

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:

2025

File: SSD-67588459

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

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

CONSOLIDATED CONSENT

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.

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| 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> . |
| Construction | <p>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:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • 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. <p>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.</p> <p>When capitalised, means undertaking a consultation process with a party under which the Applicant:</p> <ol style="list-style-type: none"> (a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and (b) provides details of the consultation undertaken including: <ol style="list-style-type: none"> (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. |
| Material Harm | <p>Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that:</p> <ul style="list-style-type: none"> • 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) • 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. |

CONSOLIDATED CONSENT

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| 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:

- in compliance with the conditions of this consent;
- in accordance with:
 - the EIS, RtS and SRTs ([SSD-67588459](#));
 - Modification (SSD-67588459 MOD 1) titled 'Section 4.55(2) Modification Application' prepared by Ethos Urban and dated 5 June 2025 as amended by 'Response to Submissions – Modification Letter' prepared by Ethos Urban and dated 24 September 2025 and 'Request for Additional Information – Response' prepared by Colliers and dated 22 October 2025;** and
- 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 H | TITLE PAGE | 22.07.2024 21.10.2025 |
| A.DA0080 | F H | BULK EXCAVATION PLAN | 22.07.2024 08.09.2025 |
| A.DA0100 | F H | PROPOSED SITE PLAN | 22.07.2024 21.10.2025 |
| A.DA1000 | F G | FLOOR PLAN – BASEMENT 2 | 22.07.2024 30.04.2025 |
| A.DA1001 | F H | FLOOR PLAN – BASEMENT 1 | 22.07.2024 08.09.2025 |
| A.DA1002 | G I | FLOOR PLAN – GROUND | 04.11.2024 08.09.2025 |
| A.DA1003 | G I | FLOOR PLAN – LEVEL 1 | 04.11.2024 08.09.2025 |
| A.DA1004 | G J | FLOOR PLAN – LEVEL 2 | 04.11.2024 21.10.2025 |
| A.DA1005 | G J | FLOOR PLAN – LEVEL 3 | 04.11.2024 21.10.2025 |
| A.DA1006 | G I | FLOOR PLAN – LEVEL 4 | 04.11.2024 21.10.2025 |
| A.DA1007 | F H | FLOOR PLAN – LEVEL 5 | 22.07.2024 21.10.2025 |
| A.DA1008 | F H | FLOOR PLAN – ROOF | 22.07.2024 21.10.2025 |
| A.DA2000 | G J | ELEVATION – WEST | 18.02.25 21.10.2025 |
| A.DA2001 | G J | ELEVATION – SOUTH | 18.02.25 21.10.2025 |
| A.DA2002 | G I | ELEVATION – EAST | 18.02.25 21.10.2025 |
| A.DA2003 | G H | ELEVATION – NORTH | 18.02.25 30.04.2025 |
| A.DA3000 | G I | SECTION A | 18.02.25 08.09.2025 |
| A.DA3001 | G | SECTION B | 18.02.25 |

| | | | |
|----------|----------------------|-----------------------|--|
| | ! | | <u>21.10.2025</u> |
| A.DA3002 | <u>G</u> <u>I</u> | SECTION C | <u>18.02.25</u> <u>21.10.2025</u> |
| A.DA3003 | <u>G</u> <u>J</u> | SECTION D | <u>18.02.25</u> <u>21.10.2025</u> |
| A.DA3004 | <u>H</u> <u>K</u> | SECTION E | <u>18.02.25</u> <u>21.10.2025</u> |
| A.DA3005 | <u>G</u> <u>I</u> | SECTION F | <u>18.02.25</u> <u>21.10.2025</u> |
| A.DA5000 | F | MATERIAL SCHEDULE | 22.07.2024 |
| A.DA6000 | <u>G</u> <u>H</u> | AREA PLANS SHEET 01 | <u>04.11.2024</u> <u>30.04.2025</u> |
| A.DA6001 | <u>G</u> <u>H</u> | AREA PLANS SHEET 02 | <u>04.11.2024</u> <u>30.04.2025</u> |
| A.DA7000 | <u>F</u> <u>G</u> | DEMOLITION BASEMENT 2 | <u>22.07.2024</u> <u>30.04.2025</u> |
| A.DA7001 | <u>F</u> <u>H</u> | DEMOLITION BASEMENT 1 | <u>22.07.2024</u> <u>08.09.2025</u> |
| A.DA7002 | <u>F</u> <u>H</u> | DEMOLITION GROUND | <u>22.07.2024</u> <u>08.09.2025</u> |
| A.DA7003 | <u>F</u> <u>H</u> | DEMOLITION LEVEL 1 | <u>22.07.2024</u> <u>08.09.2025</u> |
| A.DA7004 | <u>F</u> <u>I</u> | DEMOLITION LEVEL 2 | <u>22.07.2024</u> <u>21.10.2025</u> |
| A.DA7005 | <u>F</u> <u>H</u> | DEMOLITION LEVEL 3 | <u>22.07.2024</u> <u>21.10.2025</u> |
| A.DA7006 | <u>F</u> <u>H</u> | DEMOLITION LEVEL 4 | <u>22.07.2024</u> <u>21.10.2025</u> |
| A.DA7007 | <u>F</u> <u>G</u> | DEMOLITION LEVEL 5 | <u>22.07.2024</u> <u>30.04.2025</u> |
| A.DA7008 | <u>F</u> <u>G</u> | DEMOLITION ROOF | <u>22.07.2024</u> <u>30.04.2025</u> |
| 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, alteration 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 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 Jaggers 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. all bricks removed in relation to the opening of blind windows or any other works resulting in the removal of brickwork from the Switch House, shall be salvaged. The Switch House salvaged bricks:
 - (i) shall be incorporated and reused appropriately within the adapted / reconstructed heritage buildings or within the development more broadly;
 - (ii) that are surplus to needs within the development shall be transferred to a heritage building materials dealer for recycling;
- (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.

