Guidelines for Waste Management in New Developments 2018*;

(d) ensure all requirements of the OWMP are be implemented during construction and operation of the development and include:

(i) dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.

(ii) collection points for waste and recycling must be wholly located within the boundary of the development.

(iii) the nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments* 2018.

(iv) provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.

(v) commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading;

(vi) the path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

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

OPERATIONAL FLOOD EMERGENCY MANAGEMENT PLAN

C38. Prior to the issue of the first Construction Certificate for above ground works, a Flood Emergency Management Plan (FEMP) must be submitted to and approved by the Planning Secretary. The FEMP must:

(a) be prepared by a suitably qualified and experienced person(s) in consultation with SES and EHG;

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(b) consider the submissions made by SES and EHG to SSD 49295711;

(c) consider the advice of SES and EHG and incorporate recommendations into the development;

(d) addresses the provisions of the *Floodplain Risk Management Guidelines* (EHG);

(e) includes details of:

(i) the flood emergency responses for operational phase of the development;

(ii) predicted flood levels;

(iii) flood warning time and flood notification;

(iv) assembly points and evacuation routes;

(v) evacuation and refuge protocols; and

(f) awareness training for employees and contractors, and visitors.

FLOOD MITIGATION MEASURES

C39. Prior to the issue of the first Construction Certificate for above ground works, mitigation measures must be submitted to and approved by the Planning Secretary. The measures must:

(a) be prepared by a suitably qualified professional in consultation with EHG;

(b) include appropriate mitigation measures, potentially including stormwater drainage design, to address flood impacts during the 5% AEP event at the Darling Drive roundabout; and

(c) address the safety of pedestrians and vehicles in the vicinity of the flood storage, which may include the installation of bollards, fencing or signage or other such measures to mitigate impacts.

STORMWATER MANAGEMENT SYSTEM

C40. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier an operational stormwater management system for the development. The system must:

(a) be designed by a suitably qualified and experienced person(s);

(b) be generally in accordance with the conceptual design in the EIS;

(c) be in accordance within Council's stormwater requirements and specifications;

(d) be in accordance with applicable Australian Standards;

(e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines; and

(f) be coordinated and appropriately connected to the stormwater infrastructure and mitigation measures within the separate SSDA3 application.

ADAPTABLE UNITS

C41. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a report from a suitably qualified consultant that demonstrates that any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

SIGNAGE STRATEGY

C42. Prior to the **submission of the first application for any signage,** a Signage Strategy must be submitted to and endorsed by PMNSW. The Signage Strategy must be prepared in consultation with PMNSW and Council and include information and scale drawings of the location, type, construction, materials and total number of signs / signage zones.

AIRSPACE PROTECTION

C43. Prior to the issue of the first Construction Certificate for above ground works, separate approval must be obtained from the Federal Department of Infrastructure, Transport, Regional Development and Communications (DITRC) under the *Airports (Protection of Airspace) Regulations 1996* for any part of the building or any construction cranes that penetrate the Obstacle Limitation Surface.

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C44. The Secretary must be notified of any amendments to the approved development required by the determination of the DITRC, and any relevant approvals / modifications to existing approvals will need to be sought by the Applicant.

HERITAGE INTERPRETATION PLAN

C45. Prior to the issue of the first Construction Certificate for **SSD 49653211**, a Heritage Interpretation Plan (HIP) that acknowledges the heritage of the site, including Aboriginal cultural heritage interpretation, and considers opportunities for heritage interpretation must be prepared and submitted to and approved by the Planning Secretary. The HIP must:

(a) be prepared by a suitably qualified and experienced heritage practitioner in consultation with Council and PMNSW (as delegate of the Heritage Council NSW);

(b) be coordinated with the heritage interpretation approach for the public domain components of the development, which form part of the separate SSDA3 application;

(c) incorporate interpretive information, information on the history and significance of the site, the location, type, making materials and contents of the interpretation being proposed; and

(d) consider opportunities to incorporate the results of any site-specific archaeological finds / outcomes.

TFNSW REQUIREMENTS

PROCESS OF ENDORSEMENT OF CONDITIONS

C46. Prior to the issue of the first Construction Certificate, the Applicant must:

(a) consult with TfNSW, Altrac and the Sydney Light Rail Operator to ascertain requirements in relation to the protection of TfNSW's infrastructure and to confirm the timing of the construction certificate and associated documentation and activities prior to preparation of requested documentation;

(b) sign Interface Assess Deed Poll, Safety Interface Agreement and Works Deed with TfNSW and/or the Sydney Light Rail Operator;

(c) confirm in writing with TfNSW what the relevant Construction Certificate stage will involve; and

(d) submit all relevant documentation to TfNSW as requested by TfNSW and obtain its written endorsement. If requested by TfNSW, a summary report for the relevant construction stage must also be provided to TfNSW to demonstrate the following:

(i) no adverse impacts to the light rail corridor and light rail operation by clearly identifying impacts and mitigation measures; and

(ii) submitted documentation has satisfied the relevant conditions.

C47. The Certifier is not to issue the first Construction Certificate until received written confirmation from TfNSW that the relevant conditions have been complied with for each Construction Certificate.

PRE-CONSTRUCTION WORK DILAPIDATION REPORT

C48. If requested by TfNSW, a pre-construction work Dilapidation Report of the Sydney Light Rail and its assets must be prepared by a qualified structural engineer. If required by TfNSW, the dilapidation survey must be undertaken via a joint site inspection by the representatives of the Sydney Light Rail Operator, TfNSW and the applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed.

ACOUSTIC ASSESSMENT

C49. Prior to the issue of the first Construction Certificate for above ground works, the final acoustic assessment is to be submitted to the satisfaction of the Certifier demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.

ELECTROLYSIS ANALYSIS

C50. Prior to the issue of the first Construction Certificate, the Applicant is to engage an Electrolysis Consultant to prepare a report on the Electrolysis Risk to the development from stray currents. The

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Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the Application for the relevant Construction Certificate.

REFLECTIVITY REPORT

C51. Prior to the issue of the first Construction Certificate for external finishes, the Applicant must design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of, TfNSW and the Sydney Light Rail Operator.

CONSULTATION REGIME

C52. Prior to the issue of the first Construction Certificate, a detailed regime is to be prepared for consultation with and approval by TfNSW for the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.

