

# Development Consent

## ***Section 4.38 of the Environmental Planning and Assessment Act 1979***

As delegate of the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

**Anthony Witherdin**  
**Director**  
**Key Sites and TOD Assessments**

Sydney: 31 July 2024

File: SSD-53386706

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

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

## SCHEDULE 1

<b>Application Number:</b>	SSD-53386706
<b>Applicant:</b>	Infrastructure NSW
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	1A-19 Bank Street, Pyrmont and areas of Sydney Harbour (Lot 1 DP 85206, Lot 1 DP 188671, Lots 1-2 DP 1089643, Lot 1 DP 439245, Lots 20-22 DP 803159, Lots 5-6 DP 803160, part of Lot 5 DP 1209992 and part of Lot 107 DP 1076596)
<b>Development:</b>	<p>New public park and associated facilities, a charter and tourism boating facility office, and harbour structures including:</p> <ul style="list-style-type: none"><li>- partial demolition of 1-3 Bank Street and adaptive reuse of Buildings A and D</li><li>- removal of temporary structures and existing buildings</li><li>- construction of a single storey building for community facilities and a charter and tourism boating facility office and storage space</li><li>- construction of a boat storage and amenities building</li><li>- public domain works including footpaths, lawn, planting, picnic shelters, play and exercise equipment, and a multipurpose court</li><li>- harbour works including a new boat launching ramp, pontoon/jetty, over-water deck, and works to seawalls</li><li>- upgrades to Bank Street including parking/loading and a pedestrian crossing</li><li>- provision of services, site level adjustments and stormwater management.</li></ul>

### SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-53386706-MOD 1	09/07/2025	Acting Director	Modification to the design of the park, buildings, and harbour structures

## DEFINITIONS

<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Infrastructure NSW, the person having the benefit of this consent from time to time, or any person carrying out any of the development to which this consent applies
<b>AS</b>	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
<b>AHD</b>	Australian Height Datum
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BCS</b>	Biodiversity Conservation and Science group of the NSW Department of Climate Change, Energy, the Environment and Water
<b>Certifier</b>	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	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
<b>Council</b>	City of Sydney Council
<b>CPTED</b>	Crime Prevention Through Environmental Design Assessment
<b>CWMP</b>	Construction Waste Management Sub-Plan
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The destruction and removal of buildings, sheds and other structures on the site.
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure
<b>Development</b>	The development approved pursuant to this consent, as defined in <b>Condition A2</b> and as modified by the conditions of this consent
<b>DPI Fisheries</b>	The fisheries sector of the Department of Primary Industries, Department of Regional NSW
<b>EIS</b>	The Environmental Impact Statement titled 'Bank Street Park Blackwattle Bay / Tjerruing', prepared by Architectus Australia Pty Ltd, dated 30 November 2023, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>HNSW</b>	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that:

- 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)

*Note: This definition excludes “harm” that is authorised under either this consent or any other statutory approval.*

*Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.*

<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>NCC</b>	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of approved land uses upon completion of construction
<b>Owner</b>	Means the registered proprietor of the Property from time to time.
<b>Planning Secretary</b>	The Planning Secretary under the EP&A Act (or delegate).
<b>PMNSW</b>	Place Management NSW as part of Placemaking NSW
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Surveyor</b>	A person who is registered with the Board of Surveying and Spatial Information
<b>RtS</b>	The Applicant's response to issues raised in submissions received in relation to the application for this development consent under the EP&A Act.
<b>RRtS</b>	The Applicant's revised response to issues raised in submissions received in relation to the application for this development consent under the EP&A Act.
<b>RRFI</b>	The Applicant's response to requests for information from the Department in relation to the application for this development consent under the EP&A Act.
<b>Sensitive Receiver</b>	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.
<b>Site</b>	The land identified in Schedule 1
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW
<b>Work(s)</b>	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**

**PRESCRIBED CONDITIONS**

A1. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

**TERMS OF CONSENT**

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS and Responses to Submissions and Requests for Information;
- (d) in accordance with the management and mitigation measures;
- (e) **in accordance with the Modification Report:**
  - (i) **entitled 'Modification Report Bank Street Park, Pyrmont' prepared by Architectus, dated 11 March 2025, and the accompanying appendices and additional information**
- (f) ~~(e)~~ in accordance with the approved plans in the table below (except where amended by the conditions of consent):

Architectural drawings prepared by Collins and Turner			
Drawing Number	Rev	Name of Plan	Date
346_SSDA_040 001	<del>6</del> 8	Title Sheet	<del>27/11/2023</del> 28/02/2025
346_SSDA_111	<del>6</del> 8	Site Plan	<del>27/11/2023</del> 28/02/2025
346_SSDA_120	6	Demolition Plan	27/11/2023
346_SSDA_140	<del>6</del> 8	Northwest Architectural Ground Floor Plan	<del>27/11/2023</del> 28/02/2025
346_SSDA_141	<del>6</del> 8	Northwest Architectural Roof Plan	<del>27/11/2023</del> 28/02/2025
346_SSDA_142	<del>6</del> 8	Pylon Surrounds Architectural Ground Floor Plan	<del>27/11/2023</del> 28/02/2025
346_SSDA_143	<del>6</del> 8	Pylon Surrounds Architectural Roof Plan	<del>27/11/2023</del> 28/02/2025
346_SSDA_201	<del>6</del> 8	Elevations 1-3 Bank Street	<del>27/11/2023</del> 28/02/2025
346_SSDA_202	<del>6</del> 8	Elevations 1-3 Bank Street	<del>27/11/2023</del> 28/02/2025
346_SSDA_203	<del>6</del> 8	Elevations 1-3 Bank Street	<del>27/11/2023</del> 28/02/2025
346_SSDA_204	<del>6</del> 8	Elevations 1-3 Bank Street	<del>27/11/2023</del> 28/02/2025
346_SSDA_205	<del>6</del> 8	Elevations – Dragon Boat Storage	<del>27/11/2023</del> 28/02/2025
346_SSDA_206	<del>6</del> 8	Elevations – Dragon Boat Storage	<del>27/11/2023</del> 28/02/2025
346_SSDA_310	<del>6</del> 8	Sections – 1-3 Bank Street	<del>27/11/2023</del> 28/02/2025

346_SSDA_311	<del>6</del> <u>8</u>	Sections – 1-3 Bank Street	<del>27/11/2023</del> <u>28/02/2025</u>
346_SSDA_312	<del>6</del> <u>8</u>	Sections – Dragon Boat Storage	<del>27/11/2023</del> <u>28/02/2025</u>
346_SSDA_411	<del>6</del> <u>8</u>	Area Diagram	<del>27/11/2023</del> <u>28/02/2025</u>
<b>Landscape drawings prepared by Oculus</b>			
L001 <del>a</del>	<del>8</del> <u>10</u>	Legend Sheet - <u>01</u>	<del>12/06/2024</del> <u>07/03/2025</u>
<u>L001b</u>	<u>10</u>	<u>Legend Sheet - 02</u>	<u>07/03/2025</u>
L002 <del>a</del>	<del>8</del> <u>2</u>	Materials Schedule <u>Sheet 01</u>	<del>12/06/2024</del> <u>07/03/2025</u>
<u>L002b</u>	<u>2</u>	<u>Materials Schedule Sheet 02</u>	<u>07/03/2025</u>
L003	<del>7</del> <u>9</u>	Planting Schedule	<del>27/03/2024</del> <u>07/03/2025</u>
L004	<del>9</del> <u>13</u>	Site Plan	<del>19/07/2024</del> <u>07/03/2025</u>
L006	<del>3</del> <u>5</u>	Overwater Structures and Piling	<del>19/07/2024</del> <u>07/03/2025</u>
L101	5	Tree Retention and Demolition	13/10/2023
L201	<del>11</del> <u>14</u>	General Arrangement – Sheet 01	<del>19/07/2024</del> <u>28/05/2025</u>
L202	<del>11</del> <u>14</u>	General Arrangement – Sheet 02	<del>19/07/2024</del> <u>28/05/2025</u>
L203	<del>9</del> <u>11</u>	General Arrangement – Public Domain <u>Plan</u>	<del>19/07/2024</del> <u>07/03/2025</u>
L501	<del>10</del> <u>12</u>	Planting Plan	<del>19/07/2024</del> <u>07/03/2025</u>
<u>L701</u>	<u>3</u>	<u>Sections – Sheet 1</u>	<u>07/03/2025</u>
<u>L702</u>	<u>3</u>	<u>Sections – Sheet 2</u>	<u>07/03/2025</u>
<u>L703</u>	<u>3</u>	<u>Sections – Sheet 3</u>	<u>07/03/2025</u>
<b>Civil plans prepared by Enspire</b>			
220067-00-DA-C01.21	<del>2</del> <u>4</u>	Specification Notes Sheet 01	<del>20/10/2023</del> <u>07/03/2025</u>
220067-00-DA-C01.22	<del>2</del> <u>4</u>	Specification Notes Sheet 02	<del>20/10/2023</del> <u>07/03/2025</u>
220067-00-DA-C01.41	<del>3</del> <u>5</u>	General Arrangement Plan Harbour Park	<del>21/03/2024</del> <u>07/03/2025</u>
220067-00-DA-C01.42	<del>3</del> <u>5</u>	General Arrangement Plan Bank Street	<del>21/03/2024</del> <u>07/03/2025</u>
220067-00-DA-C02.01	<del>3</del> <u>5</u>	Demolition Plan Sheet 01	<del>28/11/2023</del> <u>07/03/2025</u>
220067-00-DA-C02.02	<del>3</del> <u>5</u>	Demolition Plan Sheet 02	<del>28/11/2023</del> <u>07/03/2025</u>