(m) **the design of the replacement Wran Building steel arch structure is to:**

- (i) **conserve the original design intent and appearance of the structural framing system and retain the spatial character of the 1988 Wran Building**
- (ii) **consider the member sizes, profiles and column set out of the new steel structure to both arches;**
- (iii) **in respect of the Galleria, be a 'like-for-like' replacement of the existing steel structure in terms of its original design character, visual appearance and materiality.**

Note: Reference to the 'Wran Building' in condition B9(j) comprises the whole building, including both arches and the 'Galleria'.

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>Tristaniopsis 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.
- (f) **include specific interpretive component(s) to address the role of the Wran Building in the development of a museum on the site and its associative significance with a range of key contemporary figures in the cultural history of NSW. Consideration should be given to the historic, social and associative significance of the building.**

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

Note: Photographs, information, measured drawings and 3D model forming part of the Photographic Archival Recording (condition B31) may contribute to the Heritage Interpretation Plan.

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.
- (d) **to specifically document the existing heritage fabric and the new fabric of the Wran Building:**
 - (i) **a Photographic Archival Recording of the entire Wran Building shall be carried out during the deconstruction of the existing steel structure and during the construction of the new structure. Progress photos of the deconstruction of the steel structure must be taken, particularly of the Galleria space. Additionally, progress photos of the construction of the new steel structure must be included; and**
 - (ii) **a detailed measured drawing and/or 3D model of the Wran Building must be prepared as part of the archival recording of the Wran Building.**

Note: Photographs, information, measured drawings and 3D model forming part of the Photographic Archival Recording may contribute to the Heritage Interpretation Plan (condition B30)

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 (e)(d)** 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 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
- 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:

- 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;
- be checked, accurate, and comply with specified requirements;
- must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions;
- be for construction issue and will be approved under Section 138 of the *Roads Act 1993*; and
- 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 (*tristaniopsis 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 afq 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 (OHW) along of track and associated hoarding demarcation system, if undertaken by the applicant.
 - (j) 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;
 - (k) 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;
 - (l) arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
 - (m) 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 CPTMP 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;

(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

Dilapidation Report, prepared by a Professional Engineer, which details the structural condition of all adjoining land, 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', prior to construction.

- C13. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Construction Dilapidation Report for that building must include details of the whole building.
- C14. 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 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.
- C15. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C16. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- C17. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to the Occupation.

PROTECTION OF TREES PUBLIC INFRASTRUCTURE AND TREES

- C18. Prior to the commencement of works, the Applicant must:
 - (a) undertake Consultation with the relevant owner and provider of services that will be affected by the Development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation Report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation Report to the Certifier, Planning Secretary and Council; and
 - (c) ensure all trees not approved for removal (**Condition B21**) are retained and protected in accordance with Australian Standard 4970.
 - (d) implement the tree protection management and mitigation measures contained within the Arboricultural Impact Assessment Report prepared by TreeIQ and dated 22 March 2024, except where amended by other conditions of this consent.
 - (e) Establish appropriate Tree Protection Zones (TPZ) around all trees for retention, including around trees T1 to 16 and 10.2m around tree T17.

STREET TREE PRUNING AND REMOVAL

- C19. The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Any pruning that has been approved by Council, must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

TREE ROOT INVESTIGATIONS

- C20. Prior to the commencement of works, tree root investigations must be undertaken to determine the impact from the proposed building location on Trees 1 to 15 (Platanus x acerifolia London Plane) in accordance with Section 3.2.4 Recommendations from the Arboricultural Impact Assessment Report by TreeIQ dated 22 March 2024. Root investigations are to be:
 - (a) undertaken using tree sensitive methods (i.e hand/air space/hydrovac) with roots greater than 40mm diameter retained and protected. To prevent root damage, low pressures must be used for hydrovac excavation with the bark remaining intact; and
 - (b) supervised by a qualified Arborist (minimum AQF Level 5);
- C21. The results of the root investigations must be submitted and approved by Council prior to the commencement of construction for above ground works and include:
 - (a) an assessment tree root size, number and condition;
 - (b) a root map and clear photographs of the completed excavation line including points of reference to determine orientation and location on site; and
 - (c) site specific recommendations based on the findings including and design modifications required to ensure tree roots are maintained. It is expected that roots greater than 40mm are retained and protected. Only minor root pruning will be approved.

