

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

I, Minister for Planning and Public Spaces, grant consent to the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

The conditions imposed under this consent 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

Paul Scully

Minister for Planning and Public Spaces

Sydney: 24 March 2025 File: SSD-67588459

SCHEDULE 1

Application Number:	SSD 67588459
Application lodged by:	Infrastructure NSW
Consent Authority:	Minister for Planning and Public Spaces
Site:	500 Harris Street, Ultimo [Lot 1 DP 631345, Lot 1 DP 781732, Lot 3 DP 631345, Lot 37 DP 822345 and Lot 1 DP 770031]
Development:	Powerhouse Ultimo redevelopment, comprising: • site preparation works, demolition of buildings / structures tree removal and earthworks; • alterations, additions, adaptive reuse, maintenance and repair of existing buildings; • construction of alterations and additions to the Wran Building • provision of service vehicle and bicycle facilities and access; • provision of public open space, courtyards and associated hard and soft landscaping; and • use of new built form for the purposes of a museum.
Date from which consent operates:	27 March 2025
Date on which consent lapses	27 March 2030 being 5 years from the date this consent operates in accordance with 4.53 of the EP&A Act.

Right of Appeal

Section 8.7 of the EP&A 1979 provides a right to appeal this decision to the Land and Environment Court, and Section 8.2 provides a right to request a review of this determination, within the timeframe set out in Section 8.10 of that Act. There is no right of appeal against a decision of the Independent Planning Commission as consent authority in relation to the carrying out of any development that is made after a public hearing by the Commission into the carrying out of that development.

DEFINITIONS

Interpretation

References in the conditions of this consent to any guideline, protocol, or policy are to such documents in the form they are in as at the date of this consent.

Definitions

Unless otherwise defined in the following definitions table, words and expressions that occur in this development consent have the same meanings as they have in the EP&A Act and EP&A Regulations.

Applicant	The person having the benefit of this consent, or who is carrying out the Development.
Australian Standard (AS)	Australian Standard published by Standards Australia Limited and means the standard which applies at the time the relevant work or action is undertaken.
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>. All physical work to enable operation including (unless specifically excluded by a condition) but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following: • building and road dilapidation surveys; • investigative drilling or investigative excavation;
Construction	• establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the Biodiversity Conservation Act 2016) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with relevant NSW government agencies. When capitalised, means undertaking a consultation process with a party under which the Applicant: (a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and
Consultation	(b) provides 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.
Council	City of Sydney Council
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site.
Department	NSW Department of Planning, Housing and Infrastructure.
Development	Where capitalised, means the Development approved pursuant to this consent.
EIS	The Environmental Impact Statement titled ' <i>Environmental Impact Statement Powerhouse Ultimo Revitalisation</i> ', prepared by Ethos Urban, dated 11 April 2024, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
EPA	NSW Environment Protection Authority.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> .
EP&A Regulations	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.
Fire Safety Certificate	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Heritage Core	Boiler House, Engine House, Turbine Hall, North Annex and Switch House.
Incident	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance. Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: • involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission • other escape or deposit of a substance, and as a consequence of that environmental harm (pollution)
Material Harm	• may cause harm to the health or safety of people; or • results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.

Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
Prescribed Conditions	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
Professional Engineer	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.
Report	When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a Professional Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.
RtS	The Applicant's response to submissions document titled ' <i>Submissions and Amendment Report, Powerhouse Ultimo Revitalisation</i> ', prepared by Ethos Urban, dated 3 September 2024, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.
SRtS	The Applicant's supplementary response to submissions document titled ' <i>Powerhouse Ultimo Revitalisation – SSD-67588459 Response to Submissions – Post Exhibition Letter</i> ', prepared by Ethos Urban, dated 25 November 2024, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.

SCHEDULE 2

PART A GENERAL CONDITIONS

ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

A1. The Development must be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with the EIS, RtS and SRtS; and
- (c) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural drawings prepared by Architectus, Durbach Block Jaggers and Youssofzay + Hart			
Drawing Number	Rev	Name of Plan	Date
A.DA0001	F	TITLE PAGE	22.07.2024
A.DA0080	F	BULK EXCAVATION PLAN	22.07.2024
A.DA0100	F	PROPOSED SITE PLAN	22.07.2024
A.DA1000	F	FLOOR PLAN – BASEMENT 2	22.07.2024
A.DA1001	F	FLOOR PLAN – BASEMENT 1	22.07.2024
A.DA1002	G	FLOOR PLAN – GROUND	04.11.2024
A.DA1003	G	FLOOR PLAN – LEVEL 1	04.11.2024
A.DA1004	G	FLOOR PLAN – LEVEL 2	04.11.2024
A.DA1005	G	FLOOR PLAN – LEVEL 3	04.11.2024
A.DA1006	G	FLOOR PLAN – LEVEL 4	04.11.2024
A.DA1007	F	FLOOR PLAN – LEVEL 5	22.07.2024
A.DA1008	F	FLOOR PLAN – ROOF	22.07.2024
A.DA2000	G	ELEVATION – WEST	18.02.25
A.DA2001	G	ELEVATION – SOUTH	18.02.25
A.DA2002	G	ELEVATION – EAST	18.02.25
A.DA2003	G	ELEVATION – NORTH	18.02.25
A.DA3000	G	SECTION A	18.02.25
A.DA3001	G	SECTION B	18.02.25
A.DA3002	G	SECTION C	18.02.25
A.DA3003	G	SECTION D	18.02.25
A.DA3004	H	SECTION E	18.02.25
A.DA3005	G	SECTION F	18.02.25
A.DA5000	F	MATERIAL SCHEDULE	22.07.2024
A.DA6000	G	AREA PLANS SHEET 01	04.11.2024
A.DA6001	G	AREA PLANS SHEET 02	04.11.2024
A.DA7000	F	DEMOLITION BASEMENT 2	22.07.2024
A.DA7001	F	DEMOLITION BASEMENT 1	22.07.2024
A.DA7002	F	DEMOLITION GROUND	22.07.2024
A.DA7003	F	DEMOLITION LEVEL 1	22.07.2024
A.DA7004	F	DEMOLITION LEVEL 2	22.07.2024
A.DA7005	F	DEMOLITION LEVEL 3	22.07.2024