INSURANCE REQUIREMENTS

C53. Prior to the issue of the first Construction Certificate, the Applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard public liability insurance requirement for this type of development adjacent to a rail corridor is minimum of $250M. This insurance must not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate, the Certifier must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

WORKS DEED / AGREEMENTS

C54. Prior to the issue of a Construction Certificate for any works over or adjacent to the rail corridor, as referred to in the Interface & Access Deed Poll, if required by TfNSW, Works Deed (s) between the applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed and executed by the parties. These agreements may deal with matters including, but not limited to, the following:

(a) Sydney Light Rail Operational requirements;

(b) Sydney Light Rail access requirements;

(c) Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;

(d) indemnities and releases;

(e) security of costs;

(f) insurance requirements and conditions;

(g) TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;

(h) interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface; ○ Interface Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:

(i) pre and post construction dilapidation reports;

(ii) the need for track possessions;

(iii) design and installation of lights, signs and reflective material;

(iv) endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);

(v) endorsement of plans regarding proposed craneage and other aerial operations;

(vi) erection of scaffolding/hoarding;

(vii) Light Rail Operator's rules and procedures; and

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(viii) alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.

(i) Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;

(j) attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor;

(k) arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and

(l) Sydney Light Rail site works access approval and access permit to work.

PICK UP AND DROP OFF MANAGEMENT PLAN

C55. **Prior to the issue of the first Construction Certificate for the Pickup and Drop off area, the Applicant must submit a Pick up and Drop off (PUDO) Management Plan prepared in consultation with and endorsed by TfNSW. The PUDO Management Plan must detail physical devices and measures to assist with the queuing management on the Darling Drive slip lane and consider the additional demand likely to be generated by the proposed event and conference uses, including during the commuter peak periods and other concurrent events within the precinct.**

Any physical devices and/or measures to assist queueing management must be implemented prior to the issue of the first Occupation Certificate for the podium and be maintained by the Applicant throughout the ongoing operation of the development.

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PART D PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

D1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

D2. 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

D3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

(a) make the following information and documents (as they are obtained or approved) publicly available on its website:

(i) the documents referred to in **Condition A2** of this consent;

(ii) all current statutory approvals for the development;

(iii) all approved strategies, plans and programs required under the conditions of this consent;

(iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;

(v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;

(vi) a summary of the current stage and progress of the development;

(vii) contact details to enquire about the development or to make a complaint;

(viii) a complaints register, updated monthly;

(ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;

(x) any other matter required by the Planning Secretary; and

(b) keep such information up to date, to the satisfaction of the Planning Secretary.

(c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

SURVEY CERTIFICATE

D4. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —

(a) All footings/ foundations

(b) At other stages of construction – any marks that are required by the principal certifier.

D5. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

(a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or

(b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

D6. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

D7. Prior to the commencement of 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

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(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, Planning Secretary, and PMNSW

(c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

TRAFFIC WORKS

D8. Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and the requirements of the relevant roads authority A Traffic Works Plan is to be prepared and submitted to the relevant roads authority for approval. The plan must include:

(a) road, parking and traffic arrangements;

(b) signs;

(c) pedestrian crossings;

(d) traffic signals; and

(e) any relevant approvals from TfNSW.

CHANGES TO KERBSIDE PARKING RESTRICTIONS

D9. A separate submission must be made to the relevant roads authority for any changes to kerbside parking arrangements. There is no guarantee kerbside parking will be changed or that any change will remain in place for the duration of the development/use.

D10. All costs associated with:

(a) signposting of any kerbside parking restrictions and traffic management measures associated with the development must be borne by the developer; and

(b) the construction of any new road works including kerb and gutter, road pavement, drainage system and footway must be borne by the developer. The new road works must be designed and constructed in accordance with the requirements of the relevant roads authority.

VEHICLE FOOTWAY CROSSING

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

UTILITIES AND SERVICES

D12. 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.

D13. Prior to the commencement of 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

D14. 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.

COMMUNITY COMMUNICATION STRATEGY

D15. Before the commencement of construction, the Applicant must prepare a Community Communication Strategy (CCS) for the development to provide mechanisms to facilitate communication between the Applicant, PMNSW and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

D16. The CCS for the development must:

(a) identify people to be consulted during the design and construction phases;

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(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.

D17. The CCS must be submitted to the Planning Secretary for approval no later than one month before the commencement of construction.

D18. Construction must not commence until the CCS has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.

D19. The CCS, as approved by the Planning Secretary, must be implemented throughout construction and for a minimum of 12 months following the completion of construction.

PRE-CONSTRUCTION DILAPIDATION REPORTS

D20. 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.

D21. 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 the Planning Secretary and each of the affected property owners.

D22. 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.

D23. 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.

D24. The damage must be fully rectified by the Applicant in accordance with PMNSW's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

WATER MANAGEMENT

D25. Prior to the commencement of any demolition, earthworks or construction works or the take of water, the Applicant must obtain a Water Access Licence (WAL), unless an exemption under the *Water Management (General) Regulation 2018* applies.

D26. Prior to the commencement of any demolition, earthworks or construction works, the Applicant must prepare a Water Management Plan (WMP) for the construction phase in consultation with Department of Planning, Industry and Environment, Water (DPE Water). The WMP must include a construction phase monitoring program including:

(a) a dewatering management plan that:

(i) includes an estimate of the maximum annual volume of groundwater that would be taken during the construction phase and following construction, to determine the volume of water that must be licensed;

(ii) includes an estimate of staged (e.g. weekly or monthly) cumulative water take;

(iii) provides an assessment against the 'minimal impact considerations' of the Aquifer Interference Policy (2012), including a description of mitigation and remediation options

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and appropriate scientific studies to demonstrate that the impacts would not prevent the long-term viability of groundwater dependent ecosystems or significant sites if the level 1 minimal impact considerations are exceeded;

(iv) describes how actual water take would be measured and reported;

(v) includes a trigger action and response procedure (TARP), inclusive of agency notification, that:

- establishes trigger levels based on predicted take for each stage identified in (ii) above;
- describes the response actions if groundwater take reaches or exceeds the trigger levels. This should include identifying requirements for obtaining additional licenced water entitlement; re-estimating water take for both the construction and post construction phases if the volume of water extracted during the first 28 days of construction exceeds the predicted take for that period; and documenting and reporting procedures;

(vi) describes how the design and construction of the building/s will:

- prevent obstruction to groundwater flow by using sufficient permanent drainage beneath and around the outside of the structure to ensure that any groundwater mounding must not be greater than 10% above the pre-development level;
- prevent any elevated water table from rising to within 1.0 m below the natural ground surface;

(vii) details mitigation measures to limit post-construction groundwater take to less than or equal to 3 ML/year if the applicant intends to rely on an exemption under section 21(6) of the Water Management (General) Regulation 2018. This may require the structure to be fully watertight for the anticipated life of the building (including when the water table is unusually elevated); and

(viii) documents how dewatering volumes would be reported to DPE Water during and following the cessation of dewatering activities.