SITES IN THE VICINITY OF A HERITAGE ITEM

C22. The approved works must ensure that the adjacent heritage elements and items such as, but not limited to the Ultimo Post Office, the Goods Line rail tracks, the Harwood Building (former Tram Shed building), the Water Cooling System are suitably protected during the construction process. The contractor or developer must conduct consultations with the stakeholders of these neighbouring heritage site, record and monitor the conditions of the heritage building and take suitable measures to control and minimize any risks to the heritage fabric during construction. The protection measures must be incorporated into the construction management plan

CONSTRUCTION ACCESS

C23. Construction access and the location of the works zone must be planned to avoid adversely impacting any tree to be retained. Alternative work zone locations must be provided and suitable size cranes/machinery/equipment utilised to minimise tree pruning requirements. Only minor pruning works will be approved.

STORMWATER CONNECTION

C24. For approval of a connection into Council's drainage system an "*Application for Approval of Stormwater Drainage Connections*" must be submitted to Council, together with an application fee in accordance with the Council's adopted Schedule of Fees and Charges.

PROTECTION OF THE INTEGRITY OF THE CLASSIFIED ROAD

C25. Six (6) weeks prior to the commencement of construction (excluding demolition), design drawings and documents relating to the excavation of the site and support structures must be submitted to TfNSW at development.sydney@transport.nsw.gov.au for assessment, in accordance with Technical Direction GTD2020/001. The design drawings and documents must demonstrate the structural integrity of the classified state road corridor (i.e. Harris Street) will not be adversely affected by the excavation works of this proposed development. The Applicant shall meet the full cost of the assessment by TfNSW.

C26. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Note: Please send all documentation to development.sydney@transport.nsw.gov.au.

GROUNDWATER MANAGEMENT

C27. Prior to the commencement of any demolition, earthworks or construction works or the take of water, the Applicant must obtain a Water Access Licence (WAL), unless an exemption under the *Water Management (General) Regulation 2018* applies.

REMEDIATION

UNEXPECTED FINDS PROTOCOL

C28. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the Certifier an unexpected finds protocol which has been reviewed and endorsed by a suitably qualified and experienced consultant. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

REMEDIAL ACTION PLAN

C29. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the approved Remedial Action Plan prepared by JBS&G dated 17 July 2024 (Remedial Action Plan) and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

SITE AUDITOR

C30. Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the *Contaminated Land Management Act 1997*, has been appointed to independently review the implementation and validation of the remediation works.

C31. The Applicant must ensure the remediation works for the Development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

SITE AUDIT REPORT AND SITE AUDIT STATEMENT

C32. Upon completion of the remediation works and prior to the commencement of construction of the Development (other than construction required to undertake remediation works), a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use. In addition:

(a) any requirements contained within an Long-Term Environmental Management Plan (LTEMP) which forms

part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly;

- (b) Council is required to be consulted with prior to the development of any LTEMP and the comments made by Council are required to be taken into consideration prior to finalising the LTEMP;
- (c) should the approved remediation strategy include the 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and any LTEMP to the satisfaction of the Site Auditor; and
- (d) the final Site Audit Report and a Site Audit Statement must be submitted to the Planning Secretary for information.

VALIDATION REPORT

C33. Within one month following the completion of the remediation works for the Development, a Remediation Validation Report (RVR) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

C34. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

C35. If the construction or operation of the Development is to be staged, the Applicant must notify the Department 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.

UTILITIES AND SERVICES

C36. Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

DIAL BEFORE YOU DIG SERVICE

C37. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

DEMOLITION

C38. Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person that the work plans complies with the safety requirements of the Australian Standard.

PART D DURING CONSTRUCTION

SITE NOTICE

D1. The Applicant must erect site notices in prominent positions on the site informing the public of project details including, but not limited to:

- (a) the name, address and telephone number of the builder, Certifier and Professional Engineer;
- (b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;
- (c) stating the approved hours of work;
- (d) stating that unauthorised entry to the work site is prohibited.

D2. The site notices must:

- (a) be positioned prominently at the site informing the public of key project details;
- (b) have dimensions of at least A1 size with large writing
- (c) be durable and weatherproof.

HOURS OF CONSTRUCTION

D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:

- (a) 7am to 6pm, Monday to Friday
- (b) 8am to 1pm, Saturday

D4. No work may be carried out on Sundays or public holidays.

D5. 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 to and from the site; or
- (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

D6. Notification of activities undertaken in the circumstances in **Condition D5** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

- (a) 9am to 12pm, Monday to Friday;
- (b) 2pm to 5pm Monday to Friday; and
- (c) 9am to 12pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

D8. The Applicant must implement and comply with the requirements of any management plan or sub-plan required under this consent. To the extent of any inconsistency between a condition of consent and a management plan or sub-plan, the condition of consent prevails.

DEMOLITION

D9. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by under this consent.

D9A. During demolition, construction and adaptation works, existing bricks must be salvaged, reused or recycled in accordance with the requirements of Condition B9(b).

CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA

D10. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.

D11. 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.

D12. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding Sensitive Receivers.