A.DA7006	F	DEMOLITION LEVEL 4	22.07.2024
A.DA7007	F	DEMOLITION LEVEL 5	22.07.2024
A.DA7008	F	DEMOLITION ROOF	22.07.2024
A.DA9001	A	WRAN GALLERIA SECTION	04.11.2024
A.DA9002	A	FAÇADE DETAIL SECTION	04.11.2024
Landscape drawings prepared by TyrrellStudio			
Drawing Number	Rev	Name of Plan	Date
LA.DA-0001	P04	COVER SHEET AND DRAWING LIST	16.07.2024
LA.DA-0101	P03	ILLUSTRATED SITE PLAN	16.07.2024
LA.DA-0201	P06	PROPOSED SITE PLAN	16.07.2024
LA.DA-0102	P04	CADASTRAL LOT BOUNDARY PLAN	16.07.2024
LA.DA-0211	P04	SSA PROJECT BOUNDARY AND INTERFACE ZONE	16.07.2024
LA.DA-1001	P01	LANDSCAPE DEMOLITION PLAN	16.07.2024
LA.DA-1050	P05	TREE MANAGEMENT PLAN	24.10.2024
LA.DA-2001	P06	GENERAL ARRANGEMENT PLAN SHEET 1	16.07.2024
LA.DA-2001	P01	GRADING PLAN SHEET 1	16.07.2024
LA.DA-2002	P06	GENERAL ARRANGEMENT PLAN SHEET 2	16.07.2024
LA.DA.2102	P01	GRADING PLAN SHEET 2	16.07.2024
LA.DA-2450	P05	PLANTING PALETTE	25.11.2024
LA.DA-8002	P05	PROPOSED CANOPY COVER PLAN	16.07.2024
LA.DA-8003	P04	PROPOSED GREEN COVER PLAN	16.07.2024
LA.DA-8004	P04	DEEP SOIL PLANTING PLAN	16.07.2024
Civil drawings prepared by ARUP			
Drawing Number	Rev	Name of Plan	Date
PUR-ARP-DRW-CI-000001	P01	COVER SHEET	08/03/2024
PUR-ARP-DRW-CI-000002	P01	DRAWING INDEX	08/03/2024
PUR-ARP-DRW-CI-000006	P01	GENERAL NOTES SHEET 1 OF 3	08/03/2024
PUR-ARP-DRW-CI-000007	P01	GENERAL NOTES SHEET 2 OF 3	08/03/2024
PUR-ARP-DRW-CI-000008	P01	GENERAL NOTES SHEET 3 OF 3	08/03/2024
PUR-ARP-DRW-CI-000011	P01	GENERAL LEGEND	08/03/2024
PUR-ARP-DRW-CI-000056	P01	GENERAL ARRANGEMENT AND STORMWATER PLAN	08/03/2024
PUR-ARP-DRW-CI-001001	P01	EROSION AND SEDIMENT CONTROL PLAN	08/03/2024
PUR-ARP-DRW-CI-001091	P01	EROSION AND SEDIMENT CONTROL DETAILS	08/03/2024

Note: Development which is 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or another environmental planning instrument may be carried out without development consent.

- A2. To the extent of any inconsistency:
- (a) the more recent document in **Condition A1(b)** prevails over an earlier document in that section; and
 - (b) the conditions of consent prevail over a document listed in **Condition A1(c)**.
- A3. A3. 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 that employees, contractors (and their sub-contractors) carry out in respect of the Development.

LIMITS ON CONSENT

- A4. This consent does not approve the following:
- (a) the use of public open space for events;
 - (b) the construction of the Switch House rooftop annex and associated rooftop terrace;
 - (c) the installation of signage; and
 - (d) the subdivision of the site or the addition, alternation or extinguishment of easements.

AGENCY CONDITIONS

PROTECTION OF SYDNEY LIGHT RAIL INFRASTRUCTURE AND OPERATION

- A5. The Applicant must provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times.
- A6. TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- A7. The relocation of any TfNSW services or infrastructure must only be undertaken with prior consent from TfNSW and to TfNSW Requirements and Standards. The works must be designed and undertaken by Authorised Engineering Organisations (AEO) at the applicant's cost.
- A8. All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW.
- A9. All TfNSW, Altrac and Sydney Light Rail Operator's reasonable costs associated with review of plans, designs and legal must be borne by the Applicant.
- A10. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Sydney Light Rail corridor boundary.

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

DETAILED DESIGN

DESIGN AMENDMENTS

- B1. Prior to commencement of construction for landscaping works, the Applicant must provide evidence to the Certifier that the revised plans detailing the following revisions have been reviewed by Heritage NSW and the SDRP and submitted to and approved by the Planning Secretary:
- (a) the location and design of fences and gates to enclose the former Ultimo Post Office courtyard fronting Harris Street.
 - (b) the plans must demonstrate that the proposed fences and gates would not have an adverse heritage impact on the post office or adjoining heritage items.
- B2. Prior to commencement of construction of above ground works, the Applicant must provide evidence to the Certifier that the revised plans detailing the following revisions have been reviewed by Heritage NSW and the SDRP and submitted to and approved by the Planning Secretary:
- (a) remove the Switch House rooftop annex;
 - (b) retain the windows originally proposed to be reinstated on the Southeast (Macarthur Street) facades of the Switch House.