220067-00-DA-C04.01	<del>4</del> <u>6</u>	Cut and Fill Plan	<del>17/07/2024</del> <u>07/03/2025</u>
220067-00-DA-C05.01	<del>5</del> <u>7</u>	Harbour Park Siteworks and Stormwater Management Plan Sheet 01	<del>17/07/2024</del> <u>07/03/2025</u>
220067-00-DA-C05.02	<del>5</del> <u>7</u>	Harbour Park Siteworks and Stormwater Management Plan Sheet 02	<del>17/07/2024</del> <u>07/03/2025</u>
220067-00-DA-C05.11	<del>5</del> <u>7</u>	Harbour Park Pavement Plan Sheet 01	<del>17/07/2024</del> <u>07/03/2025</u>
220067-00-DA-C05.12	<del>5</del> <u>7</u>	Harbour Park Pavement Plan Sheet 02	<del>17/07/2024</del> <u>07/03/2025</u>
220067-00-DA-C05.51	<del>3</del> <u>6</u>	Bank Street Siteworks and Stormwater Managements Sheet 01	<del>21/03/2024</del> <u>07/03/2025</u>
220067-00-DA-C05.52	<del>3</del> <u>6</u>	Bank Street Siteworks and Stormwater Managements Sheet 02	<del>21/03/2024</del> <u>07/03/2025</u>
220067-00-DA-C05.61	<del>4</del> <u>6</u>	Bank Street Pavement, Signage and Linemarking Plan Sheet 01	<del>17/07/2024</del> <u>07/03/2025</u>
220067-00-DA-C05.62	<del>3</del> <u>5</u>	Bank Street Pavement, Signage and Linemarking Plan Sheet 02	<del>17/07/2024</del> <u>07/03/2025</u>
220067-00-DA-C06.01	<del>4</del> <u>6</u>	Road Typical Cross Sections	<del>17/07/2024</del> <u>07/03/2025</u>
220067-00-DA-C06.02	1	Verge Sections	<del>06/06/2024</del> <u>07/03/2025</u>
220067-00-DA-C13.01	<del>2</del> <u>4</u>	Site Sections	<del>20/10/2023</del> <u>07/03/2025</u>
220067-00-DA-C14.01	<del>2</del> <u>4</u>	Details – Sheet 01	<del>20/10/2023</del> <u>07/03/2025</u>
220067-00-DA-C14.02	<del>2</del> <u>4</u>	Details – Sheet 02	<del>20/10/2023</del> <u>07/03/2025</u>

- A3. The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- the environmental performance of the SSD;
  - any document or correspondence in relation to the SSD;
  - any notification given to the Planning Secretary under the terms of this approval;
  - any audit of the construction or operation of the SSD;
  - the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
  - the carrying out of any additional monitoring or mitigation measures; and
  - 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(c) to A2(e)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2(c) to A2(e)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS OF CONSENT

- A5. This consent will lapse 5 years from the date of the consent unless the works associated with the development consent have physically commenced.
- A6. The consent does not approve the following:
- the use or operation of the waterside charter and tourism boating facility/moorings and any associated functions of MP 11\_0001 as modified



- (b) signage or signage zones (including advertising, business and building identification signage) other than wayfinding signage that is static, non-electronic and non-illuminated

Where required, separate approvals must be obtained from the relevant consent authority (except where exempt, complying, or development without consent applies).

#### **NON-COMPLIANCE NOTIFICATION**

- A7. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A8. 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.
- A9. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

#### **EVIDENCE OF CONSULTATION**

- A10. Where conditions of this consent require consultation with an identified party and submitting documents to the Planning Secretary for information and approval, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### **STRUCTURAL ADEQUACY**

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

*Notes:*

- *If applicable, under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

#### **OPERATION OF PLANT AND EQUIPMENT**

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

#### **COMPLIANCE**

- A13. 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.

**PART B PRIOR TO COMMENCEMENT OF WORKS / THE ISSUE OF A CROWN BUILDING WORKS CERTIFICATE /  
ISSUE OF A CONSTRUCTION CERTIFICATE**

*Note: Any reference to a Crown Building Works certificate throughout this consent is to be taken to also be a reference to a Construction Certificate.*

**CROWN BUILDING WORK**

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

**NOTIFICATION OF COMMENCEMENT**

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

**ACCESS TO INFORMATION**

- B4. At least 48 hours before the commencement of 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 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.

**DESIGN EXCELLENCE AND INTEGRITY**

- B5. The architectural design team, comprising Collins and Turner and Oculus, is to have direct involvement in the design documentation and tender documentation stages of the project, and (if not novated to the construction stage) provide independent advice that the design intent has been met.

**EXTERNAL FACING MATERIALS AND FINISHES**

- B6. Prior to the issue of the first Crown Building works certificate for external finishes of buildings the Applicant must submit to the Planning Secretary, and receive the approval of the Planning Secretary, details of the final external materials and finishes including:
- (a) specifications and a digital sample board for all external finishes, surfaces, colours and glazing including annotated drawings and computer-generated imagery of their application;
  - (b) the process and methods in arriving at the final choice for all materials and finishes; and
  - (c) 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.

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

- B7. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.

- B8. Prior to the issue of the first Crown Building works 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 comply with the requirements of the NCC. The Applicant must provide a copy of the documentation to the Planning Secretary for information.

#### **DETAILED LANDSCAPING PLANS**

- B9. Prior to the issue of the first Crown Building Works certificate, the Applicant must prepare construction drawings for review by PMNSW addressing:
- (a) grading and levels
  - (b) the location of new trees with sufficient space to grow free of footings and services
  - (c) details of green roofs, including a maintenance plan detailing the maintenance methodology for safe working at height such as access requirements, location of anchor points, and transport of materials and green waste
  - (d) allowances for subsoil drainage in nature play and garden beds near multipurpose court
  - (e) specification for all concrete pavements
  - (f) the nominated pot sizes for understorey planting
  - (g) location and design of footings, specification of pavements, including permeable or rigid bases, and edge types
  - (h) edge type details including the edge to Blackwattle Bay, the waterfront promenade and wall that separates the north-south shared path and the waterfront promenade. The design details should include cross sections with relevant levels
  - (i) design and location of fencing surrounding the multipurpose court and the design of area not proposed to be fenced
  - (j) design and specification of exercise and play equipment and park furniture and fixings
  - (k) the location of bins in the public domain including outside the café, at seating areas, the multipurpose court, and major thoroughfares and entrances/exits
  - (l) the design of shade structures and other structures proximate to existing retained trees, designed so that sufficient clearance is provided to the trees and the structures are sufficiently strong to provide protection from branch failures.

