

## Development consent

Section 89E of the Environmental Planning and Assessment Act 1979

The Planning Assessment Commission grants consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.

Member of the Commission

Member of the Commission

Sydney

2016

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

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

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application No.:</b>	SSD 7388
<b>Applicant:</b>	Grocon (Darling Harbour) Developments Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	<p>31 Wheat Road, Darling Harbour (including airspace over Harbour Street)</p> <p>Lots 401, 402, 403, 404 and 405 DP 862501, Lot 800, 801 and 805 DP 1164281, Lot 2, 4 and 9 DP 1048307, Lot 60, 64 and 65 DP 1009964, Lot 11 DP 1125890, Lot 210 and 217 DP 1130038, Lot 8 DP 1048307 and Lot 1010 DP 1147364</p>
<b>Development:</b>	<p>IMAX redevelopment, including:</p> <ul style="list-style-type: none"><li>• demolition of the existing IMAX building, tourist office and amenities block;</li><li>• construction of a new 25 storey building and separate 2 storey building;</li><li>• hotel, serviced apartments, retail and entertainment uses;</li><li>• 170 car parking spaces within the podium and 152 bicycle spaces at ground level;</li><li>• realignment of Wheat Road;</li><li>• upgrade to the surrounding public domain including a new playground and retention of heritage items;</li><li>• installation of a static LED sign and signage zones.</li></ul>

# CONSOLIDATED CONSENT

## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-7388-Mod-1	Withdrawn	N/A	Staging of construction and occupation certificates to allow construction to be undertaken in an efficient and orderly manner
SSD-7388-Mod-2	Withdrawn	N/A	Staging of construction and occupation certificates in four (4) stages, to allow construction to be undertaken in an efficient and orderly manner.
SSD-7388-Mod-3	2 November 2017	Executive Director	<ul style="list-style-type: none"> <li>• amend the layout and design and shape of the building</li> <li>• reduction of the width of the footpath along the eastern boundary</li> <li>• increase of 107 m2 GFA (from 54,877m2 to 54,984 m2)</li> <li>• internal reconfigurations</li> <li>• amendments to bicycle parking and end of trip facilities.</li> </ul>
SSD-7388-Mod-4	10 November 2017	Executive Director	<ul style="list-style-type: none"> <li>• Extension of the hours of construction</li> </ul>
SSD-7388-Mod-5	10 November 2017	Director	<ul style="list-style-type: none"> <li>• Reduction of 16 Serviced apartments</li> <li>• Increase of 48 Hotel rooms (49 Beds)</li> <li>• Reduction of 365m2 GFA</li> </ul>
SSD-7388-Mod-6	19 December 2018	Executive Director	<ul style="list-style-type: none"> <li>• Internal and external amendments to the layout, design and shape of the building reducing GFA by 972m2.</li> </ul>
SSD-7388-Mod-7	12 August 2019	Executive Director	<ul style="list-style-type: none"> <li>• Creation of an open roof above the level 22 and 23 swimming pool and bar area.</li> </ul>
SSD-7388-Mod-8	18 June 2019	Director	<ul style="list-style-type: none"> <li>• amendments to the internal layout of the IMAX cinema within the Ribbon Building and reduce the building GFA by 89 m2.</li> </ul>
SSD-7388-Mod-9	Withdrawn	N/A	<ul style="list-style-type: none"> <li>• Extension to approved construction hours and permitted works to include:               <ul style="list-style-type: none"> <li>○ General works from 7:00pm to 9:30pm Monday to Friday and 9:00am to 3:30pm every second Sunday</li> <li>○ Restricted works from 3:30pm to Midnight every second Sunday</li> </ul> </li> </ul>
SSD-7388-Mod-10	30 April 2020	Director	<ul style="list-style-type: none"> <li>• amend the layout design and shape of the Property NSW building</li> <li>• amend the public domain layout and design</li> <li>• widen Wheat Road adjacent to the eastern forecourt</li> <li>• increase of 35m2 GFA</li> </ul>
SSD-7388-Mod-11	28 May 2021	Team Leader	<ul style="list-style-type: none"> <li>• Reduce bicycle parking spaces from 176 to 120 and provide 56 visitor bicycle parking spaces in the surrounding Darling Harbour public domain, in accordance with</li> <li>• Placemaking NSW's Darling Harbour Cycling Strategy.</li> </ul>

## CONSOLIDATED CONSENT

SSD-7388-Mod-12	14 May 2021	Team Leader	<ul style="list-style-type: none"> <li>replace the digital motion 'City Screen' within signage zone GEN-01 with a static LED sign</li> <li>increase the size of approved signage zones GEN-01 and CIN-03</li> </ul>
SSD-7388-Mod-13	18 June 2021	Team Leader	<ul style="list-style-type: none"> <li>amend the layout and design of the Property NSW building</li> <li>change the location of three approved signage zones</li> </ul>
SSD-7388-Mod-14	15 December 2021	Team Leader	<ul style="list-style-type: none"> <li>reconfigure the ground and first floors of the Ribbon building</li> <li>increase gross floor area</li> <li>amend outdated conditions of consent</li> </ul>
SSD-7388-Mod-15	16 June 2022	Director	<ul style="list-style-type: none"> <li>increase the sound power levels of speakers on the rooftop pool and bar area</li> <li>increase the hours of operation of the rooftop pool and bar area on Friday and Saturday nights for non-hotel patrons</li> </ul>
SSD-7388-Mod-16	25 November 2022	Team Leader	<ul style="list-style-type: none"> <li>remove retail tenancy eight from the approval and introduce staged occupation certificates.</li> </ul>
SSD-7388-Mod-17	21 August 2023	Team Leader	<ul style="list-style-type: none"> <li>include a totem sign at entrance</li> <li>shift delivery of public domain bicycle spaces</li> <li>remove requirement for a public art strategy</li> </ul>

## TABLE OF CONTENTS

<b>A</b>	<b>ADMINISTRATIVE AND DEVELOPMENT CONTRIBUTIONS CONDITIONS .....</b>	<b>9</b>
	Development Description .....	9
	Inconsistency between documents.....	12
	Limits of Approval .....	12
	Prescribed Conditions .....	13
	Long Service Levy .....	13
	Legal notices .....	13
<b>B</b>	<b>PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE.....</b>	<b>14</b>
	Staging .....	14
	Site Suitability - Contamination .....	14
	Design Changes .....	14
	Public Domain/Landscape Plan.....	14
	Noise Assessment.....	14
	Wind Impacts .....	15
	Public Art Strategy .....	15
	Tree Retention .....	15
	Bicycle Facilities .....	16
	Car Park and Service Vehicle Layout.....	16
	Traffic.....	17
	Road Safety Audit – Harbour Street/Wheat Street.....	17
	Porte Cochere Swept Paths .....	17
	Vehicular Wayfinding Signage.....	17
	Driveway Crossover on Harbour Street/Wheat Road.....	17
	Car stacker .....	18
	Comprehensive Management and Operation Plan for the Car Stacker, Loading Dock, Valet Service, and Porte Cochere .....	18
	Materials and Finishes.....	18
	Water Quality and Site Management .....	19
	Pre-Construction Dilapidation Reports .....	19
	Outdoor Lighting .....	19
	Access for People with Disabilities .....	19
	Structural Details .....	20
	Mechanical Ventilation.....	20
	Air Quality .....	20
	Storage and Handling of Waste.....	20
	Sydney Water Notice of Requirements .....	20
	Installation of Dual-Flush or Vacuum Toilets.....	21
	Installation of Water Efficient Taps .....	21
	Installation of Water Efficient Urinals.....	21
	Internal Lighting System .....	21
	Sydney Water Stormwater Assets.....	21
	Flooding.....	22
	RMS Asset Requirements .....	22
	Pedestrian Management .....	25
	Crime Prevention .....	25
	Rail Services Search .....	25
	Archaeological Heritage .....	25
	Heritage .....	26
	Acid Sulfate Soils.....	26
	Utility Services .....	26
<b>C</b>	<b>PRIOR TO COMMENCEMENT OF WORKS .....</b>	<b>28</b>
	Certified Plans .....	28
	Demolition.....	28
	Notice of Commencement of Works.....	28
	Construction Environmental Management Plan .....	28
	Construction Noise and Vibration .....	29
	Waste Management Plan during construction.....	30

# CONSOLIDATED CONSENT

Construction Traffic & Pedestrian Management Plan .....	30
Heritage .....	30
<b>D DURING CONSTRUCTION .....</b>	<b>32</b>
Hours of Work.....	32
Remediation .....	33
Western Distributor .....	33
Lighting of Site during Construction.....	33
Erosion and Sediment Control.....	33
Acid Sulfate Soils.....	33
Waste Disposal.....	33
Disposal of Seepage and Stormwater .....	34
Approved Plans to be On-site.....	34
Site Notice .....	34
Utilities .....	34
Protection of Trees .....	34
Construction Noise Management .....	35
Vibration Criteria.....	35
Work Cover Requirements .....	35
Hoarding Requirements.....	36
Road Occupancy License.....	36
Archaeology.....	36
Discovery of Aboriginal Heritage .....	37
Utility Requirements .....	37
<b>E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE.....</b>	<b>38</b>
Site Suitability - Remediation.....	38
Public domain works.....	38
Signage Zones .....	38
Stormwater .....	39
Registration of Easements .....	39
Restriction of Residential Use .....	39
Ecologically Sustainable Development Ratings .....	39
Reflectivity .....	39
Noise .....	40
Loading Dock.....	40
Mechanical Ventilation.....	40
Road Damage .....	40
Sydney Water Compliance .....	40
Post-construction Dilapidation Report .....	40
Fire Safety Certification .....	41
Structural Inspection Certificate.....	41
Green Travel Plan .....	41
Waste Management .....	41
Heritage .....	41
<b>F POST OCCUPATION.....</b>	<b>43</b>
Prohibition of Residential Use .....	43
Operable Roof Louvres .....	43
Loading and Unloading.....	43
Unobstructed Driveways and Parking Areas .....	43
Public Way to be Unobstructed .....	43
External Lighting.....	43
Noise .....	43
Wayfinding and Signage.....	45
Pedestrian Footpaths .....	45
Review of the Comprehensive Management and Operation Plan for the Car Stacker, Loading Dock, Valet Service and Porte Cochere.....	45
<b>ADVISORY NOTES.....</b>	<b>47</b>
Appeals.....	47
Other Approvals and Permits .....	47

## CONSOLIDATED CONSENT

Responsibility for other consents / agreements .....	47
Temporary Structures .....	47
Disability Discrimination Act .....	47
Commonwealth Environment Protection and Biodiversity Conservation Act 1999 .....	47
Asbestos Removal.....	48
Site contamination issues during construction .....	48
RMS Access requirements .....	48