(b) a groundwater monitoring plan that:

(i) provides a baseline assessment of groundwater levels, quality and extent of saltwater influx;

(ii) outlines how groundwater take will be monitored;

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

D27. Prior to the commencement of any earthwork or construction, a Construction Environmental Management Plan (CEMP) must be 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

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(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 PLAN SUB-PLAN

D28. Prior to the commencement of any earthwork or construction, the Applicant must prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW, Sydney Metro and the Sydney Light Rail Operator and submit a copy of the final plan to TfNSW for endorsement via development.sco@transport.nsw.gov.au. The CPTMP must specify matters including, but not limited to, the following:

(a) a description of the development;

(b) location of any proposed work zone(s);

(c) details of crane arrangements including location of any crane(s) and crane movement plan;

(d) haulage routes;

(e) proposed construction hours;

(f) predicted number of construction vehicle movements, detail of vehicle types;

(g) construction vehicle access arrangements and location(s) where it is proposed to park construction vehicles;

(h) construction program and construction methodology, including any construction staging;

(i) a detailed plan of any proposed hoarding and/or scaffolding;

(j) pedestrian and traffic management measures;

(k) identify any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;

(l) identify cumulative construction impacts of projects. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the surrounding road network;

(m) measures to minimise movement delays. i.e. Vehicle movements are to be minimised during peak network demand periods;

(n) details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads;

(o) proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP;

(p) measures to avoid construction worker vehicle movements;

(q) attend Sydney Metro West Traffic Transport Liaison Group (TTLG) which is held monthly to provide an additional mechanism of coordination between the projects. Updates of future road network changes from each project are to be conveyed at the meetings;

(r) details of the monitoring regime for maintaining the simultaneous operation of buses, light rail and construction vehicles on roads surrounding the site;

(s) consultation strategy for liaison with surrounding stakeholders, including other developments under construction; and

(t) 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 (via development.sco@transport.nsw.gov.au) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

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CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

D29. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development. The Sub-Plan must include:

(a) consideration of the Demolition, Excavation and Construction Management Plan prepared by Mirvac dated 28 October 2022 (2023/098261);

(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) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS;

(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) 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;

(g) 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;

(h) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;

(i) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;

(j) where night-time noise management levels cannot be satisfied, a report must be submitted to and approved by the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;

(k) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;

(l) 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;

(m) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;

(n) measures to monitor noise performance and respond to complaints;

(o) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;

(p) procedures to allow for regular professional acoustic input to construction activities and planning; and

(q) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

AIR QUALITY MANAGEMENT SUB-PLAN

D30. Prior to the commencement of any earthwork or construction, 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;

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(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.

D31. 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.

D32. 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

D33. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a 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 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).

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

D34. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMSP) which must be prepared by a suitably qualified expert, in consultation with PMNSW 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; and

(e) include an Acid Sulfate Soils Management Plan that incorporates the recommendations of the Acid Sulphate Soils Management Plan prepared by JBS&G, reference 62851/144484 Rev 3

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dated 3 November 2022 and measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas.

FLOOD MANAGEMENT

D35. Prior to the commencement of any earthwork or construction, the Applicant must prepare and implement for the duration of the works:

(a) flood warning and notification procedures for construction works on the site; and

(b) evacuation and refuge protocols.

D36. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

CONSTRUCTION PARKING

D37. Prior to the commencement of any earthwork or construction, 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

D38. Prior to the commencement of any earthwork or construction, 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.

BARRICADE PERMIT

D39. 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

D40. 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.

OUTDOOR LIGHTING

D41. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

REMEDIATION – UNEXPECTED FINDS PROTOCOL

D42. 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.

REMEDIATION – SITE AUDITOR

D43. Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the *Contaminated Land Management Act 1997,* has been appointed to independently review the implementation and validation of the remediation works.

D44. The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997.*

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REMEDIATION – INTERIM ADVICE LETTER

D45. Upon completion of the remediation works and prior to the issue of the first construction certificate, a Letter of Interim Advice must be obtained from a NSW Environmental Protection Authority accredited Site Auditor and submitted to the Planning Secretary for information.

The letter of Interim Advice must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state the site can be made suitable for the proposed use.

(a) in circumstances where the Letter of Interim Advice is subject to conditions that require ongoing review by the Auditor or Planning Secretary, these must be reviewed and approved by the Planning Secretary before the Letter of Interim Advice is issued.

(b) In circumstances where the Letter of Interim Advice includes conditions and those conditions are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of the Planning Secretary (such as via s4.55 modification of the consent pursuant to the provisions of the Environmental Planning and Assessment Act 1979).

REMEDIATION – VALIDATION REPORT

D46. Within one month following the completion of the remediation works for the development, a Remediation Validation Report (RVR) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997.*

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PART E DURING CONSTRUCTION

APPROVED PLANS TO BE ON-SITE

E1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council, PMNSW or the Certifier.

SITE NOTICE

E2. A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:

(a) state the name, address and telephone number of the principal certifier for the work

(b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints

(c) state the approved hours of work

(d) state that unauthorised entry to the work site is prohibited

(e) the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size

(f) the notice is to be durable and weatherproof and is to be displayed throughout the works period

(g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.

HOURS OF CONSTRUCTION

E3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

(a) between 7am and 7pm, Mondays to Fridays inclusive; **and**

(b) between 7am and 5pm, Saturdays.

No work may be carried out on Sundays or public holidays.

E4. Construction activities may be undertaken outside of the hours in **Condition E3** if required:

(a) by 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.

E5. Notification of such construction activities as referenced in **Condition E4** must be given to affected residents before undertaking the activities or, in the event of an emergency, as soon as is practical afterwards.

Notification of construction activities as referenced in Condition E5B and Condition E5C must be given to affected residents a minimum of 24 hours prior to undertaking the activity, or in the case of concrete pours be given as close as possible to the commencement of the works.

E5A. No work may be carried out outside of the hours stated in Condition E3, other than those works permitted under Condition E4, Condition E5B and Condition E5C.