LANDSCAPING PLANS AND AMENDMENTS

- B3. Prior to the commencement of construction for landscaping works, the Applicant must provide evidence to the Certifier that revised landscaping plans detailing the following revisions have been submitted to and approved by the Planning Secretary. The revised landscape plans shall relate to the Gathering Terrace, Central Courtyard, Post Office Courtyard and inaccessible green roof over stairs near North Annex and must include:
- (a) coordinated landscape plans drawn to scale with levels, sections and detail markers;
 - (b) a revised path of travel from the Goods Line to the 'front door' of the Powerhouse Museum through the Gathering Terrace that is clear, unobstructed, demarcated and is established as the primary pathway connecting the Goods Line to the Powerhouse Museum;
 - (c) details of a fence and gate to secure the western / Harris Street frontage of the Post Office Courtyard, in accordance with the requirements of **Condition B1**.
 - (d) details and incorporation of the slip-resistant road plate to bridge the roots of tree T17, as detailed in section 3.0 of the '*Amended Public Design Statement*' prepared by TyrrellStudio and submitted at Appendix Q of the RtS;
 - (e) location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, in structural soil, set down slabs and berms, on structure, in roof planters and in pots designed with soil depth;
 - (f) location and details for proposed surface finishes, paving types, stairs, ramps, balustrades, and seating;
 - (g) green roof details for soil profile including drainage and mulch layers and planting rate per m²;
 - (h) details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers;
 - (i) planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity;
 - (j) incorporation of a diversity of local provenance native trees, shrubs and groundcover species from the relevant native vegetation community that once occurred in this location;
 - (k) use of advanced and established local native trees for local native tree species which are commercially available. Other local native tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed.
 - (l) ensure enough space is available to allow the existing trees which are to be retained and the new replacement trees to grow to maturity
 - (m) details of drainage, waterproofing and watering systems; and

- (n) the maintenance strategy for roof terraces and inaccessible green roof including responsibility for the ongoing maintenance of highly used and visible landscapes.

DESIGN EXCELLENCE AND INTEGRITY

- B4. The detailed design of the development and the assessment of design integrity must be carried out in accordance with the document titled *'Design Excellence Strategy Powerhouse Ultimo Revitalisation, Version 1'* prepared by Ethos Urban and dated March 2024 as amended by:
 - (a) the letter titled *'Design Excellence Review'* prepared by the Government Architect NSW and dated 31 May 2024,
 - (b) document titled *'Revised Design Excellence Strategy'* prepared by Ethos Urban and dated 28 August 2024 at Attachment A of the Design Review Report dated 3 September 2024.
- B5. The State Design Review Panel (SDRP) must review the design at the following stages:
 - (a) prior to the resolution of all matters identified as requiring further consideration in the SDRP letter titled *Powerhouse Ultimo Revitalisation State Design Review Panel – 12th August Review 1'* prepared by the GANSW and dated 21 August 2024;
 - (b) prior to any stage of construction (if deemed necessary by the SDRP or the Planning Secretary);
 - (c) prior to occupation;
 - (d) prior to the lodgement of any modification application, which modifies the design, unless the Planning Secretary has confirmed in writing that the SDRP review is not required.
- B6. The Applicant must consider the advice of the SDRP and seek to incorporate its recommendations into the development, and any departures from the SDRP recommendations must be justified by the Applicant.
- B7. To ensure that the Development is consistent with assessed and approved design excellence requirements:
 - (a) the architectural design team comprising Architectus, Durbach Block Jagers and Youssofzay + Hart, Tyrell Studio (the Architectural Team) is to have direct involvement in the design documentation, contract documentation and construction stages of the Development;
 - (b) prior to the issue of the first Construction Certificate, provide the Certifier with evidence that the Architectural Team has been so commissioned; and
 - (c) the Architectural Team is not to be changed without prior written notice and approval of the Planning Secretary.

MATERIALS AND FINISHES

- B8. Prior to the commencement of construction for the building facade, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes including:
 - (a) final specifications of colour, material and, where relevant, manufacturer; and
 - (b) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application.

PRE-CONSTRUCTION REQUIREMENTS

HERITAGE IMPACT STATEMENT MITIGATION

- B9. Prior to construction within the Heritage Core buildings, the Applicant must submit evidence to the Certifier demonstrating the design has been reviewed and endorsed by the nominated Heritage Consultant for the project. The evidence must demonstrate:
 - (a) the detailed design includes elements and techniques that are lightweight, fully reversible, and commensurate with the heritage character and style of the heritage item.
 - (b) All bricked-in windows of the southern façade of the Switch House are reinstated as glazed windows where feasible.
 - (c) The final design and materials used for windows, doors and openings.
 - (d) The design includes retention of windows and doorways within the Boiler House constructed as part of the 1980s conversion to a museum with the proposed materials for any upgrades.
 - (e) Any changes to the materials proposed for existing roofing or guttering.
 - (f) Final designs for any fixings, bracings and insertions into significant fabric.
 - (g) Confirmation following testing that any changes to the paintwork will not cause harm to the brickwork and mortar.
 - (h) All paintwork of significant fabric that was historically painted will remain.
 - (i) No new painting of significant fabric that has not been painted.
 - (j) Any proposed paint to be used is chemically compatible with the existing brick fabric and colour is sampled prior to selection.