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# CONSOLIDATED CONSENT

## DEFINITIONS

<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Grocon (Darling Harbour) Developments Pty Ltd, or anyone else entitled to act on this consent
<b>Application</b>	The development application and the accompanying drawings plans and documentation described in Condition A2.
<b>BCA</b>	Building Code of Australia
<b>Certifying Authority</b>	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act
<b>Construction</b>	Any works, including earth and building works
<b>Council</b>	City of Sydney Council
<b>Department</b>	Department of Planning and Environment or its successors
<b>EIS</b>	Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated December 2015
<b>EPA</b>	Environment Protection Authority, or its successor
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation or Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Minister</b>	Minister for Planning, or nominee
<b>OEH</b>	Office of the Environment and Heritage, or its successor
<b>Reasonable and Feasible</b>	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
<b>RMS</b>	Roads and Maritime Services Division, Department of Transport or its successor
<b>RTS</b>	Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd, dated March 2016
<b>Secretary</b>	Secretary of Department of Planning and Environment, or nominee/delegate
<b>Secretary's approval, agreement or satisfaction</b>	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
<b>Subject Site</b>	Lots 401, 402, 403, 404 and 405 DP 862501, Lot 800, 801 and 805 DP 1164281, Lot 2, 4 and 9 DP 1048307, Lot 60, 64 and 65 DP 1009964, Lot 11 DP 1125890, Lot 210 and 217 DP 1130038, Lot 8 DP 1048307 and Lot 1010 DP 1147364, 31 Wheat Road, Darling Harbour (including airspace over Harbour Street)
<b>Sensitive receiver</b>	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
<b>SHFA</b>	Sydney Harbour Foreshore Authority or its successors
<b>TfNSW</b>	Transport for NSW or its successors
<b>TMC</b>	Transport Management Centre or its successors



## SCHEDULE 2

### A ADMINISTRATIVE AND DEVELOPMENT CONTRIBUTIONS CONDITIONS

#### Development Description

- A1 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Condition A2.
- A2 The Applicant shall carry out the project generally in accordance with the:
- (a) Environmental Impact Statement (EIS) prepared by JBA Urban Planning Consultants Pty Ltd, dated December 2015;
  - (b) Response to Submissions (RtS) and Amendments to Proposed Development prepared by JBA Urban Planning Consultants Pty Ltd, dated March 2016;
  - (c) Additional information submitted subsequent to the RtS;
  - (d) Plan of Management dated 26 April 2016;
  - (e) following drawings as set out in the table below, except for:
    - i) any modifications which are Exempt or Complying Development;
    - ii) otherwise provided by the conditions of this consent.
  - (f) Section 96(2) modification application (SSD 7388 MOD 3), prepared by JBA Urban Planning and dated 8 June 2016, as amended by Response to Submissions prepared by Ethos Urban and dated 24 August 2017.
  - (g) Section 96(1A) modification application (SSD 7388 MOD 4), prepared by JBA Urban Planning and dated 28 June 2017, as amended by Response to Submissions prepared by Ethos Urban and dated 28 August 2017 and updated on 21 September 2017.
  - (h) Section 96(1A) modification application (SSD 7388 MOD 5), prepared by JBA Urban Planning and dated 31 August 2017, as amended by email and attachments from Ethos Urban and dated 26 October 2017
  - (i) Section 4.55(2) modification application (SSD 7388 MOD 6), prepared by Ethos Urban and dated 6 April 2018, as amended by Response to Submissions prepared by Ethos Urban and dated 23 August 2018
  - (j) Section 4.55(1A) modification application (SSD 7388 MOD 8), prepared by Ethos Urban and dated 7 May 2019, and additional information, prepared by Ethos Urban and dated 4 June 2019.
  - (k) Section 4.55(1A) modification application (SSD 7388 MOD 7), prepared by Ethos Urban and dated 13 December 2018, and additional information, prepared by Ethos Urban and dated 1 April 2019 and 31 May 2019
  - (l) Section 4.55(1A) modification application (SSD 7388 MOD 10), prepared by Ethos Urban and dated 22 October 2019, and additional information, prepared by Ethos Urban and dated 18 December 2019 and 28 February 2022
  - (m) Section 4.55(1A) modification application (SSD 7388 MOD 12), prepared by Ethos Urban and dated 3 March 2021
  - (n) Section 4.55(1A) modification application (SSD 7388 MOD 11), prepared by Ethos Urban and dated 3 March 2021, and additional information, prepared by Ethos Urban dated 22 April 2022 and by Greateon Development dated 25 May 2021
  - (o) Section 4.55(1A) modification application (SSD 7388 MOD 13), prepared by Ethos Urban and dated 3 March 2021 and additional information, prepared by Ethos Urban dated 30 April 2020
  - (p) Section 4.55(1A) modification application (SSD 7388 MOD 14), prepared by Ethos Urban and dated 9 October 2021 and additional information, prepared by Ethos Urban dated 25 November 2021 and 3 December 2021.
  - (q) Section 4.55(1A) modification application (SSD 7388 MOD 15), prepared by

## CONSOLIDATED CONSENT

Ethos Urban and dated 13 December 2021 and additional information,  
prepared by Ethos Urban dated 23 February 2022 and 18 March 2022.

(r) Section 4.55(1A) modification application (SSD 7388 MOD 16), prepared by  
Ethos Urban and dated 23 June 2022.

(s) Section 4.55(1A) modification application (SSD 7388 MOD 17), prepared by  
Ethos Urban and dated 3 May 2023.

Architectural (or Design) Drawings prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
ARC-HSL-DD-1052	V	GFA Area Schedule	08.09.21
ARC-HSL-DD-1060	H	Draft Lease Plan	09.06.19
ARC-HSL-DD-1078	O	Lease Line Relationship Plans – Sheet 1	08.09.21
ARC-HSL-DD-1079	H	Lease Line Relationship Plans – Sheet 2	26.03.18
ARC-HSL-DD-1079.1	G	Lease Line Relationship Plans – Sheet 3	26.03.18
ARC-HSL-DD-1080	I	Demolition Plan	23.01.20
ARC-HSL-DD-1090	R	Lower Site Plan	08.09.21
ARC-HSL-DD-1091	H	Upper Site Plan	10.08.18
ARC-HSL-DD-1100	Y	GA Plans – Ground Floor	13.04.23
ARC-HSL-DD-1101	T	GA Plans – Podium L01	08.09.21
ARC-HSL-DD-1102	P	GA Plans – Podium L02	19.06.19
ARC-HSL-DD-1103	M	GA Plans – Podium L03	10.04.19
ARC-HSL-DD-1104	M	GA Plans – Podium L04	10.04.19
ARC-HSL-DD-1105	M	GA Plans – Hotel and Serviced Apartments L05 and L06	10.04.19
ARC-HSL-DD-1106	K1	GA Plans – Hotel and Serviced Apartments L07 and L08	12.06.18
ARC-HSL-DD-1107	J1	GA Plans – Hotel and Serviced Apartments L09 and L10	12.06.18
ARC-HSL-DD-1108	J1	GA Plans – Hotel and Serviced Apartments L11 and L12	12.06.18
ARC-HSL-DD-1109	J1	GA Plans – Hotel and Serviced Apartments L13 and L14	12.06.18
ARC-HSL-DD-1110	J1	GA Plans – Hotel and Serviced Apartments L15 and L16	12.06.18
ARC-HSL-DD-1111	J1	GA Plans – Hotel and Serviced Apartments L17 and L18	12.06.18
ARC-HSL-DD-1112	J1	GA Plans – Hotel and Serviced Apartments L19 and L20	12.06.18
ARC-HSL-DD-1112.1	H	GA Plans – Hotel L21 and L22	27.03.19
ARC-HSL-DD-1112.2	I	GA Plans – Hotel L23 and L24	27.03.19
ARC-HSL-DD-1113	N	GA Plans – Roof	27.03.19
ARC-HSL-DD-1150	M	GA Elevations – Sheet 1	12.06.18
ARC-HSL-DD-1151	M	GA Elevations – Sheet 2	19.06.19

## CONSOLIDATED CONSENT

ARC-HSL-DD-1152	N	GA Elevations – Sheet 3	27.03.19
ARC-HSL-DD-1153	O	GA Elevations – Sheet 4	19.06.19
ARC-HSL-DD-1154	F	GA Elevations – Building 2	19.06.19
ARC-HSL-DD-1200	L1	GA Sections – Sheet 1	12.06.18
ARC-HSL-DD-1201	O	GA Sections – Sheet 2	27.03.19
ARC-HSL-DD-1202	M1	GA Sections – Sheet 3	12.06.18
ARC-HSL-DD-1203	M1	GA Sections – Sheet 4	12.06.18
ARC-HSL-DD-1204	P	GA Sections – Sheet 5	08.09.21
ARC-HSL-DD-1350	E	Section Details	23.10.17
ARC-HSL-DD-1930	F	Materials and Finishes Palette	23.10.17
ARC-HSL-DD-SK-018.1	B	Bicycle Parking and end-of-trip Class B Facility	12.04.17
ARC-HSL-DD-1950	F	Artist's Impression 1	23.10.17
ARC-HSL-DD-1951	F	Artist's Impression 1	23.10.17
ARC-HSL-DD-1952	F	Artist's Impression 1	23.10.17
ARC-HSL-DD-005.1	D	Schedule of Accommodation Hotel Rooms	23.10.17
ARC-HSL-DD-005.2	D	Schedule of Accommodation Serviced Apartments and Retail	23.10.17
SK-029	F	Loading Bay: Refuse Areas	05.04.18
SK-030	G	Refuse Areas Detail	05.04.18
<b>Public Domain / Landscape Drawings prepared by Aspect Studios</b>			
Drawing No.	Revision	Name of Plan	Date
12023-LDA01	H	Public Domain Context Plan	06.12.19
12023-S96 01	B	Public Domain Plan	06.12.19
12023-S96 02	B	Public Domain Sections	06.12.19
12023-LDA04	H	Playground Detail Plan	06.12.19
12023-S96-03	B	Eastern Public Domain	06.12.19
12023-LDA06	H	Public Domain Planting Plan	06.12.19
12023-LDA07	B	Public Domain -Northern Waterfront Interface	06.12.19
12023-LDA08	H	Public Domain Bike Parking Plan	December 2020
SK530		Eastern Pedestrian Clear Widths	23.01.20
<b>RMS Clearance Diagrams prepared by Hassell</b>			
Drawing No.	Revision	Name of Plan	Date
ARC-HSL-DD1070	N	Ground Floor Proposed Clearances to RMS Roadway Structures	08.09.21
ARC-HSL-DD1071	G	Podium Level Proposed Clearances to RMS Roadway Structures	26.03.18
ARC-HSL-DD1072	F	Hotel Level Proposed Clearances to RMS Roadway Structures	26.03.18
ARC-HSL-DD1073	H	Proposed Clearances to RMS Roadway Structures	26.03.18
ARC-HSL-DD1074	F	Temporary Construction Screen Clearances to RMS Roadway Structures	26.03.18