E5B. The following construction activities may be carried out during the specified instances and hours:

(a) Concrete pours between 6pm and 10pm, Monday to Friday for a maximum of two occasions per calendar month where it can be demonstrated to the principal certifier that the work cannot be undertaken during the standard construction hours in Condition E3;

(b) Hoist and crane climbing or dismantling between 8am and 5pm on Sunday for a maximum of two Sundays over the duration of the project;

(c) Delivery of materials for internal fit out works between 7pm and 11pm, Monday to Saturday (excluding Sunday and public holidays), where the deliveries are made directly into the underground loading dock.

(d) Internal fit-out works and service installations/commissioning for up to 24 hours a day (excluding Sunday and public holidays) where the façade is entirely enclosed and works comply with the following:

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(i). the noise management levels (NMLs) identified in Acoustic Logic's Extended Construction Hours Construction Noise and Vibration Management Plan dated 13 November 2024 (Revision 0);

(ii). attended noise verification monitoring must be undertaken at the commencement of Condition E5B(d) works at the eastern boundary of 50 Murray Street to verify noise complies with the NMLs. The results must be documented in a register and provided to the Planning Secretary upon request; and

(iii). ongoing unattended noise monitoring must be undertaken upon the commencement of Condition E5B(d) works. The monitoring system must provide real-time feedback with active alerts to the nominated site supervisor where noise levels exceed the applicable NMLs. All alerts must be logged, with a copy provided to the Planning Secretary for information every three months;

(e) Works detailed in Condition E5B(a) to (c) must comply with the following:

(i). the maximum predicted external noise levels identified in Acoustic Logic's Extended Construction Hours Construction Noise and Vibration Management Plan dated 13 November 2024 (Revision 0);

(ii). attended noise verification monitoring must be undertaken at the commencement of each construction activity approved under MOD 6 at the eastern property boundary of 50 Murray Street to verify noise complies with the maximum predicted external noise levels. The results must be documented in a register and provided to the Planning Secretary upon request;

(iii). ongoing unattended noise monitoring must be undertaken upon the commencement of Condition E5B construction activities. The monitoring system must provide real-time feedback with active alerts to the nominated site supervisor where noise levels exceed the maximum predicted external noise levels. All alerts must be logged, with a copy provided to the Planning Secretary for information every three months; and

(iv). The dates of the concrete pours and climbing/dismantling works under Conditions E5B(a) and E5B(b), and a copy of the principal certifier's agreement in writing under Condition E5B(a), must be documented in a register and provided to the Planning Secretary upon request.

E5C. Construction activities associated with utility service operators may be undertaken in accordance with the following:

(a) the relevant utility service providers must have advised the Applicant in-writing that the carrying out of works and activities during standard construction hours would result in a high risk to the operation and integrity of the utility network prior to the works occurring;

(b) the Department must be notified in writing at least 48 hours prior;

(c) excavation works are to be limited to one instance across the projection duration;

(d) any cable jointing in pits conducted outside the hours specified in Condition E3 is to occur behind an acoustic barrier; and

(e) compliance with the maximum predicted external noise levels identified in Acoustic Logic's Extended Construction Hours Construction Noise and Vibration Management Plan dated 13 November 2024 (Revision 0).

E5D. The Planning Secretary may suspend the works specified in Conditions E5B and E5C in the event that noise complaints are received and the complaint(s) are substantiated by the Department's Compliance team. Such works must cease immediately, and the works must not re-commence until it can be satisfactorily demonstrated to the Planning Secretary that amelioration measures have been implemented that would resolve the substantiated complaint(s).

E6. Despite **Conditions E5, E6** and **E7**, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate

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application being submitted to and approved by the relevant roads authority under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993*.

CONSTRUCTION NOISE MITIGATION

E7. All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with the preparation for the commencement of work in connection with the development must comply with the *City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*. All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the CNVMP (required by **Condition D29** of this consent), **Extended Noise Construction Hours Construction Noise and Vibration Management Plan dated 13 November 2024 and as amended by the Extended Construction Hours Construction Noise and Vibration Management Plan Addendum dated 27 October 2025.**

E8. 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) 8am to 12pm, Monday to Friday;

(b) 2pm to 5pm Monday to Friday; and

(c) 9am to 12pm, Saturday.

E9. **Other than those works permitted under Condition E5B and Condition E5C, t**he Applicant must ensure all construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under **Condition E3**.

E10. Where all mitigation measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still:

(a) exceed the applicable criteria in the *City of Sydney Construction Hours/Noise Code 1992* and

(b) are giving rise to sustained complaints,

then the contractor must provide regular, appropriate and sustained periods of respite in consultation with the Planning Secretary. Approval to vary the authorised noise and vibration levels must be received in writing by the Applicant from the Planning Secretary prior to activities being undertaken that exceed sanctioned emission levels. Such periods must be set and agreed to by the Planning Secretary.

E11. The immediately adjoining neighbours must be given a minimum of 48 hours of notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

E12. Lighting of the site while any work is undertaken outside of the 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 PMNSW / Council as relevant, 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.

E13. 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.

E14. 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

E15. Vibration caused by construction at any residence or structure outside the Site must be limited to:

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(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).

E16. 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 project specific CNVMP required by this consent.

AIR QUALITY

E17. 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.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

E18. 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.

E19. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

E20. 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.

E21. 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.

E22. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

SAFEWORK REQUIREMENTS

E23. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

IMPLEMENTATION OF MANAGEMENT PLANS

E24. The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, **Extended Construction Hours Construction Noise and Vibration Management Plan dated 13 November 2024 (Revision 0), Extended Construction Hours Construction Noise and Vibration Management Plan Addendum, prepared by Acoustic Logic, dated 27 October 2025 (Revision 4),** Air Quality Management Plan, Heritage Interpretation Plan and Construction Waste Management Plan required by Part B of this consent are implemented during construction.

The Applicant must also comply with the noise management levels or maximum predicted external noise levels (whichever is applicable) as set out in the Extended Construction Hours Construction Noise and Vibration Management Plan prepared by Acoustic Logic and dated 13 November 2024 (Revision 0).

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SHORING AND ADEQUACY OF ADJOINING PROPERTY

E25. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:

(a) protect and support the building, structure or work from possible damage from the excavation, and

(b) where necessary, underpin the building, structure or work to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

TREE PROTECTION

E26. While site or building work is being carried out, the Applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of the applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

EROSION AND SEDIMENT CONTROL

E27. 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

E28. 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.