D13. The Applicant must ensure that idle plant and machinery is switched off when not in use and that plant and machinery is located as far away from sensitive receivers as is practical.

D14. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any Sensitive Receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.

D15. Vibration at any residence or structure outside the site caused by construction must be limited to:

- (a) for structural damage, the latest version of DIN 4150-3 (2016) *Vibration in Buildings - Effects on Structures*, English Translation (German Institute for Standardisation, 2016);
- (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).

D16. 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

D17. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

D18. If the Development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the Applicant must:

- (a) protect and support the building, structure or work from possible damage from the excavation; and
- (b) where necessary, underpin the building, structure or work to prevent any such damage,

unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

D19. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

EROSION AND SEDIMENT CONTROL

D20. 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 are, as a minimum, to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

CUT AND FILL

D20. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) all excavated material removed from the site must be classified in accordance with the EPA's *Waste Classification Guidelines* before it is disposed of at an approved waste management facility; and
- (b) the classification and the volume of material removed must be reported to the Certifier.

D21. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

DISPOSAL OF SEEPAGE AND STORMWATER

D22. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.

D23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the Development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

D24. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

ASBESTOS

D25. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and

disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any relevant guidelines, including:

- (a) *Work Health and Safety Regulation 2017*;
- (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
- (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
- (d) *Protection of the Environment Operations (Waste) Regulation 2014*, including Part 7 – ‘Transportation and management of asbestos waste’.

CONTACT TELEPHONE NUMBER

D26. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the construction.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

D27. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:

- (a) date, time and location;
- (b) a brief description of what occurred and why it has been classified as an Incident;
- (c) a description of what immediate steps were taken in relation to the Incident; and
- (d) identifying a contact person for further communication regarding the Incident.

D28. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

D29. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: A non-compliance which has been notified as an Incident does not need to also be notified as a non-compliance.

COVERING OF LOADS

D30. All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

D31. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

STOCKPILES

D32. No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from Council. All stockpiles of soil or other materials:

- (a) must be placed away from drainage lines, gutters or stormwater pits or inlets; and
- (b) likely to generate dust or odours must be covered.

D33. All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours

HOARDING REQUIREMENTS

D34. The following hoarding requirements must be complied with:

- (a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and
- (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings/fencing or the like within the construction area within 48 hours of its application.

WATER LICENSING

D35. Should groundwater be intercepted a Water Access Licence (WAL) under the *Water Management Act 2000* must be obtained, unless an exemption under the *Water Management (General) Regulation 2018* applies.

AGENCY CONDITIONS

PROTECTION OF STONE KERBS

D36. The existing stone kerbs on the frontages of the site are to be retained and properly protected during demolition, excavation and construction works. To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with Council's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. Note the following:

- (a) all costs associated with the works are to be borne by the developer;
- (b) damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers;
- (c) where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible;
- (d) all new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by Council officers;
- (e) Council approval is required before kerbs are removed;
- (f) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets; and
- (g) stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

PROTECTION OF PUBLIC FURNITURE AND FEATURES

D37. The proposed work must take measures to protect existing street furniture and features on the public land including street and laneway stone curbs and gutters. If they need to be interrupted during process of construction, they must be properly recorded and reinstated to the original condition.

CHANGES TO KERBSIDE PARKING RESTRICTIONS

D38. A separate submission must be made to Council for any changes to kerbside parking arrangements. The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

Note: The applicant is to contact Council's Area Traffic Engineer to discuss the proposal before making a submission.

Note: There is no guarantee kerbside parking will be changed or that any change will remain in place for the duration of the development/use.

D39. All costs associated with:

- (a) signposting of any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer; and
- (b) the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's 'Sydney Streets Technical Specification' including amendments and 'Sydney Streets Design Code'.

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

D40. For temporary shoring including ground anchors affecting the road reserve, a separate application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council.

Note: Information and downloadable forms may be found on the City's website in the 'Construction permits and approvals' section.

TREE PROTECTION SITE SUPERVISION AND REPORTING

D41. All recommendations Tree Protection Plans and Methodology Statements contained in the approved Arboricultural Impact Assessment Report prepared by TreeIQ, dated 22 March 2024, (as amended by **Condition B46**) must be implemented during the demolition, construction and use of the Development.

D42. An arborist with minimum AQF Level 5 qualification in arboriculture must oversee various stages of work within the Tree Protection Zone of the street trees listed for retention. The Arborist must certify compliance with each key milestone detailed below:

- (a) monthly reporting for the duration of construction;

- (b) the installation of tree protection measures prior to the commencement of any construction works;
- (c) during demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
- (d) during construction of the new public open spaces, Harris Street frontage;
- (e) during any excavation and trenching within the TPZ which has been approved by Council; and
- (f) during any landscape works within the TPZ which has been approved by Council.

D43. An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and approved by Council at each hold point listed below:

- (a) certification that tree protection measures have been installed in accordance with these consent conditions;
- (b) certification of compliance with each key milestone listed above within 48 hours of completion;
- (c) monthly reporting for the duration of construction and development works within the site;
- (d) details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council; and
- (e) a final compliance report confirming tree protection measures have been removed from all trees and details of the health and condition of the trees at the completion of the works.