- (k) A methodology is developed for any paint removal that avoids or minimises damage to original brick fabric.
 - (l) Any maintenance and repairs is undertaken by suitably experienced tradespersons.
- B10. Prior to construction of building services, the Applicant must submit evidence to the Certifier demonstrating the design has been reviewed and endorsed by the nominated Heritage Consultant for the project. The evidence must demonstrate the introduction of any new services including wiring for solar power, electrical upgrades, toilets, fire services and the like are sensitively designed so as not to cause unnecessary visual and physical impact to heritage fabric, view lines and spaces identified as having exceptional and high significance in the document titled 'RTS-Heritage Impact Statement, Issue 4', prepared by Curio Projects and dated 23 August 2024.
- B11. Prior to construction for building façade works, the Applicant must submit evidence to the Certifier demonstrating the design has been reviewed and endorsed by the nominated Heritage Consultant for the project. The evidence must demonstrate:
- (a) The proposed materials and colour for roofing and guttering.
 - (b) The proposed location of guttering and downpipes.
 - (c) Appropriate setback of the southern elevation awning proposed to the Wran Building to ensure no intervention with the original fabric of the Switch House.
- B12. Prior to construction of works within the Ultimo Post Office, the Applicant must submit evidence to the Certifier demonstrating the design has been reviewed and endorsed by the nominated Heritage Consultant for the project. The evidence must demonstrate:
- (a) Any works to enable equitable access to this building are provided through modifications made to the building in the 1980s.
 - (b) Any proposed paint to be used is chemically compatible with the existing brick fabric and colour is sampled prior to selection.
 - (c) A methodology is developed for any paint removal that avoids or minimises damage to original brick fabric.
 - (d) Any maintenance and repairs is undertaken by suitably experienced tradespersons.

WRAN BUILDING STRUCTURE

- B13. Prior to the commencement of any construction, the Applicant must submit evidence to the Certifier demonstrating that the identified parts of the original structure of the Wran Building have been retained, in accordance with architectural drawing A.DA9002 Rev A 'Façade Detail Section' dated 4 November 2024 and Demolition Plans A.DA7000-7008 Rev F dated 22.07.2024.
- B14. Prior to the commencement of any construction, the Applicant must submit evidence to the Certifier demonstrating that a Structural Engineering Assessment Report (SEAR) accompanied by working drawings and specifications has been submitted to and approved by the Planning Secretary. The SEAR must demonstrate:
- (a) be prepared by a suitably qualified Structural Engineer with demonstrated experience in dealing with items of heritage significance and heritage fabric
 - (b) the portions and fabric of the existing buildings shown for retention on the approved plans, can tolerate altered structural loading and that the structural integrity of such retained fabric will not be unduly compromised;
 - (c) the temporary and or permanent measures that will be implemented to stabilise, secure, retain and protect the portions and fabric of the existing buildings shown for retention on the approved plans
 - (d) the excavation works will not cause the collapse in part or in full of any section of the building, its footings or substrate, as shown on the approved plans to be retained;
 - (e) how the new gable ends to the Wran Building would be supported; and
 - (f) any works in respect of seismic upgrades to heritage fabric have been endorsed by the nominated heritage consultant.

SITE STABILITY

- B15. Prior to commencement of any construction, the Applicant must submit to the Certifier a Report from a Professional Engineer, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the Development;
 - (b) design and construction requirements to be implemented to ensure the stability and adequacy of the Development and adjacent land;
 - (c) details of the proposed methods of excavation and any required support for the adjoining land (including any public place) and buildings;
 - (d) 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;
 - (e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work; and

- (f) 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).

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B16. Prior to the commencement of construction for the building structure, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design and construction measures, or equivalent, as identified in the document titled '*Ecologically Sustainable Development SSD Report, Revision 03*', prepared by LCI Consultants and dated 03 March 2024.

STRUCTURAL DETAILS

- B17. Prior to the commencement of construction for above ground works, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that structural drawings comply with:
- (a) relevant clauses of the NCC; and
 - (b) this development consent.

FLOODING AND STORMWATER MANAGEMENT

- B18. Prior to the commencement of construction for building structure, evidence must be submitted to the Certifier demonstrating that:
- (a) the development complies with the recommended flood planning levels indicated in Table 3 Flood Planning Level Compliance Summary of the report titled '*Powerhouse Ultimo Renewal Stormwater and Flooding Response to State Significant Development Comments*' prepared by Arup dated 15 August 2024;
 - (b) in accordance with applicable Australian Standards; and
 - (c) with a system capacity designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines

Note: The final architectural plans are to be amended to ensure the applicable flood planning level at location 11a is achieved.

STORMWATER DRAINAGE DESIGN

- B19. Prior to the commencement of construction for above ground works, a detailed stormwater management plan prepared by suitable qualified and experienced professional must be developed in consultation with Council in respect of any modification to Council owned assets and be submitted to and approved by Council. The plan and must include:
- (a) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
 - (b) Council's Sydney Streets Technical Specifications, Standard Drawings;
 - (c) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
 - (d) Council's Stormwater Drainage Manual; and
 - (e) All relevant Australian Standards.

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

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

- B20. Prior to the commencement of construction for above ground works, a design certification report prepared by a suitably qualified Professional Engineer must be developed in consultation with Council in respect of any modification to Council owned assets and be submitted to and approved by Council demonstrating compliance with approved music link targets and parameters. In addition:
- (a) the development must comply with the stormwater quality requirements within the Powerhouse Ultimo Revitalisation Stormwater & Flooding report dated 5 April 2024; and
 - (b) 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 reports outlined in the *Powerhouse Ultimo Revitalisation Stormwater & Flooding* report dated 5 April 2024.