The plans and specifications must include a response schedule which details how PMNSW's comments have been addressed.

- B10. Prior to the issue of a Crown Building Works certificate for the community building, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Certifier.

#### **SWINGING DOORS OVER PUBLIC WAY**

- B11. Prior to the issue of any relevant Crown Building Works certificate, the Certifier must be satisfied that any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, do not open over the footway/roadway.

#### **PAVING MATERIALS**

- B12. The surface of any material used or proposed to be used for the paving of trafficable areas including colonnades, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2013 (including amendments) "Slip resistance classification of new pedestrian surface materials".

#### **TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

- B13. Prior to the issue of any relevant Crown Building Works certificate, the Certifier must be satisfied that all tactile ground surface indicators, handrails and other elements required to provide access into the building / property are located entirely within the property boundary.

#### **DRAINAGE AND SERVICE PIT LIDS**

- B14. All existing or proposed drainage and service pit lids on Council land must be to Council specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed on the public domain plans for construction. Private pits are not permitted on Council land.

#### **ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES**

- B15. Prior to the issue of the first Crown Building Works certificate, 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.

## VENTILATION

- B16. The premises must be ventilated in accordance with the NCC and applicable Australian Standards.
- B17. Prior to the issue of the first Crown Building Works certificate for the construction of buildings, 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.

## STRUCTURAL DETAILS

- B18. Prior to the issue of the first Crown Building Works 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.

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B19. Prior to the issue of each relevant Crown Building Works certificate for buildings and the public domain, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the design of the development has incorporated the management and mitigation measures included within the Crime Prevention Through Environmental Design Assessment report prepared by Core42 (Revision 1) dated 18 October 2023.

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B20. The detailed design of the development must review and incorporate where possible the environmental sustainability objectives, measures and initiatives outlined in the Sustainable Strategy Report prepared by Atelier 10, Revision 3, dated 28 November 2023 submitted with the EIS. Details of the proposed sustainability measures must be submitted to the Certifier prior to the issue of the relevant Crown Building Works certificate.

## MECHANICAL PLANT NOISE MITIGATION

- B21. Prior to the issue of each relevant Crown Building Works certificate for the construction of buildings, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on the relevant Crown Building Works 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. Any rooftop plant must be adequately enclosed and screened to minimise disturbance and visual impacts.

## COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B22. Prior to the issue of each relevant Crown Building Works certificate for the construction of buildings, 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 Noise and Vibration Impact Assessment prepared by Stantec, ~~Revision 004, dated 27 March 2024~~ **Revision 006, dated 7 March 2025.**

## REFLECTIVITY

- B23. The building materials must have a maximum normal specular reflectivity of visible light of 20 per cent. If the proposed building materials do not comply, then an alternate materials/ mitigation measures must be proposed so that the facades of the building would not result in glare that causes any discomfort or threatens the safety of pedestrians and cyclists, drivers and watercraft including future ferry operators.
- B24. A statement prepared by a suitably qualified expert, demonstrating compliance with the requirements of this condition must be submitted to the satisfaction of the Certifier prior to the construction/cladding of external building facades.

## WAYFINDING

- B25. Prior to the issue of the first Crown Building Works certificate for public domain works, a detailed Wayfinding Plan must be submitted to Council and TfNSW for review and comment and be endorsed by PMNSW. The Wayfinding Plan must address:
- (a) wayfinding measures for a diversity of users including those with mobility challenges, prams, cyclists and watercraft users
  - (b) how the different public and access-controlled spaces are distinguishable and legible from a distance
  - (c) how signage would not contribute to visual clutter
  - (d) how signage designs would complement the style of existing public domain signage in the area
  - (e) connections to surrounding transport modes, pedestrian and cycle paths, and points of interest

- (f) any feedback received from Council and TfNSW.

B26. Any recommended pedestrian movement and wayfinding measures identified in the Wayfinding Strategy (**Condition B25**) must be implemented as part of the relevant Crown Building Works certificate.

#### ILLUMINATION

- B27. Prior to the issue of the first Crown Building Works certificate for public domain works, a detailed lighting strategy must be endorsed by PMNSW. The strategy must:
- (a) identify the range of lighting infrastructure to be introduced on site, including all publicly accessible spaces and street frontages
  - (b) include details of any pole footing locations and structural details, location and details of underground electrical reticulation including connections and conduits, pit cabling and certifications
  - (c) consider the use of timers, shields and/or positioning lighting away from the harbour to limit light spill on the waterbody
  - (d) address any relevant public domain guidelines, technical specifications, and manuals.
- B28. Any recommended measures identified in the lighting strategy (**Condition B27**) must be implemented as part of the relevant Crown Building Works certificate.

#### HERITAGE INTERPRETATION

- B29. Prior to the issue of the first Crown Building Works certificate for external finishes or public domain works, a Heritage Interpretation Plan must be endorsed by PMNSW. The Plan must:
- (a) be prepared by a suitably qualified and experienced heritage practitioner
  - (b) acknowledge the heritage of the site including Aboriginal cultural heritage interpretation, and consider the narratives and themes of the Bank Street / Tjerruig Park Preliminary Heritage Interpretation Framework prepared by GML Heritage dated 27 November 2023, the Public Art Plan prepared by Cultural Capital dated October 2023, and the Designing with Country Integration Report prepared by Greenshoot Consulting
  - (c) specify the location, type, making materials and contents of the interpretation device being proposed
  - (d) demonstrate consultation with Council and Registered Aboriginal Parties, including how the outcomes of consultation have been addressed, and
  - (e) coordinate with, or adopt any relevant outcomes of, the precinct wide Blackwattle Bay Public Art Plan.
- B30. Any recommended measures identified in the Heritage Interpretation Plan (**Condition B29**) must be implemented as part of the relevant Crown Building Works certificate.

#### HERITAGE SCHEDULE OF WORKS

- B31. Prior to the issue of the first Crown Building Works certificate or the commencement of any works at 1-3 Bank Street, Pyrmont, whichever occurs first, a detailed Schedule of Works must be endorsed by the asset owner. This schedule must:
- (a) be prepared by a suitably qualified heritage architect, with input from a suitably qualified structural engineer
  - (b) address the potential and feasibility to:
    - (i) retain the timber sash windows and doors, roof structure, and brickwork on the street façade for Building D
    - (ii) retain whole elements, such as doorways, walls and the steel framed windows, to allow for the meaningful interpretation of original built elements for Building A
    - (iii) salvage early or original fabric for reuse including the brick masonry of demolished buildings, external sliding doors to Room A2, original electrical conduit box in Room A5, the workshop sign and the timber rack over the roller door on the south elevation of Building B.
  - (c) identify how and where materials would be used as the outcome of (b) and provide clear guidance on the appropriate retention or removal, storage and re-use of salvaged material.
- B32. Any recommended measures identified in the Schedule of Works (**Condition B31**) must be implemented as part of the relevant Crown Building Works certificate.

#### ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

- B33. Prior to the carrying out of works, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) to the satisfaction of the Certifier. This plan must:
- (a) be prepared by suitably qualified and experienced person/s
  - (b) be prepared in consultation with Registered Aboriginal Parties (RAPs) and reviewed by Heritage NSW, incorporating any requested changes where appropriate;
  - (c) include a description of the measures (and associated methodologies) that would be implemented for:

- (i) conducting Aboriginal archaeology monitoring with RAP participation;
  - (ii) avoiding and conserving areas of Potential Archaeological Deposit (PAD) identified during monitoring, where feasible to do so;
  - (iii) conducting additional Aboriginal archaeological excavation with RAP participation where areas of PAD are identified as an unexpected find during construction and/or during monitoring and cannot be conserved;
  - (iv) assessing the significance of Aboriginal objects identified during the monitoring and/or Aboriginal archaeology excavations;
  - (v) the long-term management of any Aboriginal heritage items or material collected during the previous test excavations and any additional Aboriginal archaeological excavations that may be conducted under the ACHMP;
  - (vi) ensure workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept for these inductions;
  - (vii) ongoing consultation with RAPs during the implementation of the ACHMP;
  - (viii) preparing Aboriginal Site Impact Recording Form/s (ASIRFs) for all Aboriginal heritage sites following construction activities with ASIRFs to be submitted to the Aboriginal Heritage Information Management System (AHIMS) registrar.
- (d) include an Unexpected Heritage Finds and Human Remains Procedure prepared in relation to Aboriginal cultural heritage, with these measures to be prepared in accordance with the guidelines and standards specified by Heritage NSW, be implemented for the duration of the project and to include the requirement to register any newly identified Aboriginal objects or sites in the AHIMS database.
- (e) include provision for the preparation of an Aboriginal Cultural Heritage Excavation Report(s) where additional Aboriginal archaeological excavations have been completed. The Aboriginal Cultural Heritage Excavation Report(s), must:
- (i) be prepared by a suitable qualified expert;
  - (ii) be prepared generally in accordance with the Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW, 2011 and the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, 2010;
  - (iii) document the results of the Aboriginal archaeological excavations and any subsequent salvage (with artefact analysis and identification of a final repository for finds); and
  - (iv) be provided to the RAPs who must be given a minimum of 28 days to consider the report and provide comments before the report is finalised. The final report must be provided to the Planning Secretary, Heritage NSW, the relevant Councils, and the relevant Local Aboriginal Land Council, and the RAPs within 24 months of the completion of the Aboriginal archaeological collections and excavations.
- (f) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

#### **NON-ABORIGINAL ARCHAEOLOGY**

- B34. Works on the site must be conducted in accordance with the Archaeology Investigation Methodology detailed in Section 6 of the Historical Archaeological Assessment Research Design and Excavation Methodology (HAARDEM) prepared by GML Heritage, Issue 4, dated 28 March 2024. A final archaeological report must be submitted to the Heritage NSW within 12 months of the completion of archaeological excavation on the project.
- B35. Prior to the commencement of archaeological investigations or any inground impacts, the Applicant must nominate a suitably qualified Excavation Director who complies with the Heritage NSW's Criteria for Assessment of Excavation Directors (2019) to oversee and manage on matters associated with archaeology.
- B36. The Excavation Director must be present to oversee excavation, advise on archaeological issues, advise on the duration and extent of oversight required during archaeological excavations consistent with the HAARDEM.
- B37. Prior to the commencement of any ground impacts, a heritage induction must be presented to all project staff and contractors to ensure they are aware of the procedure for advising the Excavation Director of unexpected heritage finds.
- B38. In the event that State significant relics or unexpected historical archaeological relics (not identified in the HAARDEM) are uncovered, construction must cease immediately in the affected area and the Excavation Director must be notified and assess the finds, identify their significance level, and provide mitigation advice according to the significance level and the impact proposed. Heritage NSW and the Planning Secretary must be notified of any relic found. Construction in the vicinity of the discovery must not recommence until approval is received from Heritage NSW and the requirements of the Excavation Director and Heritage NSW have been implemented. The Proponent must notify the Planning Secretary in writing of the outcome of consultation with Heritage NSW.

## MARITIME ARCHAEOLOGY

- B39. The Applicant must ensure that all the mitigation measures and archaeological test excavation strategy outlined in the Maritime Archaeology Assessment prepared by Comber Consultants, version F.2024, dated 6 June 2024 are implemented.

## FLOOD RESILIENT BUILDINGS

- B40. Prior to the issue of each relevant Crown Building Works certificate, the Certifier must be satisfied that buildings comply with the planning levels in Table 5-4 of the Flood Risk and Impact Assessment prepared by Mott MacDonald, ~~Revision D, dated 27 March 2024~~ **Revision F, dated 3 June 2025**.
- B41. The detailed design of storage buildings that are not higher than the 1% AEP flood levels including climate change plus freeboard must:
- (a) be in accordance with the recommendations for flood resilient buildings and materials in 'Reducing the Vulnerability of Buildings to Flood Damage; Guidance on Building in Flood Prone Areas' prepared for the Hawkesbury-Nepean Floodplain Management Steering Committee, and
  - (b) not enable the storage of chemicals or hazardous materials below RL 3.2 m AHD.

## WIND MITIGATION

- B42. Prior to the issue of each relevant Crown Building Works certificate for above ground works, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated the wind mitigation measures contained in the Pedestrian Wind Environment Statement prepared by Windtech, Revision 2, dated 28 November 2023.

## MARITIME HABITAT

- B43. Prior to the issue of the first Crown Building Works certificate for any harbour works, the Applicant must prepare a Key Fish Habitat Offset Strategy and the Strategy must be endorsed by DPI Fisheries. The strategy must
- (a) consider relevant policies and guidelines, including but not limited to, the NSW Biodiversity Offsets Policy for Major Projects and Policy and guidelines for fish habitat conservation and management (DPI 2013)
  - (b) clearly outline the proposed area of harm and offset requirements, including the need for monitoring to achieve proposed performance measures; and
  - (c) preference on-ground offsetting on site. Where appropriate offsets cannot be provided within the site, alternative locations within Blackwattle Bay may be considered.
  - (d) include a Seahorse Relocation Plan.
- B44. In the event that key fish habitat defined in Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013 update) is impacted, the key fish habitat must be offset at a ratio of 2:1 in accordance with the Policy and Guidelines for Fish Habitat Conservation and Management (2013) and the NSW Biodiversity Offsets Policy for Major Projects - Fact sheet: Aquatic biodiversity.
- B45. All seawall upgrades and sandstone block terracing must be designed in accordance with NSW Government's "Environmentally Friendly Seawalls: A Guide to Improving the Environmental Value of Seawalls and Seawall-Lined Foreshores in Estuaries" (2012).
- B46. The dragon boat ramp and kayak launch/jetty must be constructed from mesh decking that allows at least 50% light penetration to the seabed unless an alternative material is agreed by DPI Fisheries. Materials that do not meet DPI Fisheries' light penetration requirements must address the Offset Strategy in **Condition B43**.

## ROAD WORKS

- B47. The detailed design and specifications for alterations to Bank Street including footpaths (grades, widths and specifications), cycle lanes, pedestrian crossings, and parking arrangements, must be referred to and agreed by The City of Sydney Public Domain Unit and Local Pedestrian, Cycling and Traffic Calming Committee prior to the issue of any relevant Crown Building Works certificate and any such roadworks commencing.
- B48. All on-street parking and loading must be designed in accordance with the relevant Australian Standards, AS2890.5:2020 Parking Facilities.

## SITE STABILITY AND CONSTRUCTION WORK

- B49. Prior to the issue of the first Crown Building Works certificate, the Certifier must be satisfied the recommendations of the Geotechnical Assessment prepared by JK Geotechnics Pty Ltd, Revision 1, dated 28 November 2023 have been addressed, or alternative measures have been developed by a suitably qualified and experienced professional engineer/s, including but not limited to:
- (a) geotechnical details confirm the suitability and stability of the site for the development and relevant design and construction requirements being implemented to ensure the stability and adequacy of the development and adjacent land

- (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), if relevant.

## **PUBLIC DOMAIN LEVELS AND GRADIENTS**

- B50. Prior to the issue of any Crown Building Works certificate, a Public Domain Levels and Gradients submission for site frontages, all buildings and roadworks must be submitted to the Certifier including certification that all levels and gradients comply with Disability Discrimination Act 1992 and National Construction Code and have addressed Council's Public Domain Manual. A copy of the Public Domain Levels and Gradients must be issued to Council for information.
- B51. Any requirements to comply with Disability Discrimination Act 1992 and flood planning levels at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

## **STORMWATER DRAINAGE DESIGN**

- B52. Prior to the issue of any Crown Building Works certificate for drainage works, the Certifier must be satisfied of the following:
  - (a) a CCTV condition assessment report and video of any existing systems to be retained has been submitted to Council, and
  - (b) A suitably qualified and practicing civil engineer has certified that the stormwater management design complies with the relevant provisions of:
    - (i) Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design;
    - (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
    - (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
    - (iv) Council's Stormwater Drainage Manual; and
    - (v) All relevant Australian Standards.
- B53. Prior to the relocation of any Council owned stormwater drainage pipeline and realignment of easement, the detailed stormwater drainage design must demonstrate that the proposed pipeline relocation will not adversely impact the existing upstream or downstream stormwater drainage system and adjoining properties. The relocated pipe is to be designed to have the required capacity in accordance with the relevant requirements of the Council's Sydney Streets Technical Specification.