## CONSOLIDATED CONSENT

ARC-HSL-DA1075	H	Temporary Construction Screen Clearances to RMS Roadway Structures	26.03.18
ARC-HSL-DD1076	F	Upper Hotel Levels Cantilever over RMS Roadway	26.03.18
ARC-HSL-DD1077	F	Proposed Cantilever over RMS Roadway	23.10.17
<b>Signage Zone Plans</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
	H	Signage Matrix	17.08.20
SK026.1	B	Signage Types & Locations South Elevation	18.09.17
SK026.2	B	Signage Types & Locations East Elevation	18.09.17
SK026.3	D	Signage Types & Locations West Elevation	17.08.20
SK026.4	C	Signage Types & Locations North Elevation	11.09.19
SHF-DDA-7000-DA	C	SHFA Building Signage Locations	19.05.2022
<b>General Building Envelope Materials and Finishes Plans prepared by Hassell</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
	C	General Building Envelope Materials & Matrix	23.10.17
SK027.1	A	Materials and Finishes View from North-West	23.10.17
SK027.2	A	Materials and Finishes View from South-West	23.10.17
SK027.3	A	Materials and Finishes View from South-East	23.10.17
SK027.4	C1	Materials and Finishes View from North	20.10.17
<b>Architectural (or Design) Drawings prepared by Drew Dickson Architects</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
SHF-DDA-0100-DA	C	SHFA Building Site Plan	19.05.2022
SHF-DDA-1000-DA	B	SHFA Building L00 GA Plan	19.05.2022
SHF-DDA-1001-DA	B	SHFA Building L01 & L02 GA Plan	19.05.2022
SHF-DDA-2000-DA	B	SHFA Building Elevations	19.05.2022
SHF-DDA-3000-DA	B	SHFA Building Sections	19.05.2022
<b>Staging Plans prepared by Greaton</b>			
STG 001	A	Staging Plan	20.06.22
<b>Signage Detail Plans prepared by Corlette</b>			
N/A	A	W Hotel Sydney Signage Design Development	21.12.22

### Inconsistency between documents

- A3 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

### Limits of Approval

- A4 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.
- A5 This consent does not approve strata subdivision, fit-out and operation of the retail tenancies, hotel, serviced apartment, function and entertainment uses, and outdoor

## CONSOLIDATED CONSENT

seating. Separate approval/s for subdivision, fit-out and operation of the buildings and outdoor seating must be obtained for this development/use.

**A5A This consent does not approve the relocation of the Carousel and Organ within the public domain.**

### **Prescribed Conditions**

A6 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

### **Long Service Levy**

A7 Prior to the issue of the Construction Certificate for each stage of the development, a Long Service Levy is required to be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

### **Legal notices**

A8 Any advice or notice to the consent authority shall be served on the Secretary.

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## B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### Staging

B1 The development may be constructed in stages, as outlined within the RtS referred to in Condition A2(b). A Construction Certificate shall be obtained for each of the following stages:

- Stage 1** Early works: Site establishment and demolition of all the existing on-site structures including the IMAX Cinema building and associated retail/restaurants. Construction of piling and initial structure.
- Stage 2** Main building works: Construction of all on-site facilities including the main 25 storey building.

### Site Suitability - Contamination

B2 The following Contamination Assessments shall be prepared prior to any below ground works and the issue of a Construction Certificate for Stage 2:

- (a) a Phase 2 Contamination Assessment shall be prepared by an appropriately qualified consultant after demolition of all structures on the site in accordance with the recommendations of the Phase 1 Contamination Assessment and Preliminary Remediation Action Plan prepared by Douglas and Partners. The Assessment shall:
- i) provide comprehensive information on any contaminants present within the soil and groundwater on the site, including location, concentration, extent and leachability (if required);
  - ii) identify potential impacts on the environment and/or human health, including any off-site impacts;
  - iii) confirm the suitability of the site for the approved use; or
  - iv) provide sufficient information for the preparation of a Remedial Action Plan, which, upon successful implementation, would render the site suitable for the approved use; and
- (b) if required, a final Remedial Action Plan, which outlines the objectives and process to remediate the site, shall be prepared and be certified by an EPA- accredited site Auditor.

### Design Changes

**B3 Deleted under MOD 16.**

### Public Domain/Landscape Plan

B4 Prior to issue of the Construction Certificate for, **the public domain** public domain / landscaping plans and documentation are required to be endorsed by SHFA and submitted to the Secretary for approval, incorporating the following:

- (a) **full details of the design, materials and location of all outdoor furnishings, planters and playground structures**
- (b) materials and finishes which integrate with the SICEEP development and SHFA's palette of materials and finishes for Darling Harbour;
- (c) seating areas within close proximity of the new play space on the western public domain to allow casual surveillance opportunities for parents and carers;
- (d) finished surface levels of all pathways shall be graded, as necessary, to align seamlessly with the SICEEP, Darling Quarter and existing paving along Cockle Bay at the site boundaries;
- (e) drainage in accordance with Council's specifications.

### Noise Assessment

## CONSOLIDATED CONSENT

- B5 Prior to issue of a Construction Certificate for Stage 2, a detailed Noise Impact Assessment shall be prepared that provides an assessment of noise levels associated with internal and external noise sources including:
- (a) traffic noise from adjoining roadways;
  - (b) external noise within the tourist and entertainment precinct including majorevents; and
  - (c) future internal noise impacts associated with non-hotel/serviced apartment uses and mechanical plant.

The Noise Impact Assessment shall provide an assessment of internal acoustic amenity of the hotel and serviced apartment uses having regard to internal and external noise sources and if necessary provide specific recommendations to ensure an acceptable level of acoustic amenity is provided for the serviced apartment and hotel uses in accordance with the *NSW Industrial Noise Policy, Interim Guidelines for Development near Rail Corridors and Busy Roads* and relevant Australian Standards.

The Noise Impact Assessment and amended plans showing any required noise mitigation measures shall be submitted for the Secretary's approval.

### Wind Impacts

- B6 Prior to issue of a Construction Certificate for Stage 2, an updated wind assessment is required, including wind tunnel modelling, to demonstrate acceptable amenity levels for:
- (a) walking in all ground level areas throughout the public domain;
  - (b) standing at building entrances; and
  - (c) seating in all potential outdoor seating areas.

The wind assessment shall be updated to provide additional method(s)/treatments(s) to achieve the above comfort levels, if required. Should additional measures be required on the building facades, a statement from the architect shall be provided certifying that the mitigation measures have been integrated into the design of the building and maintain the integrity of the facades and overall building design.

The updated wind assessment, modelling, amended plans and architectural statement shall be submitted for the Secretary's approval.

- B7 Prior to issue of a Construction Certificate for Stage 2, a Wind Tunnel or Computational Fluid Dynamics (CFD) Study shall be submitted to the Department for endorsement. The Study shall be undertaken by an appropriately qualified environmental consultant and shall:
- (a) identify any impacts of the approved building on the CCTV stack plume behaviour and pollution levels at ground level; and
  - (b) provide recommended measures for the development to mitigate any identified impacts.

The Certifying Authority shall ensure that the construction certification for Stage 2 and associated works shall comply with any mitigation measures required by (b).

### Public Art Strategy

**B8 Deleted under MOD 17**

### Tree Retention

- B9 Prior to issue of a Construction Certificate for Stage 2, an Arborist report shall be prepared by an appropriately qualified Arborist including an assessment of the age, health, condition and significance of individual trees and recommendations for retention, relocation or



removal. The report shall provide details of measures to ensure the health of relocated trees and protection measures for all trees to be retained/relocated during construction.

Any recommendations of the Arborist Report are to be incorporated into the Stage 2 Construction Certificate drawings.

### Bicycle Facilities

B10 The following bicycle parking is to be provided:

- (a) a minimum of 32 bicycle parking spaces within the ground floor level of the podium;
- (b) a minimum of 120 visitor bicycle parking spaces shall be provided within the public domain
- (c) a minimum of 13 visitor bicycle parking spaces shall be provided off site within the public domain in consultation with Placemaking NSW in accordance with the recommendations contained in the final endorsed Darling Harbour Cycling Strategy. The 13 bicycle spaces must be installed within 6 months of the determination of MOD 17. Plans and details of the location(s) of the 13 visitor bicycling spaces shall be provided to the Planning Secretary within 2 weeks of their installation.

Plans/details are to be approved by the Certifying Authority prior to issue of a Construction Certificate for Stage 2.

B11 The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

- (a) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities; and
- (b) all bicycle parking for visitors of any land uses must be Class 3 or Class C bicycle rails.

Plans/details are to be approved by the Certifying Authority prior to issue of a Construction Certificate for Stage 2.

B12 A minimum of 7 shower facilities and 70 lockers for staff is required. The end of trip facilities should be designed in accordance with Austroads guidelines and AS 2890.3:2015. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction for Stage 2.

### Car Park and Service Vehicle Layout

B13 Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 2:

- (a) all vehicles should enter and leave the subject site in a forward direction;
- (b) parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004, AS2890.6 for accessible spaces and AS 2890.2-2002 for heavy vehicle usage;
- (c) appropriate pedestrian advisory signs are to be provided at the egress from parking areas;
- (d) all works/regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority; and
- (e) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Subject Site, as well as manoeuvrability through the Subject Site, shall be in accordance with AUSTROADS.



## Traffic

B14 Prior to the issue of a Construction Certificate for Stage 2, a traffic impact assessment shall be undertaken in consultation with TfNSW and RMS, and is to include the following:

- (a) an assessment of the two intersections at Shelly Street/Erskine Street and Erskine Street/Sussex Street; and
- (b) detailed analysis to ensure that vehicular queuing will not extend onto Harbour Street for the car stacker including surveys undertaken for hotel and function centre sites with similar levels of parking in the CBD compared to the proposed development to identify the mode share of taxi and pickup/drop off vehicles.

The recommendations of the assessment shall be endorsed by TfNSW and RMS, and included as part of the development. The assessment and relevant amended plans showing the recommendations of the assessment shall be submitted to the Certifying Authority for approval.

## Road Safety Audit – Harbour Street/Wheat Street

B15 A Stage 2 (Concept Design) Road Safety Audit shall be undertaken by RMS accredited independent auditors for the design and operation of vehicular access and services areas including the porte cochere, car stacker and loading areas. The Road Safety Audit Report shall be submitted to TfNSW and RMS for endorsement prior to issue of a Construction Certificate for Stage 2.