TREE REMOVAL AND RETENTION

- B21. No tree removal shall occur prior to the commencement of any demolition or construction works. Tree removal and retention shall be in accordance with the following:
- (a) all tree removal works must be carried out by a qualified Arborist, with a minimum AQF Level 3 and in accordance with SafeWork's Code of Practice;
 - (b) existing trees identified for retention, must be retained and protected throughout construction and development; and
 - (c) the trees approved for removal and trees that must be retained are listed in the tables below:

Tree Ref	Remove / Retain	Species:	Location
----------	-----------------	----------	----------

T18 to T22	Remove	<i>Platanus x acerifolia</i> (London Plane)	Within Site
T1 to T15	Retain	<i>Platanus x acerifolia</i> (London Plane)	Street trees – Harris Street
T16	Retain	<i>Tristanopsis laurina</i> (Water Gum)	Street trees – Macarthur Street
T17	Retain	<i>Platanus x acerifolia</i> (London Plane)	In road planting – Macarthur Street

STREET TREE PLANTING AND MAINTENANCE

B22. Prior to the commencement of construction for landscaping works which includes or impacts upon trees within land owned by Council, the Applicant must provide evidence to the Certifier that a Street Tree Planting Plan (STPP) has been prepared in consultation with, and submitted to and approved by Council. The STPP must include and be consistent with the following requirements:

- (a) tree species shall be consistent with the City's Street Tree Master Plan (refer to relevant precinct plans) or other relevant guidance document (species substitutes will not be accepted);
- (b) tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document;
- (c) the tree pit design must include structural soils or structural cells to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines);
- (d) indicate the chosen tree planting arrangement, being a choice of one of two options, being:
 - (i) undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management; or
 - (ii) pay a fee for the City to supply, plant, and maintain each required tree on the applicant's behalf. The fee is consistent with the City's Schedule of Fees and Charges.

SERVICE VEHICLE PARKING DESIGN AND LAYOUT

B23. Prior to the commencement of construction for above ground works, evidence must be submitted to the Certifier that the service vehicle operational access and parking arrangements comply with the following requirements:

- (a) provision of three service vehicle parking spaces for use during operation of the development that are designed in accordance with the latest versions of AS/NZS 2890.2 - 2002 Parking facilities Part 2
- (b) provision of a vehicle turntable;
- (c) the swept path of the longest vehicle entering and exiting the site (including garbage truck) in association with the new work, as well as maneuverability through the site, are in accordance with AUSROADS;
- (d) the size of vehicles servicing the property must not exceed 8.8m in length;
- (e) signs must be erected within the loading / unloading area confirming the service vehicle parking is for service vehicles only;
- (f) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
- (g) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;
- (h) all vehicles are to be wholly contained on site before being required to stop; and
- (i) all vehicles must enter and leave the subject site in a forward direction.

BICYCLE PARKING AND END-OF-TRIP FACILITIES

B24. Prior to the commencement of construction for above ground works, evidence must be submitted to the Certifier demonstrating:

- (a) the development provides for a minimum of:
 - i) 16 staff bicycle parking spaces (Class 2 bicycle facilities);
 - ii) 20 visitor bicycle parking spaces (Class 3 bicycle rails);
 - iii) associated end of trip facilities for staff including a minimum of 2 showers with change area and 16 personal lockers; and
- (b) the layout, design and security of bicycle facilities complies with the minimum requirements of the latest version of AS 2890.3 *Parking facilities - Bicycle Parking Facilities*.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

B25. Prior to the commencement of construction for above ground works, the Applicant must submit to the Certifier a Report demonstrating that the design of the Development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within the document titled '*Crime Prevention Through Environmental Design Report, Version 3.0*' prepared by Ethos Urban and dated 12/03/2024 applicable to that stage of construction.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

- B26. Prior to the commencement of construction for above ground works, the Applicant must submit a Report to the Certifier prepared by a suitability qualified professional demonstrating that the development has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.

FIRE SAFETY UPGRADE STRATEGY

- B27. Prior to the commencement of construction for above ground works, evidence must be submitted to the Certifier that a Fire Safety Upgrade Strategy (FSUS) has been prepared in consultation with Fire and Rescue NSW. The FSUS must:
- (a) be prepared by a suitability qualified professional; and
 - (b) detail proposed upgrades and fire safety measures throughout the development and justify any non-compliance with the NCC.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B28. Prior to the commencement of construction for above ground works, the Applicant must submit a Report to the Certifier from a Professional Engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report titled 'Powerhouse Ultimo Revitalisation Noise and Vibration Impact Assessment' v3, prepared by Arup, dated 11 March 2024.

MECHANICAL PLANT NOISE MITIGATION

- B29. Prior to the commencement of construction for above ground works involving mechanical plant, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant Construction Certificate drawings) and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.

HERITAGE INTERPRETATION PLAN

- B30. Prior to the commencement of construction for landscaping works, a Heritage Interpretation Plan (HIP) that acknowledges the heritage of the site and considers opportunities for heritage interpretation must be prepared and submitted to and approved by the Planning Secretary. The HIP must:
- (a) be prepared by a suitably qualified and experienced heritage practitioner in consultation with the Heritage NSW (or its delegate) and Council;
 - (b) detail how information on the history and significance of the Powerhouse site will be provided for the public and make recommendations regarding public accessibility, signage and lighting, details of the heritage design, the display of selected artefacts;
 - (c) specify the location, type, materials and contents of the interpretation device being proposed;
 - (d) consider opportunities to incorporate the results of any site-specific archaeological finds / outcomes; and
 - (e) incorporate interpretive information, information on the history and significance of the site, the location, type, making materials and contents of the interpretation being proposed.

Note: The HIP must be implemented prior to the issue of any occupation certificate, in accordance with **Condition E22**.