LOADING AND UNLOADING DURING CONSTRUCTION

D44. The following requirements apply:

- (a) all loading and unloading associated with construction activity must be accommodated on site, where possible;
- (b) if, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council, where Council is the roads authority;
- (c) a Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council, where Council is the roads authority, at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities; and
- (d) where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.
- (e) approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's 'Driveway Specifications'.

USE OF MOBILE CRANES

D45. The following requirements apply:

- (a) mobile cranes operating from the road must not be used as a method of demolishing or constructing a building;
- (b) 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, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions; and
- (c) 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 approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

PROTECTION OF SYDNEY LIGHT RAIL AND REQUIREMENTS DURING CONSTRUCTION

D46. The Applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor.

D47. The Applicant must comply with the requirements of T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines.

D48. Activities of the Applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the Applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator, and

it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator.

D49. The Applicant must apply to Altrac and the Sydney Light Rail Operator for any required non-scheduled network shutdowns four (4) months prior to each individual required network shutdown event. Each request for a new network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion.

D50. Construction vehicles must not be stopped or parked on Darling Drive adjacent to the development at any time without prior approval of TfNSW.

D51. No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor without approval from TfNSW.

D52. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation.

D53. During all stages of the development extreme care must be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities must remain the full responsibility of the applicant.

D54. Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority).

D55. No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

HISTORICAL ARCHAEOLOGY (NON-ABORIGINAL)

D56. Archaeological investigations must take place in accordance with the methodology provided in the Historical Archaeological Assessment - Powerhouse Ultimo Revitalisation Project (Curio Projects, July 2024).

D57. The results of the test excavations should be used to inform decision making and identify appropriate conservation of the identified archaeological resource. It is advised that the current approach for the management of State significant archaeology is preservation and conservation in situ, as a preferred heritage outcome.

D58. Where significant archaeological values are identified by test excavations, options for redesign or conservation should be considered by the Proponent in consultation with Heritage NSW.

D59. Work must avoid impacts to the water-cooling system and manifold.

D60. A Final Excavation Report is to be prepared and provided to Heritage NSW within 12 months of the completion of archaeological investigations.

IMPLEMENTATION OF ABORIGINAL AND NON-ABORIGINAL ARCHAEOLOGICAL AND HERITAGE PROGRAMS

D61. The Applicant must carry out the demolition, excavation and construction of the development in accordance with the approved Aboriginal and non-Aboriginal archaeological and heritage programs (**Condition B55**).

D62. All reasonable measures must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.

D63. The Registered Aboriginal Parties must be kept informed about the development and must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

D64. If a Relic (as defined in the Heritage Act 1977) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered:

- all works must cease immediately;
- the Applicant must notify the Heritage Council of NSW in respect of a Relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object; and
- the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.

D65. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

PART E COMMENCEMENT OF OCCUPATION AND USE

GENERAL REQUIREMENTS

OCCUPATION CERTIFICATES

E1. In accordance with the EP&A Act, the Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.

NOTIFICATION OF OCCUPATION

E2. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the Development.

E3. If the occupation or use of the Development is to be staged, the Applicant must notify the Department in writing of the date of commencement of the occupation or use of the relevant stage at least one month before that date.

ENVIRONMENTAL PERFORMANCE

E4. Prior to the issue of any Occupation Certificate 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.

NO OBSTRUCTIONS

E5. All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel, then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any type of Occupation Certificate.

SIGNAL SYSTEM

E6. ~~Prior to the issue of any Occupation Certificate or commencement of use, a system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s).~~

FLOOD PROTECTION FEATURES

E7. Prior to the issue of any Occupation Certificate or commencement of the use, certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Certifier confirming that the development has been constructed, flood risk management measures and the required levels achieved in accordance with the recommendations of the document titled '*Powerhouse Ultimo Renewal Stormwater and Flooding, Response to State Significant Development Comments*' prepared by Arup dated 15 August 2024. A copy of the report must be provided to Council for record keeping purposes.

E8. Prior to the issue of any Occupation Certificate or commencement of the use, a report must be submitted to the Certifier confirming the proposed Flood Protection System including all its features have been tested by an independent floodplain management consultant and are fully operational.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

E9. Prior to any Occupation Certificate being issued, evidence must be submitted to the Certifier demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent.

E10. The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

E11. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant is to provide a Report (Post-Construction Dilapidation Report) to the Certifier:

- stating whether, based on a comparison of the Pre-Construction Dilapidation Report and Post-Construction Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;
- if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage that is the result of the carrying out of Development;
- whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.

E12. The Applicant is to provide a copy of the Post-Construction Dilapidation Report to the Planning Secretary and to the relevant adjoining property owner(s).

ROAD DAMAGE

E13. Prior to the issue of any Occupation Certificate or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS

E14. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:

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

E15. Prior to the issue of any Occupation Certificate or commencement of the use of the Development, any damage identified in **Condition E11** as being caused by the carrying out of the Development not subject to **Condition E14** must be fully repaired and rectified by the Applicant.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

E16. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must submit to the Certifier:

- (a) works-as-executed plans for the Development; and
- (b) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied.