## **STORMWATER QUALITY**

- B54. Prior to issue of any Crown Building Works certificate for drainage works, a stormwater quality assessment report prepared by a suitably qualified practicing civil engineer, demonstrating compliance with approved music link targets and parameters must be submitted to Council. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link report.

## **SYDNEY WATER**

- B55. An application must be made to Sydney Water for a Certificate under section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue of the relevant Crown Building Works certificate (excluding demolition, remediation and site preparation works).
- B56. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Certifier prior to the relevant works commencing. Please refer to the website <https://www.sydneypwater.com.au/SW/plumbing-building-developing/building/sydney-water-tapin/index.htm>, or telephone 13 20 92.
- B57. Evidence of a Sydney Water permit or consent if required to discharge wastewater to the sewer shall be submitted to the Certifier prior to the issue of the relevant Crown Building Works certificate. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.



## **SYDNEY METRO REQUIREMENTS**

B58. Prior to the issue of the first Crown Building Works certificate, the following must be submitted to and approved by Sydney Metro via written confirmation that the documents have been received and that the particular condition has been complied with:

- (a) Surveyor verification of the following drawings:
  - (i) Drawing no. 102-15G S02 [02] – 002 prepared by Colliers dated 08 March 2024.
  - (ii) Drawing no. 102-15G S02 [02] – 005 prepared by Colliers dated 08 March 2024.
- (b) Updated Drawing no. 102-15G S02 [02] – 002 prepared by Colliers dated 08 March 2024 to address a portion of missing Sydney Metro sub-stratum in the shaded area of the Sydney Metro First Reserve
- (c) Detailed construction drawings demonstrating there is no encroachment of any footings or penetrations into Sydney Metro Second Reserve as outlined in the Geotechnical Assessment prepared by JK Geotechnics (Ref. 36050BFRpt Rev1) dated 28 November 2023.

*Note: All reasonable costs associated with review of plans, designs and legal must be borne by the Applicant.*

B59. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to the Planning Secretary for information prior to the issue of all relevant Crown Building Works certificates.

## **TRANSPORT FOR NSW REQUIREMENTS**

B60. Prior to the issue of the first Crown Building Works Certificate, the Applicant must submit to and have approved by TfNSW design drawings and documents for the excavation and the cut and fill of the site in accordance with Technical Direction 2020/001, detailing the potential impact on the ANZAC Bridge from land filling and cutting for proposed ramps, walkway, landscaping, building / foundation/ extra loading to bridge foundations, and detail how the ongoing access and maintenance of the ANZAC Bridge is facilitated including any required security/ surveillance measures.

*Note: Approval under Section 138 of the Roads Act 1993 and a Works Authorisation Deed and Interface Agreement may be required.*

*All reasonable costs associated with review of plans, designs and legal must be borne by the Applicant.*

## **MICROBAT MANAGEMENT PLAN**

B61. Prior to the issue of the first Crown Building Works certificate and demolition/commencement of any works, the Applicant must:

- (a) Prepare a Microbat Management Plan specifying mitigation measures to be taken prior to and during construction including adaptive measures, the provision of compensatory habitat, consideration of lighting and vegetation, and the requirements for monitoring and reporting. The plan must be prepared by a fauna ecologist with specialist knowledge in nest boxes for microbats and be endorsed by BCS.
- (b) All pre-construction mitigation and management measures in the endorsed Microbat Management Plan must be implemented prior to the issue of a Crown Building Works certificate.

## **PART C PRIOR TO COMMENCEMENT OF WORKS**

### **HARBOUR MASTER APPROVAL**

- C1. Prior to any seabed disturbance, the Applicant must obtain a Harbour Master approval under Section 110 of the NSW Ports and Maritime Administration Regulation 2021.
- C2. Prior to any seabed disturbance, a copy of the Harbour Master approval must be submitted to the Planning Secretary for information.

### **CONTAMINATION**

- C3. Prior to the commencement of works, including remediation activities, the Applicant must prepare a Data Gap Assessment addressing the recommendations of the Remediation Action Plan prepared by JBS&G, Revision 1, dated 23 October 2023 and the Site Audit Report by Tom Onus of Ramboll Australia Pty Ltd dated 27 November 2023, and must update the Remediation Action Plan as necessary.
- C4. An EPA accredited Site Auditor must prepare interim audit advice commenting on the adequacy of the investigations, unexpected finds protocol, any remedial works and management plan required.
- C5. The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by JBS&G, Revision 1, dated 26 October 2023, unless otherwise updated in response to the Data Gap Assessment and interim audit advice under **Conditions C3** and **C4**. All remediation work carried out must be conducted in accordance with the guidelines in force under the Contaminated Land Management Act 1997, and the Applicant must adhere to the management measures accepted by the Site Auditor.
- C6. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination.

### **REMEDIATION – UNEXPECTED FINDS PROTOCOL**

- C7. 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 the 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.

### **SURVEY CERTIFICATE**

- C8. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the Certifier —
  - (a) All footings/ foundations
  - (b) At other stages of construction – any marks that are required by the certifier.

### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

- C9. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) must be submitted to 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) consultation strategy for liaison with surrounding stakeholders, including other developments under construction, and a 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, and positioning lighting or use timers/shields to not shine directly on the harbour where possible
    - (xi) archaeological site induction
    - (xii) terrestrial and marine flora and fauna management.
  - (b) Construction Traffic and Pedestrian Management Sub-Plan
  - (c) Construction Noise and Vibration Management Sub-Plan
  - (d) Construction Vessel Traffic Management Plan
  - (e) Construction Waste Management Sub-Plan

- (f) Construction Soil and Water Management Sub-Plan
- (g) an unexpected finds protocol for contamination and associated communications procedure
- (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure
- (i) consideration of constructing staging including the communication with, and relocation of, the existing users of the site
- (j) 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.

C10. A copy of the final CEMP must be submitted to the Planning Secretary for information.

#### **CONSTRUCTION VESSEL TRAFFIC MANAGEMENT PLAN**

C11. Prior to the commencement of any works, a Construction Vessel Traffic Management Plan (CVTMP) including Construction Maritime Risk Management Plan to address maritime construction risks must be prepared by a suitably qualified person and submitted to and approved by TfNSW (Maritime) and the Port Authority of NSW. A copy of the CVTMP must be provided to the Planning Secretary for information prior to works commencing.

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

C12. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP) endorsed by the Sydney Coordination Office within TfNSW ([development.CTMP.CJP@transport.nsw.gov.au](mailto:development.CTMP.CJP@transport.nsw.gov.au)). The CPTMP must specify matters including, but not limited to, the following:

- (a) Site information and building construction plans:
  - (i) A description of the development
  - (ii) Construction program and construction methodology.
  - (iii) Proposed construction hours.
  - (iv) A detailed plan of any proposed hoarding and/or scaffolding.
  - (v) Details of crane arrangements including location of any crane(s).
  - (vi) Location(s) where it is proposed to park construction vehicle.
  - (vii) Location of any proposed work zone(s).
- (b) Access and movement:
  - (i) Pedestrian and traffic management measures, ensuring safe and convenient pedestrian access is provided at all times.
  - (ii) Haulage routes.
  - (iii) Predicted number of construction vehicle movements and detail of vehicle types.
  - (iv) Identify any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works.
  - (v) Cumulative construction impacts of projects including the new Sydney Fish Markets and Sydney Metro West. 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.
  - (vi) Measures to minimise movement delays. i.e. Vehicle movements are to be minimised during peak network demand periods.
  - (vii) Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads.
  - (viii) 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.
  - (ix) Measures to avoid construction worker vehicle movements, including strategies to minimise impacts on available on-street parking spaces in the locality.
- (c) Ongoing activities:
  - (i) Details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site.
  - (ii) Consultation strategy for liaison with surrounding stakeholders, including other developments under construction.