E29. 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.

DISPOSAL OF SEEPAGE AND STORMWATER

E30. 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*.

E31. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council / PMNSW (as relevant) must be obtained to connect or discharge site stormwater to Council's / PMNSW's (as relevant) stormwater drainage system or street gutter.

E32. A separate written approval from Council / PMNSW (as relevant) is required to be obtained in relation to any proposed discharge of groundwater into Council's / PMNSW's (as relevant) drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

E33. Contaminated groundwater must not be discharged into Council's / PMNSW's (as relevant) stormwater drainage system.

ASBESTOS

E34. The Applicant must ensure that any asbestos 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:

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(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*.

CONSTRUCTION TRAFFIC

E35. All construction vehicles are to be contained wholly within the Site, except if located in an approved on-street work zone, and vehicles must enter the Site before stopping.

ROAD OCCUPANCY LICENCE

E36. 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

E37. 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.

CONTACT TELEPHONE NUMBER

E38. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

COVERING OF LOADS

E39. 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

E40. 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.

STOCKPILES

E41. No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from Council / PMNSW (as relevant). All stockpiles of soil or other materials:

(a) must be placed away from drainage lines, gutters or stormwater pits or inlets.

(b) likely to generate dust or odours must be covered.

E42. All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours

IMPLEMENTATION OF NON-ABORIGINAL ARCHAEOLOGICAL PROGRAMS

E43. The Applicant must carry out the excavation and construction of the development in accordance with the recommendations of the Addendum to the Archaeological Research Design (ARD) Harbourside Shopping Centre, Darling Harbour, by Curio Projects, dated November 2022. Uncovering relics or Aboriginal objects

E44. All works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The Applicant must notify the Heritage Council of NSW or their delegate (PMNSW) in respect of a relic and notify the Planning Secretary and the Heritage Council of NSW or their delegate in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW, their delegate or the Secretary of the Department of Planning and Environment.

E45. In this condition:

"relic" means any deposit, artefact, object or material evidence that:

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(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance; and

"Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

GROUNDWATER MONITORING PROGRAM

E46. The Applicant must comply with the approved ground water monitoring program (**Condition D26**) for the duration of construction phase.

TFNSW REQUIREMENTS DURING CONSTRUCTION

E47. Construction vehicles must not be stopped or parked on Darling Drive adjacent to the development at any time without prior approval of TfNSW.

E48. No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor without approval from TfNSW.

E49. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation.

E50. During all stages of the development extreme care must be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities must remain the full responsibility of the applicant.

E51. Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority).

E52. No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

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PART F PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

COORDINATION WITH SSDA3 PUBLIC DOMAIN WORKS

F1. Prior to the issue of **the first** Occupation Certificate **for Stage 1 and Stage 2, the immediately adjacent** public domain works under SSDA3 **(as depicted in the STG_1000_00 and STG_1001_00 SSDA3 Staging Plans)** is to be **completed**. Evidence of the issue of the Public Domain Occupation Certificate(s) is to be provided to the Certifier demonstrating compliance with this condition.

F2. For the avoidance of doubt, prior to the issue of the final Occupation Certificate, the Occupation Certificate for all public domain works under SSDA3 are to be issued.

F2A. Prior to the issue of the first Occupation Certificate for Stage 3, Applicant must:

(a) provide security in favour of Placemaking NSW, in an amount agreed by Placemaking NSW and enter into a Deed of Agreement with Placemaking NSW, to secure delivery of the intersection upgrade required by Condition B29A of SSD-7874

(b) submit evidence to the Planning Secretary that the security and deed has been executed

(c) the Security shall be held until such time as Placemaking NSW are satisfied that the works have been completed to its satisfaction and in accordance with the requirements of Condition B29A of SSD-7874

OCCUPATION CERTIFICATE

F3. The Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.

F3A. **Prior to the commencement of occupation or use of the whole or any part of the approved development, an Occupation certificate must be obtained from the Certifier. Occupation of the Harbourside Shopping Centre Redevelopment may be staged, in accordance with the Stages shown on the Staging Diagram dated 20 May 2025 prepared by Snøhetta and Hassell and as follows:**

Occupation Stage	Description
Stage 1	All areas identified as 'Stage 1' in the Staging Diagrams including the southern podium
Stage 2	All areas identified as 'Stage 2' in the Staging Diagrams including the northern and central podium, loading dock and part basement 1
Stage 3	All areas identified as 'Stage 3' in the Staging Diagrams including the residential tower and remaining basements.

WORKS-AS-EXECUTED PLANS

F4. Prior to the issue of **the first** occupation certificate **for Stage 1, Stage 2 and Stage 3**, works-as-executed drawings signed by a registered surveyor demonstrating that the **associated** stormwater drainage and finished ground levels **for the respective stage** have been constructed as approved, must be submitted to the satisfaction of the Certifier.

USE OF LEVEL 5 COMMUNAL OPEN SPACE

F5. Prior to the issue of the first Occupation Certificate for the residential tower, the Applicant must submit to the satisfaction of the Certifier a Level 5 Communal Open Space Operational Management Plan. The plan must:

(a) include physical and/or operational measures to ensure the use and operation of the space does not give rise to adverse noise impacts to nearby residential properties;

(b) confirm details of the management of the space;

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(c) consider complaint handling and resolution; and

(d) confirm that the Level 5 communal open space must only be used by residents of the residential tower and their guests.

F6. A copy of the final Level 5 Communal Open Space Operational Management Plan must be sent to the Planning Secretary for information.

NOTIFICATION OF OCCUPATION

F7. The Department must be notified in writing at least one month prior to the proposed occupation of the development.

F8. If the occupation or use of the development is to be staged, the Department must be notified in writing at least one month before the commencement of the occupation of each stage, of the date of commencement of the occupation of the relevant stage.

GFA AND BUILDING HEIGHT CERTIFICATION

F9. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details must be provided to the Certifier demonstrating compliance with this condition prior to the issue of **the first** Occupation Certificate **for Stage 3**.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

F10. Prior to **the first** Occupation Certificate **for Stage 1, Stage 2 and Stage 3** being issued, evidence must be submitted to the satisfaction of the Certifier demonstrating all external walls **for that stage** of the new building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent.

F11. The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.

HERITAGE INTERPRETATION

F12. Prior to the issue of **the first** Occupation Certificate **for Stage 1, Stage 2 and Stage 3** or commencement of use **within each stage**, whichever is earlier, the Applicant must provide evidence to the Certifier that the Heritage Interpretation Plan has been implemented **for that stage** in accordance with **Condition C45**.