## Porte Cochere Swept Paths

B16 Prior to the issue of a Construction Certificate for Stage 2, swept path plans are required to be submitted to the TfNSW and RMS demonstrating that double parking against the drop-off/pick-up lanes in the porte cochere will not impede the movement of buses/coaches through the porte cochere and along Wheat Road. If double parking does impede bus/coach movements, the management and operational plan required by Condition B20 must preclude double parking.

## Vehicular Wayfinding Signage

B17 Prior to issue of a Construction Certificate for Stage 2, amended plans and documentation shall be endorsed by TfNSW and RMS, incorporating wayfinding signage and visual cues for vehicles approaching and within the porte cochere including:

- (a) directing service vehicles only to turn left off Harbour Street straight into the loading dock;
- (b) prohibiting non service vehicles from entering directly via the entry off Harbour Street;
- (c) directing general traffic towards the porte cochere; and
- (d) directing all service and non-service vehicles to exit north bound down Wheat Road.

## Driveway Crossover on Harbour Street/Wheat Road

B18 The driveway crossover on Harbour Street and Wheat Road shall be designed with continuous footpath paving ensuring that the surface treatment of driveway entrances is consistent with the adjoining footpath. This shall also include appropriate signage or visual cues to alert both pedestrians and vehicles of the interface between the footpath and driveway and may include a marked pedestrian crossing across the driveway entrance along the eastern edge of the building. Plan and details shall be endorsed by TfNSW and

RMS prior to issue of a Construction Certificate for Stage 2.

## **Car stacker**

- B19 The Applicant is to submit certification from the supplier of the car stacker facility that a minimum of 83 vehicles in an hour can be processed by the proposed car stacker/transfer cabins with disruptions caused by service vehicle movements at the entrance of the car stacker. Written certification is to be provided to the TfNSW and RMS prior to issue of the Construction Certificate for Stage 2.

## **Comprehensive Management and Operation Plan for the Car Stacker, Loading Dock, Valet Service, and Porte Cochere**

- B20 Prior to the issue of a Construction Certificate for Stage 2, a comprehensive detailed management and operation plan for the car stacker, loading dock, valet service and porte cochere is to be prepared in consultation with Council, TfNSW and RMS. The plan is required to include the following:

- (a) promotion of safe and efficient operation of the car stacker, loading dock, valet service and porte cochere to minimise disruption to traffic;
- (b) management of queuing along Harbour Street including the details of alternate parking locations and loading zones to redirect vehicles due to extensive queuing;
- (c) the proposed vehicle access arrangements and the coordination between the car stacker and the porte cochere activities to minimise queuing;
- (d) management of queuing along the access road as a result of any malfunction to the proposed car stacker;
- (e) detailed swept path analysis of the service vehicles accessing the porte cochere loading bays;
- (f) management of potential conflicts between cars accessing the stacker and service vehicles movements to/from loading bays;
- (g) management of potential conflicts between vehicles accessing the site and pedestrian movements in the precinct;
- (h) management of incidents at the access road to the car park and loading dock, access to the porte cochere, access to the car stacker and at the loading bays.
- (i) the location of vehicle stopping/parking area for valet parking vehicles, taxi and pick and drop off facilities;
- (j) details of valet service arrangement including between the car stacker and the porte cochere;
- (k) loading bay management details including:
  - i. allocation of loading bays;
  - ii. roles and responsibilities of the loading dock manager and security guard;
  - iii. scheduling of delivery times to be outside of peak periods where possible;
  - iv. controls on duration of stays;
  - v. controls on the placement of skips, pallets, etc.;
  - vi. procedures for tradesman access and parking;
  - vii. restriction of vehicles larger than 8.8m truck (Medium Rigid Vehicle) in the loading dock;
  - viii. operating times; and
  - ix. access routes.

The management and operation plan shall be endorsed by TfNSW and RMS prior to issue of a Construction Certificate for Stage 2.

## **Materials and Finishes**

- B21 Prior to the issue of a Construction Certificate for Stage 2, details of the final glazing to be installed on the main building shall be provided to the Certifying Authority. This shall include

## CONSOLIDATED CONSENT

certification of compliance that the glazing is able to achieve acoustic amenity, reflectivity, green star rating requirements as set out in the proposal and relevant reports.

Further the glazing shall achieve a level of permeability consistent with the photomontages and materials and finishes shown in the General Building Envelope Materials and Finishes plans prepared by Hassell approved in Condition A2.

- B22 The building materials used on the facades of the buildings shall be designed so as not to result in glare that threatens the safety of pedestrians or drivers, and have a maximum normal specular reflectivity of visible light of:

- (a) 15% on the northern and southern façade; and
- (b) 8% on the eastern and western ribbon façade.

A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 2.

### Water Quality and Site Management

- B23 Prior to issue of the Construction Certificate for Stage 1, a detailed Erosion and Sediment Control Plan for the project site shall be prepared in accordance with Landcom (2004) 'Soils and Construction,' and shall also address the water quality issues including water discharge during construction, location or design of sediment basins; the location of any proposed discharge points; the volume of water to be discharged and proposed frequency of discharges; the background water quality conditions of the receiving environment and an assessment of impacts on Cockle Bay, and specific treatment levels required.

### Pre-Construction Dilapidation Reports

- B24 The Applicant is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. This zone is to be defined as the horizontal distance from the edge of the excavation to twice the maximum excavation depth. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1. A copy of the report is to be forwarded to the Council and SHFA.

### Outdoor Lighting

- B25 All outdoor lighting within the site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

### Access for People with Disabilities

- B26 Prior to the issue of the Construction Certificate for Stage 2, detailed design documentation demonstrating compliance with the recommendations of the Disability Access Review Report [as amended by the access statement prepared by Morris Goding dated 2 June](#)

## CONSOLIDATED CONSENT

2017, the Access Statement prepared by Morris Goding dated July 2017 and the access statement prepared by Morris Goding dated 23 March 2018 submitted with the EIS shall be submitted. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate drawings.

### Structural Details

- B27 Prior to the issue of a Construction Certificate for Stage 2, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:
- (a) the relevant clauses of the BCA, and
  - (b) the development consent.

### Mechanical Ventilation

- B28 All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 2.

### Air Quality

- B29 The air intakes for all mechanical ventilation systems shall be situated below a height of 60 metres above ground level. The air intakes are to be positioned following further assessment on the most appropriate location using Computational Fluid Dynamics modelling prior to issue of a Construction Certificate for Stage 2.
- B30 No balconies, terraces or operable windows shall be incorporated within the building above a height of 60 metres above ground level **except for the open roof above Levels 22 and 23.**

### Storage and Handling of Waste

- B31 The building plans and specifications accompanying the Construction Certificate for Stage 2 shall demonstrate that an appropriate area within the waste storage rooms at the ground floor for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Requirements of City of Sydney Policy for Waste Minimisation in New Developments 2005 shall be met, including:
- (a) rendering all internal walls of the storage area to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
  - (b) provision for the separation and storage, in appropriate categories, of material suitable for recycling;
  - (c) provision for separate storage and collection of organic/food waste.

### Sydney Water Notice of Requirements

- B32 An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue of the Construction Certificate for Stage 2.

The Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

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

### **Installation of Dual-Flush or Vacuum Toilets**

- B33 All toilets installed within the development must be of water efficient design to ensure that the development meets the required minimum 3.0 star NABERS water rating. The details must be submitted for the approval of the Certifying Authority, prior to the issue of the Construction Certificate for Stage 2.

### **Installation of Water Efficient Taps**

- B34 All taps and shower heads installed must be water efficient to ensure that the development meets the required minimum 3.0 star NABERS water rating. The details are to be submitted for the approval of the Certifying Authority, prior to the issue of the Construction Certificate for Stage 2.

### **Installation of Water Efficient Urinals**

- B35 New urinal suites, urinals and urinal flushing control mechanisms must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).

Systems must include “smart controls” to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to the issue of the Construction Certificate for Stage 2.

### **Internal Lighting System**

- B36 The proposed internal lighting system for the main building must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non- working hours. Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate for Stage 2.

### **Sydney Water Stormwater Assets**

- B37 Prior to issue of the Construction Certificate for Stage 1, the Applicant is required to demonstrate that the development will not interfere with the operation of and accessibility to Sydney Water’s stormwater assets. The following documentation is to be provided Sydney Water for approval.
- (a) feasible options to deviate stormwater assets around the building, including engineering investigations, modelling and detailed concept design. *Note:* the alignment route must be reserved under Sydney Water on the title of the land prior to occupation of the building;
  - (b) a Stormwater Impacts Report from a qualified person with access to Sydney Water’s GIS Asset Database. *Note:* Sydney Water may impose further requirements upon review of the report; and



- (c) an investigation on the condition of the assets. *Note:* Sydney Water requires deviation or reconstruction of assets where:
  - i. Remaining life of the asset is less than the expected life of the structure;
  - ii. The structure intersects with the asset
  - iii. The type of asset is not suitable for building over

### Flooding

- B38 A 2D flood study with flood extents, velocities and depths for 5, 20 and 100 year storm events with provisional hydraulic and hazard categories (low and high) shall be submitted to Sydney Water for approval prior to issue of the Construction Certificate for Stage 1. This study shall include any necessary design elements or works to ensure that the local flood risks are suitably managed and mitigated.
- B39 Prior to issue of a Construction Certificate for Stage 2, the Applicant is to demonstrate to the satisfaction of Sydney Water that the development shall incorporate sufficient flood management elements to:
- (a) demonstrate a best practice approach to managing people and property in high flood hazard areas;
  - (b) ensure that flood risks to the community is not increased; and
  - (c) ensure that the development does not create any potential community expectation or demand for stormwater asset amplification to be undertaken by Sydney Water in the future.

### RMS Asset Requirements

- B40 No permanent infrastructure is to be constructed within two metres of the surface of any part of the Western Distributor structures. RMS Sydney Asset Manager is to be consulted prior to issue of a Construction Certificate for Stage 2 to ensure that appropriate clearances from the Western Distributor structures are provided to allow for access for inspection and maintenance of those structures.

*Note:* This consultation would also address any exceptional circumstances where the two-metre clearance cannot be provided.

- B41 Any activity that has the potential to affect an RMS maintained road and Western Distributor infrastructure, (which includes any support columns, footings or piers), shall be investigated for integrity and serviceability by a qualified practicing bridge structural and geotechnical engineer(s). These activities must comply with RMS Technical Direction (GTD 2012/001) – Excavation Adjacent to RMS Infrastructure. This will require the Applicant to submit geotechnical investigation reports, in ground structure design drawings to RMS for assessment prior to issue of a Construction Certificate for Stage 1. If any new structures or footings are proposed near or adjacent to the existing deep raked piles and other foundations associated with the Western Distributor piers, then RMS approval must be obtained at the preliminary and detailed design stages. A copy of this Technical Direction can be downloaded via the following link:  
<http://www.rta.nsw.gov.au/doingbusinesswithus/engineeringpolicies/technicaldirections.html>
- B42 The development is to be provided with fire protection and exhaust systems such that heat, smoke and exhaust from the proposed development do not endanger RMS structures and vehicles on the structure (a qualified Fire Engineer's Certificate is required). RMS Sydney Asset Manager is to be consulted prior to issue of a Construction Certificate for Stage 2 to ensure that the appropriate systems are incorporated as per the relevant Australian

Standards.