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

C13. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development. The Sub-Plan must include:

- (a) identification of the specific activities that will be carried out and associated noise sources at the site.
- (b) identification of all potentially affected sensitive residential receiver locations;
- (c) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS and RfS;
- (d) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;
- (e) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;
- (f) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;
- (g) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;
- (h) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;
- (i) where night-time noise management levels cannot be satisfied, a report must be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;
- (j) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;
- (k) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan;
- (l) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
- (m) measures to monitor noise performance and respond to complaints;
- (n) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
- (o) procedures to allow for regular professional acoustic input to construction activities and planning; and
- (p) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

#### **CONSTRUCTION WASTE MANAGEMENT SUB-PLAN**

- C14. Prior to the commencement of works, 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 and cleaned of debris prior to leaving the premises;
  - (g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
    - (i) a traffic plan showing transport routes within the site;
    - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the Protection of the Environment Operations Act 1997; and
    - (iii) the name and address of each licensed facility that will receive waste from the site (if appropriate).

## **CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN**

- C15. Prior to the commencement of works, 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 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.

## **CONSTRUCTION PARKING**

- C16. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

## **PUBLIC DOMAIN WORKS SECURITY BOND**

- C17. A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.
- C18. Council's Public Domain Unit must be contacted to determine the bond amount. The bond must be lodged with Council prior to the commencement of works. The bond will be retained in full until all public domain works in the plans/documentation approved under this consent, including rectification of damage to the public domain, are completed to the Council's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by Council, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

## **PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

- C19. Prior to the commencement of works at 1-3 Bank Street, Pyrmont, an archival photographic recording of the buildings is to be prepared and submitted to Council to be lodged with Council's Archives. The recording is to be in digital form and prepared in accordance with the NSW Heritage Division guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". The form of the recording is to be as follows:
- (a) The Development Application number must be noted on the submitted information.
  - (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and any limitations of the photographic record.
  - (c) Include written confirmation, issued with the authority of both the Applicant and the photographer that Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
  - (d) The report is to be submitted on a USB or digital file transfer in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each location, image subject/description and date.
  - (e) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6 MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images.

## **OUTDOOR LIGHTING**

- C20. 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 1158.3.1:2020 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.

## **DIAL BEFORE YOU DIG SERVICE**

- C21. 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.

## **DEMOLITION**

- C22. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a

suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.

#### **PRE-CONSTRUCTION DILAPIDATION REPORTS**

- C23. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by a suitably qualified person.
- C24. 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.
- C25. 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.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES**

- C26. Prior to the commencement of any works, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure
  - (b) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.
- C27. 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.

#### **PUBLIC LIABILITY INSURANCE**

- C28. Prior to the commencement of any earthwork or construction over, on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to Council.

## PART D DURING CONSTRUCTION

### APPROVED PLANS TO BE ON-SITE

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available to any officer of the Department, Council or the Principal Certifying Authority.

### IMPLEMENTATION OF MANAGEMENT PLANS

- D2. The Applicant shall ensure that the requirements of the CEMP, CVTMP, CPTMP, CNVMP, CWMP, CSWMSP and any other management plan required by **Part B** and **C** of this consent are implemented during construction.

### SITE NOTICE

- D3. 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

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7 am and 5:30 pm, Mondays to Fridays inclusive; and
  - (b) between 7.30 am and 3.30 pm, Saturdays.
- D5. No work may be carried out on Sundays or public holidays.
- D6. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials;
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) in accordance with the terms of a road opening permit or road occupancy license.
- D7. Notification of such activities must be given to affected residents before undertaking the activities or, in the event of an emergency, as soon as is practical afterwards.
- D8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 2.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm, Saturday.
- D9. Despite **Condition D4**, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by the relevant roads authority under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993*.

### CONSTRUCTION NOISE LIMITS

- D10. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D11. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a noise management level of LAeq 75dBA) as measured at any sensitive receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.

- D12. 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**

- D13. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999);
  - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- D14. 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**

- D15. 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.

#### **EROSION AND SEDIMENT CONTROL**

- D16. 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'.

#### **TREE PROTECTION / PLANTING**

- D17. While works are 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 the recommendations of the Arboricultural Impact Assessment prepared by Tree IQ, Revision A, dated 28 November 2023. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
- D18. Any works occurring within the tree protection zones or structural root zones of the trees approved for retention (such as remediation works, utilities and services works, and excavation for the footings and supports of shade structures) must be informed by an exploratory root investigation conducted by a qualified arborist (AQF Level 5 minimum) and supervised by a qualified arborist (AQF Level 5 minimum), and:
- (a) Roots (>25mm $\varnothing$ ) should be retained and protected for assessment by the qualified arborist.
  - (b) Any new sub-base layers should be thinned to enable the retention of roots (>25mm $\varnothing$ ) as required by the arborist.
  - (c) Root pruning should be undertaken by the qualified arborist only.
  - (d) Roots to be retained should be protected by wrapping in Abelflex (or similar compressible material) with the new sub-base materials installed around the root. Compaction of the surrounding sub-base should be undertaken using hand tools only.
- D19. If access to the area within any protective barrier is required during the works, it must be carried out under the supervision of the qualified arborist. Alternative tree protection measures must be installed, as required.
- D20. The recommended work methods in Section 3.4 and 4.5 of the Arboricultural Impact Assessment prepared by Tree IQ, Revision A, dated 28 November 2023 must be implemented.
- D21. If any pruning for clearance or access is required, the pruning should be minor (i.e. <100mm branches and <5% of the total crown volume of each tree) and undertaken in accordance with the Australian Standard 4373 Pruning of Amenity Trees 2007.

#### **PRE-CLEARANCE SURVEYS**

- D22. Prior to the removal of any vegetation, pre-clearance surveys must be completed to determine the presence of any resident native fauna using nests, dreys, hollows etc. Any native fauna found during pre-clearing surveys, including in tree hollows, should be captured and relocated to appropriate nearby habitat. Any hollows found are to be



covered once checked for native fauna to ensure they are not reoccupied prior to the removal or works to any trees.

- D23. Prior to the commencement of any demolition, a qualified and experienced ecologist as described on page 5 of the 'Species credit threatened bats and their habitats NSW survey guide for the Biodiversity Assessment Method' 2018 must complete a pre-clearance survey of all structures in accordance with the Survey Guide to determine the presence of fauna. This must include inspecting cracks or seams in the roof. If bats or signs of bats are observed, the bats must be managed in accordance with the Microbat Management Plan in **Condition B61**.
- D24. An inspection for seahorses must occur prior to the demolition of submerged piles/supports or where works will remove or directly damage macroalgae. The diver must operate in accordance with the endorsed Seahorse Relocation Plan (**Condition B43**) and any licence required under the Fisheries Management Act 1994.

## **ASBESTOS**

- D25. The Applicant must ensure any asbestos encountered on site is monitored, handled, transported, and disposed of by appropriately qualified and licensed contractors in accordance with the recommendations of the Hazardous Building Materials Survey prepared by Prensa, Version 2, dated April 2022 and the requirements of the Work Health and Safety Regulation 2017 and the NSW Government and SafeWork NSW document entitled 'How to manage and control asbestos in the work place: Code of Practice' (SafeWork NSW) December 2011 and the 'City of Sydney Managing Asbestos Policy' dated 21 October 2013 and associated guidelines.
- D26. Five days prior to the commencement of licensed asbestos removal, SafeWork NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- D27. Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 - 1994 Safety Signs for the Occupational Environment for size, illumination, location and maintenance.
- D28. During demolition/refurbishment works, if any materials that are not referenced in the Hazardous Building Materials Survey report and are suspected to be asbestos-containing are encountered, then works must cease and a hygienist/asbestos assessor should be notified to determine whether the material contains asbestos.

## **ACID SULFATE SOILS**

- D29. Acid Sulfate Soils (ASS) or Potential Acid Sulfate Soils (PASS) must be managed in accordance with the Acid Sulfate Soil Management Plan prepared by JBS&G, Revision 1, dated 26 October 2023.