PHOTOGRAPHIC ARCHIVAL RECORDING

- B31. Prior to the commencement of any demolition works, alteration of the existing buildings and structures on the site or the first Construction Certificate (whichever is the earlier), a photographic archival recording of the buildings and structures on the Powerhouse site and all associated heritage fabric is to be prepared by a suitably qualified and experienced heritage practitioner. The recording is to be in digital form, prepared in accordance with the Heritage NSW's guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture'. Copies of the record are to be submitted to the Planning Secretary, Heritage NSW and Council. The record is to be prepared subject to the following procedure:
- (a) the archival documentation, and the number and type of selected enlarged photographs required will be determined by the significance and quality of the building or structure;
 - (b) the form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction';
 - (c) the digital form of the recording is to be as follows:
 - (i) the Development Application number and the condition of consent number must be noted;
 - (ii) include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record;
 - (iii) the electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images;
 - (iv) include written confirmation, issued with the authority of both the applicant and the photographer that Heritage NSW and Council is granted a perpetual non-exclusive licence to make use of the copyright

in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included; and

- (v) the report can be submitted on a USB, or web transfer, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: location, image subject/description and data photograph taken.

- B32. As significant fabric may remain concealed and only be exposed during works, further archival recording is to be undertaken in stages, as considered appropriate by the conservation architect commissioned for the Development, but must include:
- (a) prior to the removal of any significant building fabric or furnishings from the site;
 - (b) after the removal of fabric on site that exposes significant building fabric or furnishings; and
 - (c) after demolition and dismantling work has been completed on site.
- B33. The staged and final archival recordings are to be prepared according to the procedure outlined in **Condition B31(a) to (c)** and copies are to be submitted to Heritage NSW and Council.

UTILITY ASSETS

- B34. Prior to the commencement of construction of above ground works, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.
- Note:** Sydney Water's Tap in™ in online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>
- B35. Prior to the commencement of construction, the approved plans must be submitted to Ausgrid to determine whether the development will affect Ausgrid assets and/or easements, and if any further requirements need to be met. Any asset relocation / modifications, easement requirements and connections must be carried out in accordance with the requirements of Ausgrid.

AGENCY CONDITIONS

CONCEPT PLAN FOR COUNCIL'S PUBLIC DOMAIN

- B36. Prior to the commencement of construction for works on or adjoining Council land, the Applicant must prepare a concept public domain plan to be submitted to and approved by Council. The plan must:
- (a) show all the site frontages and extending a minimum of 5m past the boundary and to the road centreline; and
 - (b) be in accordance with the *Public Domain Manual* and the *City's Sydney Streets Code*.
- B37. Prior to the commencement of construction for works on or adjoining Council land, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the Council's Public Domain Unit. The submission must be prepared in accordance with the *City's Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*.
- Note:** Further information is available at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.
- Note:** Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.
- B38. Prior to the commencement of construction for landscaping works, the Applicant shall, in consultation with Council, investigate the extension of the footpath replacement / upgrade works to also include the western Harris Street frontage and northern William Henry Street frontage of the former Ultimo Post Office.
- B39. All existing or proposed drainage and service pit lids throughout land owned by Council shall be to Council's specifications and heel / bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by the Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.
- B40. All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.
- B41. The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

- B42. Prior to the commencement of any construction, documentary evidence must be prepared by a Registered Surveyor and submitted to Council. This evidence must include either:

- (a) a copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or
- (b) a letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Note: Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Note: Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

- B43. Prior to the commencement of construction works on or adjoining land owned by Council a detailed Public Domain Plan and all relevant documentation must be submitted to and approved by Council's Public Domain Unit. This Plan must:
- (a) document all works required to ensure that the public domain complies with Council's Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights Design Code and Sydney Streets Technical Specification;
 - (b) be checked, accurate, and comply with specified requirements;
 - (c) must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions;
 - (d) be for construction issue and will be approved under Section 138 of the *Roads Act 1993*; and
 - (e) be submitted with an *Application for Public Domain Plan Assessment* and include the approved Public Domain Levels and Gradients documentation.

Note: The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Note: If the proposed detailed design of the public domain requires changes to any previously approved levels, details must be submitted for approval with the public domain plan and additional fees may apply.

HOLD POINTS

- B44. Prior to the commencement of construction works on or adjoining land owned by Council, a set of hold points for approved public domain, civil and drainage work is to be provided by the City's Public Domain Unit in accordance with the City's Public Domain Manual and Sydney Streets Technical Specification (an approved list of hold points will be included in the Public Domain works Approval letter). These hold points must be adhered to during construction works.

PUBLIC DOMAIN DAMAGE BOND

- B45. Prior to the commencement of construction works on or adjoining land owned by Council, a Public Domain Damage Bond must be lodged with Council in accordance with Council's adopted Schedule of Fees and Charges. Public Domain Damage Bond is subject to the following:
- (a) the bond must be provided as security for repairing any damage to the public domain in the vicinity of the site as a result of construction works associated with the Development;
 - (b) Council's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with Council prior to approval being issued for the Public Domain Plan or any construction certificate being issued, whichever is the earlier; and
 - (c) the bond will be released in full when the Public Domain Works Security Bond is lodged with the City.

TREE BOND

- B46. Prior to the commencement of any construction in the vicinity of street trees, a \$255,000 unconditional bond for trees 1 to 15 and 17 (platanus x acerifolia london plane) and tree 16 (tristanopsis laurina water gum) must be lodged with Council as security to ensure the retention and protection of the trees. The following formula will be used for the retention of all or part of the bond(s):
- (a) an initial breach of any tree protection condition – 20% of the bond for each tree;
 - (b) if after 40% of the bond is retained, further breaches of the tree protection conditions occur, the City of Sydney may instigate legal proceedings for the cessation of all works on the site; and
 - (c) death of tree(s) due to noncompliance with the tree protection conditions – Total 100% of the bond and possible legal action by the City of Sydney.
- B47. The unconditional bond for trees will be retained by the City of Sydney for a minimum period of 12 months from the date of the issue of the Occupation Certificate. An Arboricultural Report prepared by a qualified Arborist (minimum

AQF Level 5) must be submitted to the City of Sydney at the expiry of each bond period and prior to the bond being refunded. If the report indicates that the tree(s) require remedial works, the bond may be held until the satisfactory completion of the remedial work by the City of Sydney Tree Team has been undertaken and the trees return to good health.