- B43 All external facades of the development shall be positioned / lined to have a reflectivity that ensures that motorists on the Western Distributor viaduct shall not be blinded or disabled from maintaining control of the vehicles being driven. To ensure compliance, assessment of the potential effects of the façade on the reflectivity and glare environment in the surrounding area is to be undertaken and submitted to RMS for review prior to the issue of a Construction Certificate for Stage 2.
- B44 The development is to be designed to prevent any falling object from impacting adversely onto the Western Distributor or members of the public from the development, during construction and in operation. Plans/details are to be approved by the Certifying Authority prior to issue of a Construction Certificate for Stage 1. Please also refer to Work Health & Safety (WHS) requirement guidelines which shall be provided upon request from RMS.
- B45 External facades should be designed to minimise damage from potential vandalism, including debris impacts from passing traffic. Plans/details are to be approved by the Certifying Authority prior to issue of a Construction Certificate for Stage 2.
- B46 In order for RMS to carry out maintenance and rehabilitation works on the Western Distributor, including the soffit of the bridge deck, access is required. As such, the relevant part of the structure of the development needs to be able to carry a working load of not less than 2.5kPa. Plans/details are to be approved by the Certifying Authority prior to issue of a Construction Certificate for Stage 1.
- B47 RMS require suitable protection screens to be installed in the building (where appropriate) to ensure that access is prevented between the Western Distributor and the development by vandals which may attempt to graffiti any part of the Western Distributor. Plans/details are to be approved by the Certifying Authority prior to issue of a Construction Certificate for Stage 2.
- B48 As some parts of the Western Distributor structure's columns/piers and the superstructure are within and in close proximity to the development, it is appropriate to carry out investigation and maintenance activities at the same time as the construction of the development. The maintenance activities will depend on the results of the investigation and would most likely involve applying a coating system to the bridge structure and/or cathodic protection to the bridge. This would benefit all parties, as this would reduce the need for future maintenance and associated inconveniences.
- The Applicant is to consult with RMS regarding any maintenance activities to the Western Distributor structures prior to issue of a Construction Certificate for Stage 1.
- B49 The Applicant will be required to enter into a Works Authorisation Deed (WAD) for the works associated with the development prior to issue of a Construction Certificate. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to RMS's assessment of any required detailed civil design plans.
- RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the Applicant prior to the commencement of works.
- B50 To address measures to be implemented to prevent queuing impacts on Harbour Street, the Applicant shall prepare an Emergency Site Access Management Plan and Site Access Management Plan which shall be submitted to RMS / Transport Management Centre (TMC) for review / comment prior to the issue of the Construction Certificate for Stage 2.

B51 A Construction Traffic Management and Access Plan should be prepared in consultation with RMS and Transport for NSW prior to the issue of a Construction Certificate for Stage 1 to address transport and access issues including the cumulative impacts of all projects below.

- (a) Barangaroo, now to at least 2020.
- (b) CBD & South East Light Rail, 2014/15 to 2020.
- (c) Central Park (former Carlton United Brewery), now to 2016.
- (d) Four Points by Sheraton, 2013 to 2015.
- (e) Sydney City Centre Bus Plan, 2014 to 2015.
- (f) Sydney Harbour Bridge Toll Plaza upgrade, now to 2015.
- (g) Sydney International Convention Exhibition & Entertainment Precinct, 2013 to 2020.
- (h) Wynyard Walk, now to 2015.

Note: Dates are indicative and are subject to confirmation with Project owners.

The report should demonstrate to the satisfaction of TfNSW / Council / RMS that the construction traffic associated with the development will not, further to the cumulative traffic impacts from the abovementioned sites, detrimentally impact key roads within and around the Sydney CBD.

B52 Prior to issue of a Construction Certificate for Stage 1, a Road Occupancy Licence (ROL) must be obtained from the TMC for any activity likely to impact on the operational efficiency of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. Proponents must allow a minimum of 10 working days for processing from date of receipt. Traffic Control Plans are to accompany each ROL application.

B53 The Applicant is to prepare and submit an Emergency Response Plan which includes standard operating procedures for managing construction, site emergencies / incidents to the RMS / Council / TMC for approval prior to the issue of a Construction Certificate for Stage 1.

B54 Prior to issue of a Construction Certificate for Stage 2, the Applicant must submit plans/details to the Certifying Authority that demonstrate that the proposed temporary gantry over Harbour Street and the supporting columns are designed to address the following matters:

- (a) Crash risk / protection.
- (b) Fire protection.
- (c) Lighting.
- (d) Adequate sight lines to traffic signal lanterns.
- (e) Working width sway envelope clearances.
- (f) 5.5m height clearance from the Harbour Street pavement.

**B55 The static LED sign in signage zone GEN-01 must be designed to comply with the following requirements:**

- (a) Luminance levels to be in accordance with the Transport Corridor Outdoor Advertising, Signage Guidelines 2017, and relevant Australian Standards**
- (b) Dwell times between displays are to comply with the Transport Corridor Outdoor Advertising, Signage Guidelines 2017, and relevant Australian Standards**
- (c) The images / content displayed on the sign is not to contain or use:**
  - i) Flashing or flickering lights or content**
  - ii) Animated displays, moving parts or simulated movement**
  - iii) Complex displays that hold a driver's attention beyond "glance"**



- iv) appreciation”  
Displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instruction to traffic for example, red, amber or green circles, octagons, crosses, triangle and words such as ‘stop’ or ‘halt’
- v) A method of illumination that distracts or dazzles
- vi) Dominant use of colours red or green

## **Pedestrian Management**

- B56 Prior to the issue of a Construction Certificate for Stage 2, a pedestrian capacity analysis shall be undertaken in consultation with SHFA and TfNSW and to be endorsed by TfNSW for:
- (a) pedestrian movements during weekends and special events when pedestrian volumes are higher; and
  - (b) north-east of the current IMAX building where the available width for pedestrians is reduced. Analysis of this location should be undertaken to ensure sufficient width is maintained.

## **Crime Prevention**

- B57 Prior to the issue of a Construction Certificate for Stage 2, the Applicant shall consult with NSW Police on any further crime prevention measures which may be implemented either as part of the building or within the public domain surrounding the building. Any additional measures identified by NSW Police shall be shown on the Construction Certificate plans and implemented prior to the issue of an Occupation Certificate.

## **Rail Services Search**

- B58 Prior to issue of a relevant Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services (eg. pipes and cables). Persons performing the services search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject site, the Applicant shall discuss with RailCorp as to whether these services are to be relocated or incorporated within the development site.

## **Archaeological Heritage**

- B59 An Archaeological Report shall be prepared including an assessment of the archaeological potential of the site and an appropriate mitigation strategy (eg. Archaeological monitoring) prior to or during works on the site.

The Archaeological Report shall be submitted for the approval of the Secretary, in consultation with the Heritage Council of NSW, prior to issue of a Construction Certificate for Stage 1.

- B60 Prior to issue of a Construction Certificate for Stage 1, an excavation permit, under Section 140 of the Heritage Act 1977 shall be obtained. A Section 140 application along with supporting information including an archaeological assessment report prepared by a qualified historical archaeologist (with demonstrated historic sites experience who can meet the Heritage Council's Excavation Director's Assessment Criteria) shall be submitted to the Heritage Council of NSW for approval.

Should substantial archaeological remains of State significance be uncovered during the archaeological investigation, amendments may be required to the building design to

facilitate in-situ conservation, interpretation and display. The Applicant shall liaise with the NSW Heritage Division on the outcomes for significant archaeological remains. Further advice, assessment and approval may be required before works continue in the area subject to the nature of the discovery.

The results of the archaeological fieldwork and the history of the site shall be used to inform an Interpretation Plan in line with an overall Interpretation Strategy for the broader precinct (including SICEEP) to guide the future incorporation of the findings from the works in communicating the significance of the site to future visitors. The Interpretation Plan shall be prepared in accordance with the guidelines issued by the Heritage Council of NSW. The Interpretation Plan shall be prepared for the approval of the Department (in consultation with the Heritage Division of the OEH) prior to issue of a Construction Certificate and implemented prior to issue of an Occupation Certificate.

### Heritage

#### **B61 Condition deleted in MOD 14**

### Acid Sulfate Soils

B62 Prior to issue of a Construction Certificate, an Acid Sulfate Soil Assessment and Management Plan in accordance with Acid Sulfate Soils Manual (Stone et al. 1998), is to be submitted to the Certifying Authority. The Plan shall include laboratory testing of soil samples.

### Utility Services

B63 Prior to the issue of a Construction Certificate for Stage 1, the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.

B64 Prior to the issue of a Construction Certificate for Stage 1, written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) indicating that satisfactory arrangements have been made to ensure provision of adequate services.

B65 Prior to the commencement of works, the Applicant shall:

- (a) enter into an Agreement to ensure Ausgrid's capacity to design, construct and operate existing and future infrastructure is not impeded, including works affecting easements, duct corridors, cable routes or works that require the removal or relocation of existing infrastructure (unless otherwise agreed in writing with Ausgrid);
- (b) confirm with Ausgrid the location and status (e.g. live, de-energised, isolated, abandoned) of existing Ausgrid infrastructure;
- (c) liaise with Ausgrid in relation to any aspects of the development that may impact or potentially impact Ausgrid's infrastructure or ability to safely operate and maintain its infrastructure. This includes but is not limited to effects of vibration, excavation, constructions works;
- (d) liaise with Ausgrid to determine the relocation of any existing infrastructure;
- (e) liaise with Ausgrid to agree appropriate work methodologies in the vicinity of Ausgrid's infrastructure; and
- (f) comply with the terms of the Agreement.

B66 Prior to issue of a Construction Certificate for Stage 2, the Applicant shall consult with Ausgrid on any structural or design measures which need to be taken to minimise any

## CONSOLIDATED CONSENT

associated risks for future building occupants in relation to Electromagnetic Field (EMF) Radiation and possible explosion/fire within the Ausgrid Central Zone Substation.

### External Walls and Cladding Flammability

**B67** The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of the relevant Construction Certificate and Occupation Certificate the Certifying Authority must:

- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

A copy of the documentation required under (b) must be provided to the Secretary within 7 days of being accepted by the Certifying Authority.