E17. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating 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.

GFA AND BUILDING HEIGHT CERTIFICATION

E18. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating compliance that the Development does not exceed the approved gross floor area and building height.

ACOUSTIC COMPLIANCE

E19. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under **Conditions B28 and B29**.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

E20. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must prepare and submit to the Certifier a Report demonstrating the development has incorporated all ecologically sustainable design, construction and operation measures, as required under **Condition B16**.

CPTED

E21. Prior to the issue of the first occupation certificate, the Applicant must provide documentation to the Certifier demonstrating the development has incorporated the crime prevention through environmental design management and mitigation measures required under this consent (**Condition B25**).

HERITAGE INTERPRETATION

E22. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must provide evidence to the Certifier that the Heritage Interpretation Plan has been implemented in accordance with **Condition B30**.

STRUCTURAL INSPECTION CERTIFICATE

E23. Prior to the issue of any Occupation Certificate or commencement of the use of the relevant parts of any new or refurbished buildings as part of the Development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.

E24. The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:

- 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
- the drawings listed on the Structural Inspection Certificate or have been checked with those listed on the final Design Certificate/s.

LANDSCAPE PRACTICAL COMPLETION REPORT

E25. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which:

- verifies that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application;
- verifies that a maintenance program under the Landscape Plan required under **Condition B3** has been commenced;
- includes details of plant maintenance and watering for the first 12 months; and
- includes details of plant maintenance and watering for the life of the Development.

FIRE SAFETY CERTIFICATION

E26. Prior to the issue of any Occupation Certificate or commencement of the use, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the Development.

E27. The Applicant must submit a copy of the Fire Safety Certificate to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

OUTDOOR LIGHTING

E28. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the Development:

- achieves the objective of minimising light spillage:
 - beyond the property boundary; and
 - to any adjoining or adjacent Sensitive Receivers;
- complies with the latest version of AS 4282-2023 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 2023); and
- has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

SYDNEY WATER COMPLIANCE

E29. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must submit to the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

UTILITY PROVIDERS

E30. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the Development, is completed to the satisfaction of the relevant authority.

E31. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

FOOD ACT 2003

E32. Prior to the issue of any Occupation Certificate or commencement of the use, evidence must be submitted to the Certifier that kitchens / food preparation areas are to be designed and constructed in accordance with the Food Act 2003, Food Regulation 2015, Australia & New Zealand Food Standards Code and Australian Standard AS 4674- 2004, Design, construction and fit-out of food premises.

SERVICE VEHICLE, BICYCLE PARKING AND WAYFINDING ARRANGEMENTS

E33. Prior to the issue of any Occupation Certificate or commencement of the use, evidence must be submitted to the Certifier demonstrating that:

- ~~the service vehicle facility has been provided in accordance with Condition B23;~~
- ~~all bicycle parking and end-of-trip facilities for staff are provided in accordance with Condition B24;~~

- (e-b) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
- (d) ~~loading dock way finding signage is installed within the site identifying the location of the on-site service vehicle area;~~
- (e-c) bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas; and
- (f-d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance.

PUBLIC DOMAIN WORKS COMPLETION

- E34. The works undertaken on land owned by Council are to be constructed in accordance with the Public Domain Works Approval, approved stamped plans for Gradients and Levels, Stormwater, Public Domain Lighting, the Council's *Public Domain Manual*, *Stormwater Drainage Manual*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*.
- E35. The work undertaken on land owned by Council must be inspected and a Certificate of Practical Completion must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.
- E36. Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by Council for all public domain works, including where required Stormwater, Public Domain Lighting and Road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by Council's Public Domain Unit.

PUBLIC DOMAIN - HOLD POINTS

- E37. Prior to the issue of any Occupation Certificate or commencement of the use, confirmation from the Council's Public Domain Unit, that hold point inspections have been completed and works have been accepted by Council must be provided to the Certifier.

STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

- E38. Prior to Occupation or commencement of the use, the Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The positive covenant:
 - (a) and deed will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.
 - (b) must be registered on the property title for all drainage systems involving On-Site Detention (OSD) if required to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLAN OF MANAGEMENT

- E39. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to):
 - (a) incorporation of the requirements of all other operational conditions of this consent;
 - (b) operation hours, in accordance with the requirements of this consent;
 - (c) operational, security and maintenance management of entrances, circulation areas, internal open spaces, public open spaces and other spaces within the development;
 - (d) coordination of loading and unloading operations, in accordance with the requirements of this consent;
 - (e) confirmation of on-site security and staff management and procedures;
 - (f) emergency management / evacuation and incident response protocols;
 - (g) waste management, in accordance with the requirements of this consent;
 - (h) staff induction and museum behaviour rules; and
 - (i) community consultation and complaint procedures.
- E40. The Operational Plan of Management approved under this consent shall be implemented following occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

OPERATIONAL FLOOD EMERGENCY MANAGEMENT PLAN

E41. Prior to the issue of any Occupation Certificate or commencement of the use, a Flood Emergency Management Plan (FEMP) must be submitted to and approved by the Planning Secretary. The FEMP must:

- (a) be prepared by a suitably qualified and experienced person(s) in consultation with NSW SES;
- (b) addresses the provisions of the *Floodplain Risk Management Guidelines* (EHG);
- (c) includes details of:
 - (i) the flood emergency responses for operational phase of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
- (d) awareness training for employees and contractors, and visitors.