## **CONTAMINATION**

- D30. The Applicant must implement the unexpected finds protocol (see **Condition C7**) for the duration of construction. Should any new information come to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Site Auditor, the Certifier and the Planning Secretary. Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor prior to the commencement of such work.
- D31. The NSW EPA is to be notified under section 60 of the Contaminated Land Management Act 1997 of any contamination identified which meets the triggers in the Guidelines for the Duty to Report Contamination under the Contaminated Land Management Act 1997 (EPA, 2015) ([www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf](http://www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf)).
- D32. Upon completion of remediation works, appropriate validation sampling and reporting must be undertaken. The post remediation validation report must:
- (a) be prepared by a suitably qualified and experienced contaminated land consultant;
  - (b) be prepared in accordance with relevant guidelines made or approved by the NSW EPA under section 105 of the Contaminated Land Management Act;
  - (c) demonstrate that the land has been appropriately remediated so the land is suitable for the intended use;
  - (d) be reviewed by the accredited Site Auditor with the intent of issuing Interim Audit Advice (IAA) commenting on the adequacy of the report; and
  - (e) be provided to the Planning Secretary, along with the Site Auditor's IAA review of this document.
- D33. The Applicant must submit to the Planning Secretary, a Section A1 Site Audit Statement or A2 Site Audit Statement (accompanied by an Environmental Management Plan) and a Site Audit Report prepared by an EPA accredited site auditor. The site audit statement must state that the land has been made suitable for the intended land use.
- D34. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination.

## UNDERGROUND STORAGE TANKS

- D35. The removal of any underground petroleum storage tanks must be undertaken in accordance with Safework NSW requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed and all relevant NSW EPA guidelines and Australian Standards including following;
- (a) NSW EPA Technical Note: Decommissioning, Abandonment and Removal of UPSS (January 2010),
  - (b) NSW EPA Technical Note: Investigation of Service Station Sites (April 2014),
  - (c) AS 1940 –2004: Storage and handling of flammable and combustible liquids,
  - (d) AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks.
- D36. The underground petroleum storage system must be investigated for contamination and a site investigation report obtained from a suitably qualified environmental consultant in accordance with Clause 13 and 15 of the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2014 and the NSW Department of the Environment, Climate Change and Water's Underground Petroleum Storage System Technical Note: Site Validation Reporting – January 2010 and Guidelines for Consultants Reporting on Contaminated Sites (NSW Office of the Environment and Heritage 2011) and submitted to the Site Auditor, Certifier and Planning Secretary confirming that no site remediation is necessary or the completion of any necessary remediation works.

## DISPOSAL OF SEEPAGE AND STORMWATER

- D37. Any seepage or rainwater collected on-site during construction shall be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council or the NSW EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D38. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of must be obtained to connect or discharge site stormwater to Council's/ Sydney Water's (as relevant) stormwater drainage system or street gutter.
- D39. Contaminated groundwater must not be discharged into the stormwater drainage system or harbour.

## DIAL BEFORE YOU DIG SERVICE

- D40. 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.

## CONSTRUCTION TRAFFIC

- D41. All construction vehicles are to be contained wholly within the Site, except if located in an approved on-street work zone.

## ROAD OCCUPANCY LICENCE

- D42. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities or require the occupation at or above any footpath or road (carrying out work, storage of building materials and the like) during construction.

*Note: the relevant authority includes Council and/or Transport for NSW*

## CUT AND FILL

- D43. 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 NSW 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.
- D44. 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. Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained and/or sampling and analysis of the fill material conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.
- D45. All fill used must comprise Engineered Fill that and certified by a geotechnical engineer that it complies with AS3798-2007 Guidelines on earthworks for commercial and residential developments.

## PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### PLAN OF MANAGEMENT

- E1. Prior to the occupation or commencement of the use (whichever occurs first) of any building or public domain area, the Applicant must prepare a Plan of Management that details the goals and objectives for the land and the overall direction for planning, resource management and maintenance of the land. The Plan of Management must include, but is not restricted to, the following:
- (a) the hours of operation
  - (b) access control measures for the different areas/structures on the site
  - (c) patron capacity of the different areas/structures on the site
  - (d) details of CCTV surveillance for both indoor and outdoor areas
  - (e) a description of arrangements made for security and maintenance staff
  - (f) waste management procedures for public domain areas and the separate buildings
  - (g) loading and servicing arrangements
  - (h) processes for enabling emergency vehicle and agency vehicle access
  - (i) detailed maintenance procedures for the public domain and buildings
  - (j) emergency and evacuation procedures including but not limited to flood events (**Condition E3**)
  - (k) a sub-plan detailing the intended operation of the community facilities including any hiring policy, noise management procedures, and complaints handling procedures
  - (l) a sub-plan detailing the behavioural expectations and safe navigation practices for users of the proposed dragon boat and kayak/passive craft launching facilities, referencing the Blackwattle Bay Waterway User Group Agreement if available, that must be prepared in consultation with the Harbour Master and endorsed by PMNSW and TfNSW.
  - (m) a sub-plan detailing the safe navigation of watercraft including any interactions with shipping/port activities at Bays Port (in accordance with existing planning approvals for Glebe Island, forecasted growth in the cruise sector, and in accordance with the draft Bays Port Plan 2023) and the proposed boat storage, launching and recreational boating to be undertaken from this site. The plan must be endorsed by the NSW Ports Authority.

The Plan of Management must be endorsed by PMNSW prior to the occupation or commencement of the use (whichever occurs first) of any building or public domain area. A copy of the final plan and evidence of endorsement must be submitted to the Planning Secretary for information.

### FLOOD MANAGEMENT

- E2. Prior to occupation or commencement of the use (whichever occurs first) of each building, a certification report prepared by a Civil Engineer ~~shall~~ **must** be submitted to the Certifier stating that the development has been constructed in accordance with the Flood Risk and Impact Assessment prepared by Mott MacDonald, ~~Revision D, dated 27 March 2024~~ **Revision F, dated 3 June 2025** and **Conditions B40 and B41**.
- E3. Prior to the occupation or commencement of the use (whichever occurs first) of each building and the public domain, a Flood Management Plan must be prepared and submitted to the Certifier and Planning Secretary that:
- (a) has been prepared by a suitably qualified and experienced person(s);
  - (b) addresses the provisions of the Floodplain Risk Management Guidelines;
  - (c) considers the recommendations of the Flood Risk and Impact Assessment prepared by Mott MacDonald, ~~Revision D, dated 27 March 2024~~ **Revision F, dated 3 June 2025**; and
  - (d) includes details of the following:
    - (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 for all staff and visitors to the site
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees and any relevant persons associated with the development.

### PUBLIC ART / HERITAGE INTERPRETATION

- E4. Prior to the occupation or commencement of the use (whichever occurs first) of the last building, the approved Heritage Interpretation Plan (**Condition B29**) must be implemented to the satisfaction of PMNSW.

## CONTAMINATION

- E5. Contaminated land must not be used for the purpose approved under the terms of this consent until a Section A1 or A2 Site Audit Statement (accompanied by an Environmental Management Plan) is obtained which states that the land is suitable for that purpose and any conditions on the Section A Site Audit Statement have been complied with.
- E6. Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement is dependent upon the implementation of an Environmental Management Plan (EMP), a covenant must be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW EPA. A copy of the revised certificate of land title recording the covenant must be submitted to the Principal Certifier prior to the occupation or commencement of use of any building or public domain area.

## SURVEY CERTIFICATE

- E7. Prior to occupation or the commencement use, whichever occurs first, of each building a registered surveyor must submit documentation to the Certifier which demonstrates that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
  - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

## WORKS-AS-EXECUTED PLANS

- E8. Prior to the occupation or commencement of use (whichever occurs first) of any building or public domain area, as-executed drawings signed by a Registered Surveyor and including the Surveyors Registration Number and date signed must be submitted to the satisfaction of the Certifier and ~~to~~ Council at Practical Completion demonstrating that the stormwater drainage, finished ground levels, public domain, and roads have been constructed as approved. The works as-executed drawings ~~shall~~ **must** be submitted to Council as both CAD (dwg) and PDF drawings.

**E8A. Works to Bank Street including footpaths (grades, widths and specifications), cycle lanes, pedestrian crossings, and parking arrangements, must be inspected by Council and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.**

## STRUCTURAL INSPECTION CERTIFICATE

- E9. 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 confirming:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are 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.