AFFORDABLE WORKSPACES

F13. Prior to the commencement of the use of the retail and office accommodation, the Applicant must provide evidence to the Certifier, if applicable, that any recommendations of the Affordable Workspace Strategy has been implemented in accordance with **Condition C12**.

REFLECTIVITY

F14. Prior to the issue of **the first** Occupation Certificate **for Stage 1, Stage 2 and Stage 3** or **a** commencement of use **within each of these stages**, whichever is earlier, the Applicant must provide evidence to the Certifier that the development **stage** does not cause excessive glare and any necessary mitigation measures have been implemented in accordance with **Condition C18**.

WIND MITIGATION

F15. Prior to the issue of **the first** Occupation Certificate **for Stage 1, Stage 2 and Stage 3** or **a** commencement of the use **within each of these stages**, whichever is earlier, the Applicant must provide evidence to the Certifier that the following wind mitigation measures **required for that stage** have been implemented:

(a) any necessary mitigation measures required in accordance with **Condition C28**; and

(b) all wind mitigation measures required to address wind impacts within the public domain surrounding the site required in accordance with the separate SSDA3 application.

RETAILS SHOPFRONTS

F16. Prior to the commencement of any/each retail use, the Applicant must provide evidence to the Certifier that retail shopfronts do not exceed the maximum shopfront proportions in accordance with **Condition C2**.

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OPERATIONAL WASTE MANAGEMENT

F17. Prior to the issue of **the first** Occupation Certificate **for Stage 1, Stage 2 and Stage 3** or **a** commencement of the use **within each of these stages**, whichever is earlier, the Applicant must provide evidence to the Certifier that the operational waste management mitigation measures have been implemented in accordance with the requirements of **Condition C37** **as required for that stage**.

F18. Prior to the **first** occupation **certificate for Stage 1, Stage 2 and Stage 3** or **a** commencement of use **within each of these stages**, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste **as required for that stage**. Waste is to be stored and collected from within the curtilage of the site at all times.

F19. 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.

F20. 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.

F21. 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

PROTECTION OF PUBLIC INFRASTRUCTURE

F22. 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

F23. Prior to **the first** occupation **certificate for Stage 1, Stage 2 and Stage 3** or **a** commencement of use **within each of these stages**, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems **provided in that stage** 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

F24. Before the issue of **the first** Occupation Certificate **for Stage 3**, 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.

F25. Before the issue of **the final** Occupation Certificate **for Stage 3**, 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

F26. Prior to the **final** occupation **certificate for Stage 3** or commencement of use **for Stage 3**, the cost of repairing any damage caused to the road authority's or other public authority's assets in the vicinity of

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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

F27. Prior to the issue of the any Occupation Certificate, 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.

F27A. Prior to the issue of the first Occupation Certificate for Stage 1, the Applicant must submit to the satisfaction of the certifier a Safety Data Sheet that details how the storage and handling of LPG bottles will comply with Work Health Safety Regulations and Fire Rescue NSW requirements.

STRUCTURAL INSPECTION CERTIFICATE

F28. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the Planning Secretary and PMNSW 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.

WARM WATER SYSTEMS AND COOLING SYSTEMS

F29. The operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with *the Public Health Act 2010, Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.

F30. Prior to the issue of an occupation certificate associated with the Cooling Water System the occupier of the premise at which the system is installed, must notify the Council in writing on the prescribed form of the installation of all water-cooling tower systems within the premises under the Public Health Act 2010.

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

OUTDOOR LIGHTING

F31. Prior to the **first** occupation **certificate for Stage 1, Stage 2 or Stage 3** or commencement of use **within each of these stages, whichever is earlier,** the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development **stage** 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.

STORMWATER

F32. Prior to the issue of **the first** Occupation Certificate **for Stage 1, Stage 2 and Stage 3**, the Applicant must submit a copy of the stormwater drainage design plans **for that stage** approved with the Construction Certificate to the Certifier. The stormwater drainage design plans must be prepared by a Practicing Professional Engineer experienced in the design of stormwater drainage systems.

F33. Prior to the issue of **the first** Occupation Certificate **for Stage 1, Stage 2 and Stage 3**, the Applicant must submit to the satisfaction of the Certifier an Operation and Maintenance Plan (OMP) **for that stage** to ensure the proposed stormwater quality measures remain effective. The OMP must contain the following:

(a) maintenance schedule of all stormwater quality treatment devices;

(b) record and reporting details;

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(c) relevant contact information; and

(d) Work Health and Safety requirements.

FLOOD MITIGATION

F34. Prior to the issue of **the first** Occupation Certificate **for Stage 1, Stage 2 or Stage 3** or **a** commencement of the use **within each of these stages**, whichever is earlier, the Applicant must provide evidence to the Certifier that any flood mitigation measures required **for that stage** in accordance with **Conditions C38** and **C39** has been implemented.

Mitigation measures for Stage 1 must also include those proposed in the Flood Impact Statement conducted by Stantec and dated 7 August 2025 submitted in support of SSD-49295711-MOD-5.

SYDNEY WATER COMPLIANCE

F35. Prior to the issue of **the first** Occupation Certificate **for Stage 1, Stage 2 or Stage 3**, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate **for that stage** under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

UTILITY PROVIDERS

F36. Prior to the issue of **the first** Occupation Certificate **for Stage 1, Stage 2 or Stage 3**, 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 **stage**, is completed to the satisfaction of the relevant authority.

F37. Before the issue of **the first** Occupation Certificate **for Stage 1, Stage 2 and Stage 3**, the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.

ENVIRONMENTAL PERFORMANCE

F38. Prior to the **first** occupation **certificate for Stage 1, Stage 2 and Stage 3** or **a** commencement of use **associated with each of these stages**, 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 in accordance with **Conditions C21** and **C22** **for that stage**.

OPERATIONAL NOISE

F39. Prior to the issue of **the first** Occupation Certificate **for Stage 1, Stage 2 and Stage 3**, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the report titled *'Harbourside SSDA Acoustic Assessment Revision 3'* prepared by Acoustic Logic and dated 31 October 2022 (as amended by conditions of this consent) have been incorporated into the design **for that stage** to ensure the development will not exceed the recommended operational noise levels identified in the Acoustic Assessment.