**B68** The wind assessment submitted to satisfy Condition B6 of SSD 7388 endorsed by the Secretary on 3 November 2017 shall be reviewed and updated to reflect the building as modified under SSD 7388 MOD 6.

Should additional mitigation measures be required on the building facades, a statement from the architect shall be provided certifying that the mitigation measures have been integrated into the design of the building and maintain the integrity of the facades and overall building design.

The updated wind assessment, modelling, amended plans and architectural statement shall be submitted for the Secretary's approval.

### Flood levels

**B69** Prior to issue of a Construction Certificate for the Property NSW building, details shall be submitted to the Certifying Authority demonstrating that the design of the Property NSW building and public domain area is consistent with the required flood planning levels and comply with the City of Sydney Interim Flood Management Policy.

## C PRIOR TO COMMENCEMENT OF WORKS

### Certified Plans

- C1 Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

### Demolition

- C2 The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of any demolitions.

### Notice of Commencement of Works

- C3 The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of building works on the Subject Site.

### Construction Environmental Management Plan

- C4 Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be prepared in consultation with SHFA and submitted to the Certifying Authority. The CEMP shall be informed by the Construction Management Plan submitted with the EIS. The Plan shall address, but not be limited to, the following matters where relevant:
- (a) hours of work;
  - (b) 24 hour contact details of site manager;
  - (c) traffic management, in consultation with TfNSW and Council;
  - (d) construction noise and vibration management, prepared by a suitably qualified person;
  - (e) management of dust to protect the amenity of the neighbourhood;
  - (f) erosion and sediment control;
  - (g) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
  - (h) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;
  - (i) flora and fauna management;
  - (j) works in accordance with the Remedial Works Plan submitted with the EIS;
  - (k) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works; and
  - (l) incorporation of all acoustic management and treatment in accordance with the recommendations of the supplementary acoustic report prepared by Acoustic Logic and submitted with the RfS.

The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

The Applicant shall submit a copy of the CEMP to the Department, SHFA and the Council, prior to commencement of work.

## Construction Noise and Vibration

C5 Prior to the commencement of construction activities, a detailed Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The Plan shall include, but not be limited to:

- (a) Identification of each work area, site compound and access route (both private and public);
- (b) Identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;
- (c) Identification of all potentially affected sensitive receivers;
- (d) The construction noise objectives identified in accordance with the *Interim Construction Noise Guidelines* (DECC 2009);
- (e) Assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d);
- (f) Where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
- (g) Description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers;
- (h) Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
- (i) Measures to monitor noise performance and respond to complaints.

The CNVMP should also include demolition methods that do not require the use of rock breakers or other similar high noise generating equipment, such as rock (or concrete) splitting of building sections for transport and break up off site, unless not feasible and reasonable. Where rock breakers or other high noise generating equipment are to be used such that the appropriate criteria are exceeded, the hours of operation for high noise generating equipment must include respite periods.

C6 Prior to the commencement of construction and operation activities, the Applicant must develop a Traffic Noise Management Strategy (TNMS), to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not necessarily limited to the following:

- (a) driver training to avoid noisy practices such as the use of compression engine brakes near sensitive receivers, slamming or banging of tailgates / truck doors, loud radios or shouting during the night period;
- (b) best noise practice in the selection and maintenance of vehicle fleets;
- (c) movement scheduling where practicable to reduce impacts during sensitive times of the day;
- (d) design of the site layout and heavy vehicle movement paths so as to, as much as practicable, maximise forward movements and minimise reversing (to minimise potential impacts from reversing beepers);
- (e) implementation, as much as possible, of alternatives to tonal movement alarms ("reversing beepers") such as non-tonal reversing alarms, reversing cameras and/or proximity alarms;
- (f) appropriate speed restrictions on light and heavy vehicles to minimise noise impacts;
- (g) communication and management strategies for non licensee/ Applicant owned and operated vehicles to ensure the provisions of the TNMS are implemented;
- (h) a system of audited management practices that identifies non conformances,

## CONSOLIDATED CONSENT

initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the TNMS;

- (i) specific procedures for drivers to minimise impacts at identified sensitive receivers; and
- (j) clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of disciplinary actions for breaches of the procedures.

### Waste Management Plan during construction

C7 Prior to the commencement of any works on the Subject Site, a detailed Construction Waste Management Plan prepared by a suitably qualified person, in consultation with SHFA, shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (a) Recycling of demolition materials including concrete; and
- (b) Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

The Applicant shall submit a copy of the Plan to the Department, SHFA and the Council, prior to commencement of work.

- C8 Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- C9 The Applicant must notify the RMS Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

### Construction Traffic & Pedestrian Management Plan

C10 Prior to the commencement of any works on the Subject Site, a Construction Traffic and Pedestrian Management Plan prepared by a suitably qualified person in consultation with SHFA shall be submitted to the Certifying Authority. The Plan must be prepared in consultation with the Council, the RMS, and the CBD Coordination Office and Transport Management Centre. The Plan shall address, but not be limited to, the following matters:

- (a) ingress and egress of vehicles to the Subject Site,
- (b) loading and unloading, including construction zones,
- (c) predicted traffic volumes, types and routes, and
- (d) pedestrian and traffic management methods.

The Applicant shall submit a copy of the final Plan to the Council, prior to the commencement of work.

### Heritage

C11 A detailed condition assessment and schedule of conservation works for the Sewage Pumping Station No. 12 shall be submitted to the Department prior to commencement of works. The conservation works shall be implemented prior to issue of an Occupation Certificate.

C12 A specialist heritage manager and an archaeological consultant shall be nominated for the



## CONSOLIDATED CONSENT

works. The consultants shall have appropriate qualifications and experience commensurate with the scope of the works. The name and experience of these consultants shall be submitted to the Heritage Council for approval prior to the commencement of works.

The heritage consultants shall advise on the detail design resolution of the new works and manage the implementation of the conditions of consent for the development.

A report by the heritage manager (illustrated by works photographs) shall be submitted to the Heritage Council for approval within 6 months of the completion of works which described the work, any impacts/damage and corrective works carried out.

- C13 All construction contractors, subcontractors and personnel are to be inducted and informed by the nominated archaeological consultant prior to commencing work on site as to their obligations and requirements in relation to historical archaeological sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW.
- C14 All affected potential historical archaeological 'relics' and/or deposits of local and State significance are to be subject to professional archaeological excavation and/or recording before construction works commence which will impact those 'relics'. A Research Design including an Archaeological Excavation Methodology must be prepared in accordance with Heritage Council' guidelines.
- C15 After any archaeological works have been undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, Council and the Department. The Applicant shall also nominate a repository for the relics salvaged from any historical archaeological excavations.

### **C16 Condition deleted in MOD 14**

#### **Updated Construction Traffic & Pedestrian Management Plan**

- C17 Prior to the commencement of works for the Public Domain and the Property NSW building, the Construction Traffic & Pedestrian Management Plan required under Condition C10 shall be updated to include any changes to the construction methodology which have the potential to impact on the general traffic and bus operation within the CBD. The updated plan shall be submitted to the Certifying Authority for approval.**

**D DURING CONSTRUCTION**

**Hours of Work**

D1 All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out:

- (a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive; and
- (b) between 7:00 am and 5:00 pm, Saturdays; and
- (c) no work is to be undertaken on Sundays and public holidays; and
- (d) works may be undertaken outside these hours where:
  - i) it is required by a major works authorisation deed executed with the RMS; or
  - ii) the delivery of materials is required outside these hours by the Police or other authorities; or
  - iii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
  - iv) variation is approved in advance in writing by the Secretary
  - v) **works are carried out during the following hours ('the extended hours of construction'), subject to the requirements of Condition D1A:**
    - 1. **between 6:00 am and 7:00 am Monday to Saturday**
    - 2. **between 7:00 pm and 12 midnight Monday to Friday**
    - 3. **between 5:00 pm and 12 midnight Saturday.**

**D1A During the extended hours of construction outlined in Condition D1(d)(v), the following requirements must be met:**

- a) **works shall be undertaken in accordance with the Acoustic Assessment prepared by Acoustic Logic, titled *Extended Hours Construction Noise Assessment Revision 4* and dated 24/10/17**
- b) **no deliveries of materials to the site or collection of materials or waste from the site are to be made**
- c) **construction works shall exclude the use of high noise generating appliances, including the following tools:**
  - i) **hydraulic/nematic hammers**
  - ii) **angle grinders**
  - iii) **concrete saws and rock saws**
  - iv) **any other tools that generates a noise level equal to, or louder than, any of the above listed tools**
- d) **all workers are to be appraised of the following requirements, and the builder is to ensure the following practices are adhered to:**
  - i) **access to the site during the extended hours is restricted to the site personnel only**
  - ii) **workers entering or exiting the site after 7:00 pm are to take care not to speak in raised voices, talk on mobile phones, use any radio including car radio, cause noise disturbance through the transportation of tools or other activity**
- e) **all construction works shall be carried out in accordance with the requirements of Conditions C5, C6, D20 to D25.**

**D1B If investigation of complaint(s), through appropriate noise testing, establishes that offensive noise has occurred or works have been carried out during the extended construction hours outlined in Condition D1(d)(v) in breach of conditions of approval, and the complaint is justified, then the Department may require by notice to the Applicant, owner or developer, that the construction**



## CONSOLIDATED CONSENT

hours be restricted or revert to the approved construction hours of the original consent.

- D2 Internal works may be undertaken outside of the approved **extended** hours of **construction** outlined in Condition D1 **(d)(v)**, only after the completion of the external shell and the sealing of the entire floor, during the following hours:
- a) between **12 midnight** and 7:00 am, Mondays to Fridays inclusive; and
  - b) between **12 midnight** and 7:00 am, Saturdays, subject to:
  - c) no works are to be undertaken externally without the prior consent from the Secretary;
  - d) no material delivery or removal of waste must take place during the extended hours; and
  - e) approval is not given for the use of any high noise intrusive plant and equipment other than hand operated power tools.

### Remediation

- D3 Remediation of the site, if required, shall be undertaken in accordance with the preliminary Remedial Action Plan submitted with the RtS referred to in Condition A2(b) and the Phase 2 Contamination report prepared as part of Condition B2.

### Western Distributor

- D4 The Applicant is to ensure that the Western Distributor structure and substructure are adequately protected during demolition.
- D5 The Applicant must ensure that the proposed crane does not carry any "loads" over / above the Western Distributor.

### Lighting of Site during Construction

- D6 The intensity of lighting of the site, the hours of illumination and the location of the lighting must not cause objectionable glare or injury to the amenity of the neighbourhood. If in the opinion of the Certifying Authority or the Secretary, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury.

### Erosion and Sediment Control

- D7 All erosion and sediment control measures, are to 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 has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### Acid Sulfate Soils

- D8 All works during construction shall comply with the Acid Sulfate Soils Management Plan. All water discharge is to comply with section 120 of the Protection of Environment Operations Act 1997 is appropriate.