STREET TREES AND HOARDING AND SCAFFOLDING

- B48. Prior to the commencement of any construction, the Applicant must provide evidence to the Certifier that street tree protection plans have been submitted to and approved by Council. The plans must include further investigations carried out, with input from a qualified arborist (minimum aqf level 5) to minimise impact on street trees being retained as a result of the development and address the following:
- (a) the hoarding and scaffold placement is to be designed to reduce the pruning amounts indicated within section 3.4 of the Arboricultural Impact Assessment report by Treeiq dated 22/3/24. Council will only except minimal pruning amounts with maximum 50mm diameter branch removal achieving a total of 10% canopy removal. The tying back of branches is the preferred method structure clearances; and
 - (b) further investigation of the design of the Harris Street frontage of the development to minimise impacts on existing street trees, particularly to support the retention of tree 3 and 4 (Platanus x acerifolia London Plane) located adjacent to Harris Street.

REVIEW AND ENDORSEMENT OF DOCUMENTS

- B49. Prior to the commencement of construction for any works adjacent to the light rail corridor or any preparatory, demolition or excavation works, whichever occurs first, the following documentation shall be provided for the review and endorsement of TfNSW:
- (a) Details of craneage including diagrams; and
 - (b) Construction methodology and construction program.

PRE-CONSTRUCTION WORK DILAPIDATION REPORT

- B50. Prior to the commencement of any construction or any preparatory, demolition or excavation works, a pre-construction work Dilapidation Report of the Sydney Light Rail and its assets must be prepared by a qualified structural engineer. The dilapidation survey must be undertaken via a joint site inspection by the representatives of the Sydney Light Rail Operator, TfNSW and the applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed.

REFLECTIVITY REPORT

- B51. Prior to the commencement of construction for building façade works, the Applicant must design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of, TfNSW and the Sydney Light Rail Operator.

INSURANCE REQUIREMENTS

- B52. Prior to the commencement of any construction, the Applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard public liability insurance requirement for this type of development adjacent to a rail corridor is minimum of \$250M. This insurance must not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure unless otherwise agreed in writing by TfNSW. The Applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate, the Certifier must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

WORKS DEED / AGREEMENTS

- B53. Prior to the commencement of construction or any preparatory, demolition or excavation works, whichever occurs first, if required by TfNSW, Works Deed (s) between the applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed and executed by the parties. These agreements may deal with matters including, but not limited to, the following:
- (a) Sydney Light Rail Operational requirements;
 - (b) Sydney Light Rail access requirements;
 - (c) Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;
 - (d) indemnities and releases;
 - (e) security of costs;
 - (f) insurance requirements and conditions;
 - (g) TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for reasonable costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
 - (h) interface coordination between the Sydney Light Rail Operator and the subject development

construction works, including safety interface;

- (i) Interface Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:
 - (ii) pre and post construction dilapidation reports;
 - (iii) the need for track possessions;
 - (iv) design and installation of lights, signs and reflective material;
 - (v) endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);
 - (vi) endorsement of plans regarding proposed craneage and other aerial operations;
 - (vii) erection of scaffolding/hoarding;
 - (viii) Light Rail Operator's rules and procedures; and
 - (ix) alteration of rail assets such as the overhead wires (OHV) along of track and associated hoarding demarcation system, if undertaken by the applicant.
- (i) Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;
- (j) attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor;
- (k) arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
- (l) Sydney Light Rail site works access approval and access permit to work.

EXCAVATION DIRECTOR (NON-ABORIGINAL ARCHAEOLOGY)

- B54. Prior to the commencement of construction involving excavation works the Applicant must nominate a suitably qualified excavation director for the approval of the Planning Secretary in consultation with Heritage NSW. The Director:
- (a) nomination must comply with the Criteria for Assessing Excavation Directors (Heritage Council of NSW, 2019) to oversee and advise on matters associated with historical archaeology; and
 - (b) must be present to oversee excavation, advise on archaeological issues and advise on the duration and extent of oversight required during archaeological excavations consistent with the approved Archaeological Research Design and Excavation Methodology.

ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

- B55. Prior to the commencement of construction the Applicant must prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for the development to be submitted to and approved by the Planning Secretary. The ACHMP must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by Heritage NSW;
 - (b) be prepared in consultation with Registered Aboriginal Parties and reviewed by Heritage NSW;
 - (c) include a description of the measures that implement the following:
 - (i) test excavation of the PADs (Aboriginal Heritage Information Management System (AHIMS) TBC) subject to impacts by the proposal;
 - (ii) procedure for assessing significance of Aboriginal Objects identified during the test excavations in consultation with the Registered Aboriginal Parties and Heritage NSW. Potential management and mitigation measures include salvage or conservation outcomes should test excavation identify deposits with high archaeological or cultural significance;
 - (iii) methodology for salvage excavation;
 - (iv) updated mapping of all areas that will be subject to mitigation measures such as test excavation, salvage or conservation;
 - (v) ongoing consultation with Registered Aboriginal Parties, including consultation regarding changes to the ACHMP;
 - (vi) strategy for the short-term and long-term management of any Aboriginal objects salvaged under approval;
 - (vii) management of Unexpected Heritage Finds and Human Remains. The management procedure must be prepared by a suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in consultation with Registered Aboriginal Parties and in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (2010)*. The Unexpected Heritage Finds and Human Remains Procedure must be implemented for the duration of the project; and

- (viii) ensuring workers on site receive suitable heritage inductions indicators prior to carrying out any development on site, and that records are kept of these inductions.
- (d) specify that where previously unidentified Aboriginal objects are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects must not recommence until Heritage NSW has been informed. The measures to consider and manage this process must be specified in the Unexpected Heritage Finds and Human Remains Procedure required by this condition and include registration in the AHIMS.