GREEN TRAVEL PLAN

F40. Prior to the issue of the **first** Occupation Certificate **for Stage 1, Stage 2 and Stage 3**, the Applicant must update the Green Travel Plan (GTP) **for that stage** in consultation TfNSW. The GTP needs to consider:

(a) Mode Share Targets - Actual numerical target mode shares be advised in the GTP for public and active transport for staff, residents and visitors using the site for short term and long term mode shares;

(b) Parking - Reduce car parking usage by encouraging use of sustainable modes such as public transport;

(c) Parking Management Strategy - Development of a parking management strategy that prioritises use by staff, residents and visitors on a priority needs basis;

(d) Health and wellbeing benefits - Alternative travel options for residents, staff and visitors health and wellbeing benefits to encourage mode shift;

(e) staggering shift times - Flexible work policies;

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(f) Initiatives – Propose initiatives to encourage more staff to participate in sustainable transport options;

(g) Implementation Plan - This Plan includes proactive tasks for completion (including initiatives), how they will be completed with set completion dates, as well as who will be doing the tasks. The Implementation Plan should include proposed short and long term initiatives;

(h) Governance of Green Travel Plan -A Travel Plan Coordinator needs to be in place for the life of the development, who will manage the Implementation Plan;

(i) Funding the GTP - The GTP will need to be appropriately funded and otherwise resourced, by the applicant, for a period of at least 5 years, or via an appropriate appointed entity, such as a body corporate;

(j) End of Trip (EOT) Facilities - Provision of e-bike charging points on site. The locations of the end-of-trip facilities should be promoted in the Travel Access Guide (TAG);

(k) Travel Access Guide (TAG) - TAG as an appendix, for residents, staff and visitors who will be using the proposed development; and

(l) Monitoring and Measuring the GTP - An example of travel surveys included as an appendix of the GTP.

F41. The Applicant must submit a copy of the final plan via development.sco@transport.nsw.gov.au for TfNSW, three (3) months prior to **an** occupation and prior to the issue of **the relevant** occupation certificate.

F42. The GTP must be implemented and updated annually 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.

F43. The GTP must be made available to the Planning Secretary upon request.

TRANSPORT ACCESS GUIDE

F44. The Applicant must prepare a Transport Access Guide in consultation with TfNSW, implement and maintain 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 satisfaction of the Certifier prior to the issue of **the first** Occupation Certificate for **Stage 1, Stage 2 and Stage 3 of** the site/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.

VEHICLE PARKING AND INFRASTRUCTURE

F45. Prior to the **first** occupation **certificate for Stage 1, Stage 2 and Stage 3** or commencement of use, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the vehicle parking and infrastructure requirements of **Conditions C30, C31** and **C32 for that stage**.

F46. The three car share spaces must be:

(a) retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time;

(b) made available to operator(s) of car share scheme(s) without a fee or charge and be accessible to members of the car share scheme(s) at all times or alternative on-site management arrangements;

(c) sign posted for use only by car share vehicles and well lit; and

(d) available at the same time that the **residential** car park commences operation.

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F47. Residential accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

BICYCLE PARKING AND END-OF-TRIP FACILITIES

F48. Prior to the **first** occupation **certificate for Stage 1, Stage 2 and Stage 3** or **a** commencement of use **within each of these stages**, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the bicycle parking and facility requirements of **Condition C33 as relevant for that stage**.

F48A. Prior to the issue of the final Occupation Certificate, the Applicant must submit evidence to the Certifier that the total number of spaces, lockers and showers in Condition C33 have been delivered.

F49. Prior to the **first Occupation Certificate for Stage 1, Stage 2 or Stage 3** or **a** commencement of use, bicycle way-finding signage **required for that stage, and all bicycle wayfinding signage prior to final stage of operation or commencement of use,** must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas in accordance with details to be submitted and approved by PMNSW.

ROAD SAFETY AUDIT

F50. Prior to the issue of **the first** Occupation Certificate **for Stage 1, Stage 2 and Stage 3** or **a** commencement of use, whichever is the earlier, the Applicant must submit evidence to the satisfaction of the Certifier demonstrating that**, as required for that stage**:

(a) TfNSW has been consulted on the proposed road safety mitigation measures recommended by the Road Safety Audit Response contained within the report titled *'Transport Impact Assessment Issue 4'*, prepared by PTC Consultants and dated 27 June 2023;

(b) the road safety mitigation measures, or alternative measures, have been endorsed by TfNSW; and

(c) all endorsed roads safety mitigation measures have been implemented to the satisfaction of TfNSW.

LANDSCAPE PRACTICAL COMPLETION REPORT

F51. Prior to the issue of **the first** Occupation Certificate **for Stage 1, Stage 2 and Stage 3**, 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 **required for that stage** have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

STREET NUMBERING

F52. Prior to the issue of the relevant Occupation Certificate, the Applicant must provide to the Certifier evidence that the relevant street numbers are clearly displayed at the ground level frontage of the building. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

COMPLIANCE WITH BASIX CERTIFICATE

F53. Prior to the issue of any Occupation Certificate for the residential component of the tower, the Applicant must submit to the satisfaction of the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

PHYSICAL AND ELECTRONIC MODELS

F54. Prior to the issue of **the first** Occupation Certificate **for Stage 3** the following models must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager:

(a) an accurate 1:500 scale physical model of the development as constructed for the City Model in Town Hall House;

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(b) an accurate 1:1 electronic CAD model of the completed development for the electronic Visualisation City Model. The data required to be submitted within the surveyed location must include and identify:

(i) building design above and below ground in accordance with the development consent;

(ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;

(iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

Note: The model(s) must:

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

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

F54A. Prior to the issue of the first Occupation Certificate for Stage 1, the Applicant must install signage discouraging pedestrian access along the road verge to the north of the retail end-of-trip facilities for the Darling Drive east slip-lane, west of the retail tenancy adjoining Pyrmont Bridge abutment, and north of the round-about for the Darling Drive west slip-lane. The signage is to be designed and installed in consultation with PMNSW.

TFNSW REQUIREMENTS

POST CONSTRUCTION DILAPIDATION REPORT

F55. Prior to the issue of the **first** Occupation Certificate **for Stage 3**, a post-construction dilapidation survey must be undertaken via a joint inspection with representatives from TfNSW, Altrac, the Sydney Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW. The applicant needs to undertake rectification of any damage to the satisfaction of TfNSW and the Sydney Light Rail Operator and if applicable the local council.