OPERATIONAL WASTE MANAGEMENT

E42. Prior to the issue of any Occupation Certificate or commencement of the 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) be prepared in consultation with Council;
- (b) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
- (c) confirm the location of waste collection and establish appropriate routes to the collection point;
- (d) provide confirmation that appropriate arrangements have been made for the collection of waste;
- (e) detail the type and quantity of waste to be generated during operation of the Development;
- (f) 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); ~~and~~
- (g) outline how waste removal will not conflict with the use of the entry terrace and how any conflicts will be managed.

Note: Conditions in Part F require the Applicant to implement the Operational Waste Management Plan for the life of the Development.

STORMWATER

E43. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by a Professional Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.

E44. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must submit to the Certifier a Stormwater Operational and Maintenance Plan (SOMP) that:

- (a) is designed to ensure the proposed stormwater quality measures remain effective; and
- (b) specifies, but is not limited to:
 - (i) a maintenance schedule of all stormwater quality treatment devices;
 - (ii) record and reporting details;
 - (iii) relevant contact information; and
 - (iv) Work Health and Safety requirements.

LOADING AND SERVICING MANAGEMENT PLAN

E45. Prior to the issue of any Occupation Certificate or commencement of the use, evidence must be submitted to the Certifier demonstrating that a Loading and Servicing Management Plan (LSMP) has been prepared in consultation with Council and TfNSW. The LSMP must include:

- (a) confirmation the facility is designed to ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated;
- (b) management of all servicing of the site including delivery vehicles, garbage collection and service vehicles.
- (c) the anticipated numbers of arrivals per week, time of day of the arrivals, length of stay, vehicle type etc.
- (d) management of deliveries, including through use of a scheduling system and loading dock manager, to ensure vehicles are not waiting on public streets to enter the site; and
- (e) Any changes to loading activities and how this will be managed prior to, during or after an exhibition.

- (f) details of loading and servicing facilities within the subject site which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business
- (g) management of queuing as a result of a vehicle accessing the loading dock, conflicts between cars accessing the car park and vehicle movements to/from the loading dock and incidents at the access to the loading dock;
- (h) loading dock management details including measures to minimise freight and service vehicle movements during peak periods; and
- (i) evidence that the LSMP has been endorsed by TfNSW.

Note: Further guidance on site delivery and servicing can be sought from the TfNSW Delivery and Servicing Plan Guidance (May 2022).

Note: Submit the LSMP to TfNSW at development.ctmp.cjp@transport.nsw.gov.au.

GATHERING TERRACE SERVICE VEHICLE ACCESS MANAGEMENT PLAN

E46. Prior to the issue of any Occupation Certificate or commencement of the use, evidence must be submitted to the Certifier demonstrating that a Gathering Terrace Service Vehicle Management Plan (GTSVMP) has been submitted to and approved by the Planning Secretary. The GTSVMP must consider:

- (a) the Terrace Loading Requirements as detailed in sections 1.4 and 1.5 of the '*Amended Public Design Statement*' prepared by TyrrellStudio and submitted at Appendix Q of the RTs;
- (b) the structural and operational method(s) of protecting of the Gathering Terrace hard and soft landscaping when service vehicle access is required;
- (c) management of service vehicles crossing the Gathering Terrace to deliver, load and unload bulky / large museum pieces within the Boiler House;
- (d) operational and public safety processes; and
- (e) the rejuvenation of soft landscaping following service vehicle access.

TRANSPORT ACCESS GUIDE

E47. Prior to the issue of any Occupation Certificate or commencement of the use, a Transport Access Guide (TAG) must be prepared and submitted to and approved by Council. The TAG must be implemented and maintained by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times. The TAG is to include (but not be limited to) the following:

- (a) a Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes.
- (b) a Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

GREEN TRAVEL PLAN

E48. Prior to the commencement of operation, the Applicant must prepare a Green Travel Plan (GTP) in consultation with and endorsed by TfNSW to promote the use of active and sustainable transport modes. The GTP must:

- (a) be prepared by a suitably qualified traffic consultant in consultation with TfNSW;
- (b) include objectives and modes share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
- (c) include specific tools and actions to help achieve the objectives and mode share targets;
- (d) include an Implementation Strategy incorporating measures to promote and support the implementation of the plan, financial and human resource requirements, specific management actions, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
- (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including annual review (and updated as necessary) and the requirement for travel surveys to identify travel behaviours of users of the development.

POST CONSTRUCTION DILAPIDATION REPORT

E49. Prior to the Issue of the Occupation Certificate, a post-construction dilapidation survey must be undertaken via a joint inspection with representatives from TfNSW, Altrac, the Sydney Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW. The applicant needs to undertake rectification of any damage to the satisfaction of TfNSW and the Sydney Light Rail Operator and if applicable the local council.