PART C PRIOR TO COMMENCEMENT OF WORKS

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (CEMP) for the Development with measures to reduce environmental impacts and harm during construction of the Development, including, at a minimum, the following information:
- (a) details of:
 - (i) hours of construction;
 - (ii) 24 hour contact details of the site manager and complaint handling procedure;
 - (iii) construction program and construction methodology, including construction staging;
 - (iv) traffic management;
 - (v) noise and vibration management;
 - (vi) management of dust and odour;
 - (vii) stormwater control and discharge, including ensuring that vehicles leaving the site do not transfer dirt to roadways;
 - (viii) remediation and management of contamination;
 - (ix) management of stockpiles of soil or other materials;
 - (x) waste management;
 - (xi) external lighting in compliance with applicable Australian Standards; and
 - (xii) site security, including fencing or hoarding.
 - (b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with **Condition C3**;
 - (c) Construction Noise and Vibration Management Sub-Plan in accordance with **Condition C3**;
 - (d) Air Quality Management Sub-Plan in accordance with **Condition C4**;
 - (e) Construction Waste Management Sub-Plan in accordance with **Condition C5**;
 - (f) Construction Soil and Water Management Sub-Plan in accordance with **Condition C6**;
 - (g) Flood management measures in accordance with **Condition C7**;
 - (h) an unexpected finds protocol for remediation in accordance with **Condition C28**;
 - (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with **Condition D63**;
 - (j) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

- C2. Prior to the commencement of any work, the Applicant must submit to the Certifier a final Construction Traffic and Pedestrian Management Sub-Plan (CTPMP) for the Development that has been prepared in consultation with and endorsed by TfNSW, including measures to reduce environmental impacts and harm during construction of the Development arising from construction traffic. The CPTMSP must include, but not be limited to, the following:
- (a) a description of the development;
 - (b) location of any proposed work zone(s);
 - (c) details of crane arrangements including location of any crane(s);
 - (d) haulage routes;
 - (e) construction vehicle access arrangements;
 - (f) proposed construction hours;
 - (g) predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
 - (h) construction program and construction methodology;
 - (i) any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
 - (j) cumulative construction impacts of projects and 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; and

- (k) provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre within TfNSW to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

Note: Please send information to development.sco@transport.nsw.gov.au

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C3. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the Development prepared by a Professional Engineer with measures to minimise environmental impacts and harm during construction of the Development arising from construction noise and vibration, including, at a minimum, the following information:
- (a) identification of noise sources and Sensitive Receivers;
 - (b) quantification of the rating background noise level (RBL) for Sensitive Receivers;
 - (c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (ICNG) (as may be updated or replaced from time to time);
 - (d) 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;
 - (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including but not limited to:
 - (i) installation of acoustic barriers/enclosures;
 - (ii) alternative excavation methods;
 - (f) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (g) include a detailed plan showing the location, specification and effectiveness of each mitigation measure to be implemented and predicted noise level reduction
 - (h) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
 - (i) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
 - (j) include strategies that have been developed in consultation with the directly adjoining properties for managing vibration such as any alternative construction methods with lower source vibration levels and provision for respite periods;
 - (k) include a complaints management system that would be implemented for the duration of the Development.

AIR QUALITY MANAGEMENT SUB-PLAN

- C4. Prior to the commencement of any work, the Applicant must submit to the Certifier an Air Quality Management Sub-Plan (AQMP) for the Development. The AQMP must be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW and include, as a minimum, the following information:
- (a) relevant environmental criteria to be used to guide management of dust and odours;
 - (b) dust and odour management practices to be implemented, including:
 - (i) watering of exposed surfaces and stockpiles;
 - (ii) covering of truck loads;
 - (iii) prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt;
 - (iv) progressive land stabilisation works to minimise exposed surfaces.
 - (v) monitoring requirements;
 - (vi) communication strategy; and
 - (vii) system and performance review for continuous improvements; and
 - (c) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

- C5. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Waste Management Sub-Plan (CWMP) for the Development. The CWMP must include, as a minimum, the following information:
- (a) requirement 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) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
- (e) requirements that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;
- (g) details in relation to the transport of waste material within the 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.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- C6. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Soil and Water Management Sub-Plan (CSWMP) for the Development. The CSWMP must be prepared by a suitably qualified expert, in Consultation with Council and include, at a minimum, the following information:
- (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 during construction; and
 - (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.

FLOOD MANAGEMENT

- C7. Prior to the commencement of any earthwork or construction, the Applicant must prepare and implement for the duration of the works:
- (a) flood warning and notification procedures for construction works on the site; and
 - (b) evacuation and refuge protocols.
 - (c) awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

CONSTRUCTION PARKING

- C8. Prior to the commencement of any earthwork or construction, the Applicant must submit to 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.
- C9. Prior to the commencement of any earthwork or construction, the Applicant must submit to the Certifier a Construction Worker Transportation Strategy. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

SURVEY CERTIFICATE

- C10. Prior to the commencement of works, the Applicant must cause the building to be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels, and cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works will be in accordance with this consent.
- C11. The Applicant must use a Registered Surveyor to measure and mark:
- (a) prior to commencement of works (other than demolition) – the positions of all footings/ foundations;
 - (b) at other stages of construction – any marks that are required by the principal Certifier, and provide information on the positions to the principal Certifier.

PRE-CONSTRUCTION DILAPIDATION REPORTS

- C12. Prior to the commencement of any work, the Applicant must submit to the Certifier a Pre-Construction