### Waste Disposal

- D9 All waste generated on site must be classified and disposed of in accordance with the Waste Classification Guidelines (DECC 2008).

### Disposal of Seepage and Stormwater

- D10 Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council (in relation to any drains it manages) or SHFA (in relation to any drains it manages).

### Approved Plans to be On-site

- D11 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

### Site Notice

- D12 A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.

The notice(s) is to satisfy all but not be limited to, the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

### Utilities

- D13 During works within the development site, the Applicant shall ensure the work in the vicinity of Ausgrid's underground infrastructure, is undertaken in accordance with Ausgrid's Network Standard NS156 – Working Near or Around Underground Cables.
- D14 The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.
- D15 The relocation of any TfNSW services or infrastructure are to be at the Applicant's cost and to TfNSW requirements and standards.
- D16 All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW or RMS.

### Protection of Trees

- D17 No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from the relevant Authority is obtained or is required in an emergency to avoid the loss of life or damage to property.
- D18 All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of the relevant Authority.

- D19 All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

### Construction Noise Management

- D20 The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan, approved by the Secretary.
- D21 All feasible and reasonable noise mitigation measures shall be implemented and any activities that have the potential for noise emissions that exceed the above criteria must be identified and managed in accordance with a Construction Noise and Vibration Management Plan.
- D22 If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- D23 Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- D24 Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the Subject Site.
- D25 All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

### Vibration Criteria

- D26 Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
- (a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
  - (b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
  - (c) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
  - (d) These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Director-General.

### Work Cover Requirements

- D27 To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

## Hoarding Requirements

D28 The following hoarding requirements shall be complied with:

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

## Road Occupancy License

D29 A Road Occupancy Licence (ROL) must be obtained from the TMC for any activity likely to impact on the operational efficiency of the road network.

## Archaeology

D30 Prior to the commencement of the proposed works, all contractors and relevant personnel involved must be made aware of the existence of potential and historical archaeological remains at the site by way of an induction process to be undertaken by a nominated archaeologist. The induction must also make the personnel aware of the possibility that as yet unidentified archaeological remains may still exist and of the requirements of S146 of the Heritage Act 1977 in relation to archaeological relics in the event that they are uncovered.

D31 Where substantial intact archaeological relics of State or local significance are discovered during excavation, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the Heritage Act 1977. Depending on the nature of the discovery, additional assessment may be required prior to the recommencement of excavation in the affected area.

D32 If intact archaeological relics or deposits are uncovered then an archaeological Excavation Director must be engaged to undertake archaeological monitoring of the excavation works associated with the project and an archaeological salvage program as necessary. A methodology and archaeological Research Design should be prepared to guide such investigations and should be provided for the approval of the NSW Heritage Council or its Delegate ahead of commencement of any archaeological monitoring program. The nominated Excavation Director must meet the NSW Heritage Council Criteria for Excavation Directors.

D33 After any archaeological works have been undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, Council, SHFA, and the Department of Planning & Environment. The Applicant shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations. The final excavation report shall include the following:

- (a) An executive summary of the archaeological programme;
- (b) Due credit to the client paying for the excavation, on the title page;
- (c) An accurate site location and site plan (with scale and north arrow);
- (d) Historical research, references, and bibliography;
- (e) Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
- (f) Nominated repository for the items;
- (g) Detailed response to research questions (at minimum those stated in the Department of

## CONSOLIDATED CONSENT

- Planning & Infrastructure approved Research Design);
- (h) Conclusions from the archaeological programme. This information must include an assessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the Site and other Comparative Site Types and recommendations for the future management of the site; and
  - (i) Details of how this information about the excavations have been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the sites).

### Discovery of Aboriginal Heritage

D34 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

### Utility Requirements

D35 Work in the vicinity of Ausgrid's underground infrastructure must undertaken in accordance with Ausgrid's Network Standard NS156 – Working Near or Around Underground Cables.

## E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### Site Suitability - Remediation

E1 Upon completion of any required remediation works on the Subject Site, **and prior to the issue of an Occupation Certificate for each of SP 1A, SP 1B, SP 2A, SP 2B and SP3,** the Applicant shall submit a site audit report and site audit statement **for each corresponding separable portion,** prepared by a site auditor. The site audit reports and site audit statements must verify that the land is suitable for the proposed uses.

**E1A Prior to commencement of occupation or use of the whole or any part of the approved development, an Occupation Certificate must be obtained from the Certifier. Occupation Certificates for The Ribbon may be staged, in accordance with the Separable Portions (SP) shown on the Staging Plan STG 001 dated 20.06.22 prepared by Greaton, as follows:**

- **SP 1A: The main 25 storey building**
- **SP 1B: The public domain surrounding the main 25 storey building**
- **SP 2A: The public domain to the west of the main 25 storey building and 2 storey building**
- **SP 2B: The public domain to the northwest of the main 25 storey building**
- **SP 3: The 2 storey Property NSW building.**

**E1B. Notwithstanding the issue of an Occupation Certificate for SP 1A, the Applicant must not accept any guests to the hotel or serviced apartments of the development or allow any trading from the retail stratum, with the exception of staff access for the purpose of a staff bump-in period in preparation of opening, until all public domain and access works in SP 1B have been completed.**

**E1C. The Applicant must notify the consent authority a minimum of two days before the commencement of use of the IMAX theatre, hotel and serviced apartments for guests and the Property NSW building through the Major Projects Planning Portal.**

### Public domain works

E2 Public domain works within the zone of influence including connections to adjacent sites are to be completed to the satisfaction of SHFA prior to issue of the final Occupation Certificate.

### Signage Zones

E3 **A signage strategy, prepared in consultation with Council, shall be submitted to the Secretary for approval prior to the erection of any signs on the building. The strategy shall identify the principles guiding the design, content and illumination of all signage within the approved signage zones and be used to guide the future signage on the building. The strategy is to set out how any illumination will not adversely impact the character of the public domain and amenity of surrounding sensitive receivers.**

**The strategy is to include details of the final signage design, content and illumination (if proposed) within the approved signage zones. All signage within zones CIN-05 and GEN-01 is to demonstrate compliance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 and relevant Australian Standards.**

**The Strategy is to ensure signs in RET-07, RET-08 and RET-09 are restricted to four projecting wall signs of scale and design similar to the details shown on plan**



## CONSOLIDATED CONSENT

SHF-DDA-7000-DA Rev B and that the signs do not encroach into the clearance zones for any TfNSW infrastructure.

### Stormwater

- E4 Prior to issue of an Occupation Certificate for SP 1A, SP1B, SP 2A, SP 2B and SP 3, certification shall be provided from a qualified engineer that the stormwater quality requirements of Sydney Development Control Plan 2012 have been met for the works within that separable portion.

### Registration of Easements

- E5 Prior to the issue the final Occupation Certificate, the Applicant shall provide to the Certifying Authority evidence that 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 and Property Information.

### Restriction of Residential Use

- E6 A restrictive covenant is to be registered on the title of the development site prohibiting residential use and any change of use for residential use on the site as defined in Sydney Local Environmental Plan 2012.

The covenant is to be registered on title prior to the issue of the Occupation Certificate for SP 1A, to the satisfaction of the Secretary. All costs of the preparation and registration of all associated documentation are to be borne by the Applicant.

### Ecologically Sustainable Development Ratings

- E7 The development shall target the following Ecologically Sustainable Development ratings:

- 5-Star Green Star - Design and As-Built v1 rating;
- 4.0-4.5-Star NABERS Energy rating for the hotel; and
- 3.0-3.5-Star NABERS Water rating for the hotel.

Certification is to be provided to the Certifying Authority (with a copy supplied to the Department) by the Green Building Council of Australia, indicating that the development achieves the following minimum green building ratings:

- (a) 5 star Green Star – Design and As-Built v1 within 24 months of the issue of the final Occupation Certificate.
- (b) 4.0 star NABERS Energy base building rating within 24 months of the issue of the final Occupation Certificate; and
- (c) 3.0 star NABERS Water rating within 24 months of the issue of the final Occupation Certificate.

### Reflectivity

- E8 Prior to the issue of the Occupation Certificate for SP 1A, certification from a suitably qualified person shall be submitted to the Certifying Authority confirming the facades of the building have a maximum normal specular reflectivity of visible light of:
- i) 15% on the northern and southern façade; and
  - ii) 8% on the eastern and western ribbon façade.

and shall be designed so as not to result in glare that threatens the safety of pedestrians or drivers.

## Noise

- E9 Prior to the issue of the Occupation Certificate **for SP 1A**, certification from a suitably qualified person shall be submitted to the Certifying Authority confirming the development complies with the recommendations of the noise impact assessment prepared by Acoustic Logic dated 21 December 2015 and the noise impact assessment required as part of Condition **B5**.

## Loading Dock

- E11 Prior to the issue of an Occupation Certificate, **for SP 1A**, evidence shall be submitted to the Certifying Authority that a commercial agreement has been entered into with the relevant tenants/occupiers of the building prohibiting vehicles larger than 8.8m truck (Medium Rigid Vehicle) from using the loading dock.

## Mechanical Ventilation

- E12 Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority, prior to the issue of the Occupation Certificate **for SP 1A and SP 3**, that the installation and performance of the mechanical systems complies with:
- (a) The Building Code of Australia;
  - (b) Australian Standard AS1668 and other relevant codes;
  - (c) The development consent and any relevant modifications; and
  - (d) Any dispensation granted by the New South Wales Fire Brigade.

## Road Damage

- E13 The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the Applicant/developer prior to the issue of the final Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, the relevant authority will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

## Sydney Water Compliance

- E14 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation **for SP 1A and SP3**. Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance. The Section 73 Certificate must be submitted to the Certifying Authority prior to issue of the **final** occupation certificate.

## Post-construction Dilapidation Report

- E15 Prior to the issue the final Occupation Certificate:
- (a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
  - (b) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:



## CONSOLIDATED CONSENT

- i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions;
  - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) A copy of this report is to be forwarded to the Council.

### Fire Safety Certification

E16 Prior to the issue the Occupation Certificate **for SP 1A and SP 3**, a Fire Safety Certificate shall be obtained for all the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council and be prominently displayed in the building.

### Structural Inspection Certificate

E17 A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of the Occupation Certificate **for SP 1A and SP 3**. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- (a) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.
- (b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### Green Travel Plan

E18 A Green Travel Plan and transport access guide shall be prepared and submitted to the Certifying Authority prior to the issue of the final Occupation Certificate.

### Waste Management

E19 Prior to the issue of the Occupation Certificate **for SP 1A and SP 3**, a detailed Waste Management Plan for operation of the site shall be submitted to the Certifying Authority.