REFLECTIVITY REPORT

E50. Prior to the Issue of the Occupation Certificate, the applicant must demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

REGISTRATION OF EASEMENTS

E51. Prior to the issue of any Occupation Certificate, all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.

For Information Only

PART F OCCUPATION AND ONGOING USE

HOURS OF OPERATION

F1. The development shall only operate between the following hours of operation:

- (a) from 7am to 12am (midnight) seven days a week, including public holidays.

PUBLIC ACCESS

F2. The Gathering Terrace public open space shall be publicly accessible 24 hours a day, 7 days a week for the life of the development.

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

F3. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must:

- (a) implement the SOMP required under **Condition E44**; and
- (b) otherwise ensure that all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and (if applicable) in accordance with any positive covenant.

STORAGE AND HANDLING OF WASTE

F4. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must implement the Operational Waste Management Plan.

F5. The Applicant must ensure that at all times during the life of the Development:

- (a) waste is not placed or left on the site;
- (b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves.

LOADING AND UNLOADING

F6. All loading and unloading operations associated with the site must be carried out:

- (a) in accordance with the Loading and Servicing Management Plan prepared under this consent;
- (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
- (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality

F7. The size of vehicles servicing the property must not exceed 8.8m in length.

F8. All vehicles must enter and leave the subject site in a forward direction.

F9. ~~Signs must be erected within the loading / unloading area confirming the service vehicle parking is for service vehicles only.~~

F10. The service vehicle dock, vehicle bays and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.

NO OBSTRUCTION OF PUBLIC WAY

F11. Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

LANDSCAPING

F12. Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under **Condition B3**.

FIRE SAFETY CERTIFICATION

F13. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

F14. All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

OUTDOOR LIGHTING

F15. If any outdoor lighting results 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.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

F16. Within 24 months of commencement of operation, Green Star certification must be obtained demonstrating the development, operating in accordance with this consent achieves a minimum 5 Star Green Star Buildings v1 rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

IMPLEMENTATION OF THE VARIOUS OPERATIONAL MANAGEMENT PLANS

F17. The following operational management plans (and any updates to those plans), shall be implemented and adhered to at all times by the Applicant following the issue of the occupation certificate:

- (a) Heritage Interpretation Plan (**Condition E22**);
- (b) Operational Plan of Management (**Condition E39**);
- (c) Operational Flood Emergency Management Plan (**Condition E41**);
- (d) Operational Waste Management Plan (**Condition E42**);
- (e) Stormwater Operation and Maintenance Plan (**Condition E44**);
- (f) Loading and Servicing Management Plan (**Condition E45**);
- (g) Gathering Terrace Service Vehicle Access Management Plan (**Condition E46**);
- (h) Transport Access Guide (**Condition E47**);
- (i) Green Travel Plan (**Condition E48**), which shall also be updated annually in consultation with TfNSW;
- (j) Landscape maintenance strategy (**Conditions B3**).

ADVISORY NOTES

AN1. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the Development, including external walls of all buildings and ventilation of premises, must be constructed in accordance with the relevant requirements of the NCC and applicable Australian Standards.

AN2. The development consent is subject to, and the Applicant must comply with, the Prescribed Conditions.

AN3. No condition of this consent overcomes any obligation on the Applicant to obtain, renew or comply with licences, permits, approvals, certifications and consents which may be required under law required to carry out the Development. The Applicant is responsible for obtaining any such licences, permits, approvals, certifications and consents, licences, permits, approvals, certifications and consents may include but are not limited to:

- (k) modifications to this consent or other development consents required under the EP&A Act;
- (l) certificates under Part 6 of the EP&A Act;
- (m) approval under section 138 of the *Roads Act 1993* for activities and works including road occupancy, hoarding, scaffolding, barricades and other construction/building works requiring the use of a public place including a road or footpath;
- (n) approvals for the installation of any hoardings over Council footways or road reserves;
- (o) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
- (p) approvals required under the *Sydney Water Act 1994*.

AN4. The Applicant is responsible for ensuring that all agreements required to carry out the Development are obtained from other authorities or other parties, as relevant.

AN5. No condition of this consent removes any obligation on the Applicant to comply with laws, including but not limited to:

- (a) work health and safety laws;
- (b) environmental laws including *Protection of the Environment Operations Act 1997* and its regulations;
- (c) *Disability Discrimination Act 1992* (Cth);
- (d) *Building and Construction Industry Long Service Payments Act 1986*;
- (e) *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*;
- (f) *Airports (Protection of Airspace) Regulations 1996*.

AN6. The Housing and Productivity Contribution:

- (a) may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees; and
- (b) is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A Act to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* exempts the development from the contribution.

AN7. The operation and maintenance of warm water systems and water-cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.

AN8. Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under **Condition D27** or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with **Condition D27**), the Applicant is required to submit a subsequent Incident report that (in accordance with **Condition D28**):
 - (a) identifies how the Incident was detected;
 - (b) identifies when the Applicant became aware of the Incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the Incident;
 - (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, including the period for implementing any corrective and/or preventative actions; and
 - (d) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.