REFLECTIVITY REPORT

F56. Prior to the Issue of the **first** Occupation Certificate **for Stage 1, Stage 2 and Stage 3**, the applicant must demonstrate that lights, signs and reflective materials **associated with the relevant stage**, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

ENTERTAINMENT AND RECREATION PRECINCT

F57. The contracts of sale for all residential properties are to include provisions where the purchaser is required to acknowledge and agree that:

(a) the land is within Darling Harbour which is a major event, entertainment and exhibition precinct;

(b) entertainment and promotional events or activities and public festivals (which may include fireworks, amplified sound and large crowds) are conducted at Darling Harbour;

(c) the events, activities or festivals may temporarily interfere with the purchaser's use and enjoyment of the Development Land;

(d) there may be noise and other disturbance from activities carried out at Darling Harbour; and

(e) roads in the vicinity of the land may be temporarily closed during periods when certain events or activities occur and for the purpose of carrying out maintenance and repair.

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TRAFFIC MANAGEMENT PLAN

F58. **Prior to the commencement of the event and conference use on Level 1, a Traffic Management Plan (TMP) must be prepared in consultation with TfNSW and submitted to the Certifier. The TMP must consider the impacts from the operation of the event and conference space and include:**

(a) **A detailed traffic capacity analysis**
(b) **management and co-ordination with concurrent events in the precinct,**
(c) **management of pick-up and drop-off operations in accordance with the PUDO management plan approved under Condition C55,**
(d) **measures to ensure pedestrian and cyclist safety,**
(e) **parking strategies, and**
(f) **public transport coordination.**

The management measures must be implemented throughout the ongoing operation of the development.

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PART G OCCUPATION AND ONGOING USE

ANNUAL FIRE SAFETY STATEMENT

G1. 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

G2. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

G3. 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

G4. All waste collection services must be undertaken in accordance with this consent.

G5. Waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

G6. 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.

G7. 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

G8. All loading and unloading operations associated with the site must be carried out:

(a) in accordance with the Loading and Servicing Management Plan approved in accordance with **Conditions C35** and **C36**;

(b) within the confines of the site, at all times and must not obstruct other properties or the public way; and

(c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality

G9. 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.

USE AND MANAGEMENT OF PARKING SPACES

G10. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

COMMUNAL OPEN SPACE OPERATIONAL MANAGEMENT PLAN

G11. The management and use of the Level 5 community Open space must be in accordance with the Communal Open Space Operational Management Plan approved under **Condition F4**.

ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

G12. 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.

G13. The use and operation of the premises must not give rise to an environmental health or public nuisance.

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G14. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

NOISE CONTROL / OPERATION OF MECHANICAL PLANT AND EQUIPMENT

G15. The operation of plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

G16. 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.

G17. Noise from commercial plant must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA *Noise Policy for Industry 2017* (NPfI) unless agreed to by the Planning Secretary. Further:

(a) background noise monitoring must be carried out in accordance with the long-term methodology in *Fact Sheet B* of the NPfI unless otherwise agreed by the Planning Secretary.

(b) commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.

G18. An $L_{Aeq,15\ minute}$ (noise level) emitted from the development must not exceed the $L_{A90,\ 15\ minute}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:

(a) the noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.

(b) background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.

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

OPERATIONAL NOISE – ENTERTAINMENT

G19. The $L_{Aeq,\ 15\ minute}$ noise level emitted from the use must not exceed the background noise level ($L_{A90,\ 15minute}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive)**, unless otherwise permitted under another development consent**:

(a) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence **outside of the Harbourside development site**.

(b) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence **outside of the Harbourside development**.

G20. Despite compliance with **Condition G19(a)**, the $L_{Aeq,\ 15\ minute}$ noise level from the use**, unless otherwise permitted under another development consent,** must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises **outside of the Harbourside development site**:

(a) the existing internal $L_{A90,\ 15\ minute}$ (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,

(b) if the $L_{Z90,\ 15\ minute}$ background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band must become that octave's $L_{Zeq\ 15\ minute}$ noise criteria level.

G21. Despite **Condition G19(b)**, the $L_{A1\ 15\ minute}$ noise level from the use**, unless otherwise permitted under another development consent,** must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation **outside of the Harbourside development site**:

(a) the existing internal $L_{A90,\ 15\ minute}$ (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,

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(b) if the $L_{Z90,\ 15\ minute}$ minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226: 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band must become that octave's $L_{Z1\ 15\ minute}$ noise criteria level.

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

G21A. Noise levels to residential apartments within the Harbourside Development from music and patron noise is not to exceed the following levels, when measured internally with windows and doors closed:

(a) between the hours of 7am and 10pm:
(i) 38dB(A) $L_{eq,\ 15\ minute}$ in bedrooms
(ii) 43dB(A) $L_{eq,\ 15\ minute}$ in living rooms

(b) between the hours of 10pm and 12am (midnight)
(i) 35 dB(A) $L_{eq,\ 15\ minute}$ in bedrooms
(ii) 40 dB(A) $L_{eq,\ 15\ minute}$ in living rooms

(c) between 12am (midnight) and 7am
(i) 25 dB(A) $L_{eq,\ 15\ minute}$ in habitable spaces.

COMMUNITY COMMUNICATION STRATEGY

G22. The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

SIGNAGE

G23. Any future development applications relating to signage must demonstrate consistency with the approved Signage Strategy (**Condition C42**).

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

G24. Unless otherwise agreed by the Planning Secretary, within 12 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 C22**. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

GREEN TRAVEL PLAN

G25. The Green Travel Plan and Transport Access Plan approved in accordance with **Condition F40** and **Condition F44** must be implemented following occupation of the development. The plans are to be reviewed and updated annually.

FLOOD EMERGENCY MANAGEMENT PLAN

G26. The Flood Emergency Management Plan approved in accordance with **Condition C38** must be implemented following occupation of the development.

CAPACITY LIMITS OF THE EVENT AND CONFERENCE CENTRE

G27. **Commercial and business event bookings (excluding private events e.g. weddings) within the event and conference space on Level 1 are limited to a maximum of 500 patrons, unless otherwise agreed to in writing by PMNSW.**

G28. **Noise from the event and conference space on Level 1 must comply with the limits set in the noise criteria outlined in the report titled: Harbourside – SSD 49295711 / MOD 2 – Acoustic Assessment, prepared by Acoustic Logic and dated 17 September 2024.**

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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 the relevant roads authority for the installation of any hoardings over 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.

FOR INFORMATION

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).

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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.