## STORMWATER ASSETS

- E10. Prior to the occupation or commencement of use (whichever occurs first) of any building or public domain work, or prior to the handover of stormwater assets that will become Council infrastructure:
- (a) The Certifier and Council must be provided with certification confirming that all public area civil and drainage works were completed under the supervision of a qualified civil engineer to Council's construction standards.
  - (b) The Certifier and Council must be provided with copies of all trenches backfill compaction test results by a NATA approved laboratory.
  - (c) The Certifier and Council must be provided with a copy of a CCTV condition assessment report and video of the constructed pit and pipe stormwater drainage system.
  - (d) The Certifier and Council must be provided with Structural Certification for stormwater drainage pits exceeding 2.5 m in depth or where concrete beams or suspended concrete elements are required.
  - (e) Proprietary products like Gross Pollutant Traps must be inspected by the supplier's technician and certification for inspection and compliance must be submitted to the Council and the Certifier.
  - (f) The Applicant must submit to Council the Stormwater Asset Handover Register as per Council's template.
- E11. Prior to the occupation or commencement of use (whichever occurs first) of any building or public domain work, the Applicant must submit to the satisfaction of the Certifier an Operation and Maintenance Plan (OMP) 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;
- (c) relevant contact information; and
- (d) Work Health and Safety requirements.

#### **MECHANICAL VENTILATION**

- E12. Prior to occupation or commencement of use (whichever occurs first), the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) any conditions of this consent
  - (b) the NCC
  - (c) any applicable Australian Standards
  - (d) any dispensation granted by Fire and Rescue NSW.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- E13. Before the occupation or commencement of use (whichever occurs first) of each building and public domain area, 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 (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles); and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

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 a public place.

#### **OPERATIONAL WASTE MANAGEMENT PLAN**

- E14. Prior to the occupation or commencement of use, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifier. The Operational Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during the operation of the development
  - (b) confirm the location of waste collection and establish appropriate routes to the collection point
  - (c) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA)
  - (d) detail the materials to be reused or recycled, either on or off site
  - (e) include the management and mitigation measures included in the EIS/RtS
  - (f) be prepared in consultation with PMNSW, and Council if utilising Council's waste contractors/services
  - (g) provide confirmation of the engagement of a qualified private waste collection contractor where Council's waste contractors/services are not being used and/or Council's feedback has not been complied with.

#### **WASTE AND RECYCLING COLLECTION**

- E15. Prior to the occupation or commencement of use (whichever occurs first) of each building and public domain area, the Applicant must ensure appropriate arrangements have been made (such as a contract with a licensed contractor) for the removal of all waste.

#### **POST-CONSTRUCTION DILAPIDATION REPORT**

- E16. Prior to the occupation or commencement of use (whichever occurs first) of each building and public domain area, 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.
- E17. If damage caused by works associated with this consent is determined, the Applicant must rectify the damage in consultation with the relevant landowners to the satisfaction of the Certifier prior to the occupation or commencement of use.

- E18. Before the occupation or commencement of use (whichever occurs first) of each building and public domain area, the Certifier must provide a copy of the post-construction dilapidation report to the Planning Secretary and to the relevant landowner(s).

#### **FIRE SAFETY CERTIFICATION**

- E19. Prior to the occupation or commencement of use (whichever occurs first) of each building, 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.

#### **OUTDOOR LIGHTING**

- E20. Prior to the occupation or commencement of use (whichever occurs first), the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and the harbour 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, the harbour, or the public road network.

#### **REGISTRATION OF EASEMENTS**

- E21. Prior to the occupation or commencement of use, the Applicant must provide documentary evidence to the Certifier that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been registered at the NSW Land Registry Services.

#### **SYDNEY WATER COMPLIANCE**

- E22. Prior to the occupation or commencement of use (whichever occurs first), the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the Sydney Water Act 1994, obtained from Sydney Water Corporation.

#### **UTILITY PROVIDERS**

- E23. Prior to the occupation or commencement of use (whichever occurs first), the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.
- E24. Prior to the occupation or commencement of use (whichever occurs first), the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.

#### **ENVIRONMENTAL PERFORMANCE**

- E25. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

#### **COMPLIANCE WITH FOOD CODE**

- E26. Prior to commencement of any food handling operations, the Applicant is to obtain a certificate from a suitably qualified person certifying that food operations have been fitted in accordance with AS 4674 – 2004: Design, Construction and Fit-out of Food Premises and satisfy Food Safety Standards 3.2.2 (Food Safety Practices and General Requirements) and 3.2.3 (Food Premises and Equipment). The Applicant must provide evidence of receipt of the certificate to the Certifier prior to the commencement of use.
- E27. Prior to commencement of food handling operations, food premises are to be registered with City of Sydney Council and the NSW Health Department at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au).

#### **MICROBAT MANAGEMENT PLAN**

- E28. Prior to occupation or commencement of the use (whichever occurs first), all measures and commitments contained in the Microbat Management Plan shall have been implemented, and details demonstrating compliance with the above requirement must be submitted to the Certifier.

## PART F OCCUPATION AND ONGOING USE

### OPERATIONAL HOURS

F1. The hours of operation are those specified in the table below:

Component	Hours of operation
Public park and foreshore areas	24/7
Multipurpose court	Must not be illuminated between 10pm and 7am, daily
Dragon boat storage building and amenities in the community building (Building A)	Monday to Friday: between 5am and 9pm Saturday to Sunday: between 6am and 3pm
Amenities in Building D	Daylight hours
Community facilities and café in the community building (Building A)	7am to 6pm, daily
Charter and tourism boating facilities office in the community building (Building A)	7am to 1am, daily
Loading bay and deliveries	Monday to Friday: between 7am and 6pm Saturday to Sunday: between 8am and 1pm

### OPERATIONAL MANAGEMENT

- F2. The Plan of Management (see **Condition E1**) and all relevant sub-plans must be fully implemented during use of the premises.
- F3. The Flood Emergency Management Plans in accordance with **Condition E3** must be implemented following occupation of the development.

### DEFECTS LIABILITY PERIOD

- F4. All works to Council's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of completion. The date of completion will be nominated by Council on the Public Domain Works - Letter of Completion Operational Acceptance.

### FLOOD MANAGEMENT

- F5. No chemicals or hazardous materials are to be stored below RL 3.2 m AHD for those buildings below the flood planning level.

### STORAGE AND HANDLING OF WASTE

- F6. All waste collection services must be undertaken in accordance with this consent.
- F7. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.

### NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

- F8. The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

### OPERATION OF PLANT AND EQUIPMENT

- F9. 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.

### ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

- F10. 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.

- F11. The use and operation of the premises must not give rise to an environmental health or public nuisance.
- F12. 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.

#### **FIRE SAFETY CERTIFICATION**

- F13. 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 Section 88 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
- F14. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

#### **MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE**

- F15. 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).



## **ADVISORY NOTES**

### **GENERAL**

- AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

### **LONG SERVICE LEVY**

- AN2. A Long Service Levy must be paid for all applicable works. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

### **LEGAL NOTICES**

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

### **ACCESS FOR PEOPLE WITH DISABILITIES**

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

### **UTILITIES AND SERVICES**

- AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### **ROAD DESIGN AND TRAFFIC FACILITIES**

- AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### **ROAD OCCUPANCY LICENCE / ROAD OPENING PERMIT**

- AN8. A Road Occupancy Licence / Road Opening Permit must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities or the opening of a road, which may outline additional terms for the carrying out of works.

### **SAFework REQUIREMENTS**

- AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

### **HOARDING REQUIREMENTS**

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

### **HANDLING OF ASBESTOS**

- AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### **FIRE SAFETY CERTIFICATE**

- AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

### **APPEALS**

- AN13. 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**

AN14. 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**

AN15. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

## **DISABILITY DISCRIMINATION ACT**

AN16. 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.

AN17. 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**

AN18. 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.

AN19. 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.

## INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be provided to the Planning Secretary via the Major Projects Website [compliance@planning.nsw.gov.au](mailto: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.