### Heritage

E20 Certification shall be provided by an appropriately qualified Heritage Consultant that conservation works to the Sewerage Pumping Station No, 12, as outlined within the schedule of conservation works, have been completed prior to issue of an Occupation Certificate.

E21 **Condition deleted in MOD 16.**

### Operational Plan of Management

**E22 Prior to commencement of any use or operation of the site, a final plan of management must be prepared in consultation with Council and submitted via the NSW Planning Portal to, and approved by, the Planning Secretary.**

**The plan must include as a minimum:**

- (a) compliance with all other operational conditions of this consent**
- (b) an overview of the organisation/owner/operator of the site**
- (c) the matters listed in Schedule 3.2 - Plan of Management Requirements of the City of Sydney Development Control Plan 2012**
- (d) operational details in accordance with any liquor license approved for the development**

## CONSOLIDATED CONSENT

- (e) safety and security measures for patrons
- (f) patron management practices to ensure patron limits within the level 22 and 23 swimming pool and bar outlined in Condition F15 are enforced
- (g) noise management practices including:
  - i) the noise management framework for the development, including details of live performances
  - ii) details of all noise and vibration management and attenuation measures, including any monitoring or volume limiting measures/devices and collection of noise data related to the operation of the premises
  - iii) details of actions that would be taken to manage noise
  - iv) details of the complaints handling procedure, including maintaining a complaints register, management and handling procedures and resolution of substantiated complaints
  - v) the location of external speakers that are permitted within covered area only on levels 22 and 23 and their maximum sound pressure levels in accordance with condition F9(1).

### Operational Plan of Management Prior to Operation of Level 22 and 23

- E23** The use of the Level 22 and 23 swimming pool and bar area shall not commence until a final plan of management relating to the area is approved by the Secretary.

### Notice of Commencement of Level 22 and 23 rooftop area

- E24** The Applicant shall give written notice of the commencement of use of the level 22 and 23 rooftop swimming pool and bar area to the Department via the NSW Planning Portal and Council.

## F POST OCCUPATION

### Prohibition of Residential Use

- F1 The hotel and serviced apartments of the main building must be used as hotel and serviced apartments accommodation only, and not for permanent residential purposes or any other use.

### Prohibition of outdoor seating to the southwest

- F2 No outdoor seating **forward of the building line** is permitted within the public domain fronting tenancies of the two-storey building located south west of the site.

### Operable Roof Louvres

#### F3 Deleted in MOD 7

### Loading and Unloading

- F4 All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the subject site at all times.

### Unobstructed Driveways and Parking Areas

- F5 All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

### Public Way to be Unobstructed

- F6 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### External Lighting

- F7 External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

### GEN-01 Static LED Sign

- F8 No third party advertising is permitted for the **static LED sign in signage zone GEN- 01 and the screen must operate at all times in accordance with the requirements of Condition B55.**

### Noise

- F9 The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:
- (a) The LAeq, 15 minute noise level emitted from the use must not exceed the background noise level LA90, 15 minute by more than 5dB when assessed at the boundary of any affected residence;
  - (b) The LAeq, 15 minute noise level shall be adjusted for modifying factors in accordance with Appendix 2 of the Noise Guide For Local Government published

by DECCW.

- (c) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise; and
- (d) The use of the premises shall be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected residence.

- F9(1) All speakers within the level 22 and 23 swimming pool and bar area are to be located within covered areas and their sound pressure levels must not exceed the levels specified below for 10% of the time over any given 15- minute period for an initial 12-month trial period starting from the commencement of its use:**
- (a) Between 7am and Midnight: 90 dB(A) L10 when measured at 3m distance from speakers**
  - (b) Between Midnight and 7am: 80 dB(A) L10 when measured at 3m distance from speakers.**

**Following the 12-month trial period, the sound pressure levels shall revert to:**

- (c) between 7 am and midnight: 80 dB(A) L10 when measured at 3m distance from speakers**
- (d) between midnight and 7 am: 65 dB(A) L10 when measured at 3m distance from speakers.**

- F9(2) Notwithstanding Condition F9(1), the noise from the premise, including the external speakers in the level 22 and 23 swimming pool and bar area, shall be adjusted as necessary to ensure the operation of the development is inaudible from within any habitable room in any residential use between midnight and 7am.**

- F9(3) The Applicant shall provide evidence of the appointment of an appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants to the Planning Secretary within two months of the approval of SSD-7388 MOD 15 or prior to the occupation of the level 22 and 23 swimming pool and bar area, whichever is the sooner.**

**The appointed acoustic consultant must undertake noise monitoring during the first three months of operation as follows:**

- Noise measurements must be taken on at least three different occasions on three different days of the week (excluding Monday - Wednesday) within the first three months of operation, to determine if noise levels from the use of the level 22 and 23 swimming pool and bar area, including its external speakers, complies with noise requirements under Conditions F9, F9(1) and F10.**
- Measurements must include those concurrently taken from:**
  - within a habitable room at the nearest residential receiver to determine compliance with Condition F9(2)**
  - within a nearby commercial premises to determine compliance with Condition F10.**

## CONSOLIDATED CONSENT

A report documenting the noise measurements, compliance with Conditions F9, F9(1), F9(2) and F10 and any recommendations or necessary changes to the management and use of the level 22 and 23 swimming pool and bar area shall be submitted to the Department within four months of the commencement of occupation of the swimming pool and bar area.

If the noise measurements identify any non-compliance, the acoustic consultant shall propose and the Applicant must implement further mitigation and management measures to the Secretary's satisfaction.

- F10 An LAeq, 15 minute noise level emitted from the use must not exceed the LA90, 15 minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any commercial premises provided that;
- (a) The LAeq, 15 minute noise level and the LA90, 15 minute noise level shall both be measured with all external doors and windows of the retail premises closed;
  - (b) The LA90, 15 minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including air conditioning equipment) normally servicing the commercial premises operating;
  - (c) The use of the premises shall be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected residence;
  - (d) In this clause, the term "noise level emitted from the use" means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq, 15 minute when the use is not in operation; and
  - (e) In circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15 minute noise level measured in the absence of all noise from the site.

### Wayfinding and Signage

- F11 The hotel and serviced apartment operator shall implement wayfinding strategies and travel access guides in consultation with SHFA and TfNSW to assist with the increasing mode share of walking and cycling. This shall include signage to other destinations external to the site including transport nodes and tourist destinations. The strategy shall be consistent with SICEEP Wayfinding and Signage Guidelines.

### Pedestrian Footpaths

- F12 Six months after occupation of the development, the Applicant shall undertake an assessment of the capacity of existing footpaths at intersections along Bathurst Street and Druitt Street (west of George Street) and consult with RMS to determine whether any operational adjustments to pedestrian crossings are necessary (e.g. adjusting traffic signal cycle times).

### Review of the Comprehensive Management and Operation Plan for the Car Stacker, Loading Dock, Valet Service and Porte Cochere

- F13 The Comprehensive Management and Operation Plan for the Car Stacker, Loading Dock, Valet Service and Porte Cochere (required in Condition B20) shall be reviewed in consultation with Council, RMS and TfNSW, at 12 months and 36 months after

## CONSOLIDATED CONSENT

occupation of the development. The review is to consider whether any amendments are required to the plan to ensure efficient and safe management of the development to mitigate any adverse impacts to traffic on Harbour Street or pedestrian safety, or if any additional measures are required. The findings of each review and any amendments to the plan shall be submitted to the Secretary for approval.

- F14 Future signage within signage zones CIN-03, CIN-05 and CIN-07 must relate solely to content showing at the IMAX cinema.**

**No third part advertising is permitted within any signage zones.**

**Use of the level 22 and 23 swimming pool and bar area**

- F15 For an initial 12-month trial period starting from the commencement of its use, the level 22 and 23 swimming pool and bar area is restricted to hotel guests only after 2am on Sunday and Saturday mornings or midnight on all other days and total patron numbers restricted as follows:**

<i>Time</i>	<i>Day</i>	<i>Patron Limit</i>
7 am to midnight	Mon – Fri	300
midnight to 7 am	Mon – Fri	200 (hotel guests only)
7 am to midnight	Sat – Sun	300
midnight to 2 am	Sat – Sun mornings	300
2 am to 7 am	Sat – Sun mornings	200 (hotel guests only)

**Following this 12-month trial period, the hours of operation and total patron numbers are restricted to:**

<i>Time</i>	<i>Day</i>	<i>Patron Limit</i>
7 am to midnight	Mon – Sun	300
Midnight to 7 am	Mon – Sun	200 (hotel guests only)

- F16 Noise levels at levels 22 and 23 shall be managed in accordance with the recommendations of the Noise Impact assessment prepared by Acoustic Logic and dated 15 May 2019.**
- F17 Air Quality monitoring, safety and evacuation procedures are to be undertaken in accordance with the recommendations of the Air Quality Assessment prepared by ERM and dated 3 September 2019, the letter from ERM dated 25 March 2019, and the Ribbon Hotel Plan of Management Revision 7 dated November 2021.**
- F18 Instrument calibration records from the air quality monitoring equipment located at levels 22 and 23 are to be made available to the operator of the Cross-City Tunnel on a quarterly basis**

### **Additional offsite bicycle parking**

- F19. The following bike parking requirements are to be provided:**
- a. a minimum of 43 visitor bicycle parking spaces shall be delivered by Place Management NSW (or their successor).**
  - b. The spaces are to be delivered in accordance with the final endorsed Darling Harbour Cycling Strategy.**
  - a. The spaces must be installed within 5 years of the determination of MOD 17. Plans and details of the location(s) of the spaces shall be provided to the Planning Secretary within 2 weeks of their installation.**



## ADVISORY NOTES

### Appeals

- AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

### Other Approvals and Permits

- AN2 The Applicant shall apply to the relevant authority for any necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, after hours works and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
- AN3 A separate development application is required for fit out of individual commercial and retail tenancies within the development, except where shown on the approved plans or can be undertaken as exempt or complying development in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

### Responsibility for other consents / agreements

- AN4 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### Temporary Structures

- AN5 An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- AN6 Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

### Disability Discrimination Act

- AN7 This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS 1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

### Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- AN8 The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- AN9 This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as

## CONSOLIDATED CONSENT

notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### Asbestos Removal

- AN10 All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

### Site contamination issues during construction

- AN11 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified, and works must cease. Works must not recommence on site until the consultation is made with the Department.

### RMS Access requirements

- AN12 For inspections, maintenance and rehabilitation works, RMS requires the proponent to facilitate access to the substructure and superstructure of the Western Distributor, including access via the IMAX. RMS will provide at least 48 hours of notice for these works.
- AN13 For emergency works, typically in response to a traffic incident, RMS requires the proponent to facilitate immediate access to the substructure and superstructure of the Western Distributor structure (24 hours a day) in order to do urgent repair works as appropriate.