Development consent

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

I grant 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.

Anthony Roberts
Minister for Planning

Sydney 17/5/xviii ~~2018~~

SCHEDULE 1

Application No.:	SSD 7561
Applicant:	Sydney Theatre Company
Consent Authority:	Minister for Planning
Land:	Wharf 4/5 and Shore Shed 4/5, Hickson Road, Walsh Bay (Lot 65 in DP 1048377)
Development:	Demolition and internal fitout and refurbishment works of Wharf 4/5 and part of Shore Sheds 4/5, Hickson Road, Walsh Bay, including: • general demolition of internal areas and demolition of box offices, access ramp and stairs and partial demolition of roof • refurbishment of Wharf Theatre 1, Theatre Bar and Wharf Theatre 2 • new box office/ticketing area • increased capacity of Wharf Theatres 1 and 2 • new administration areas and offices • new function room • upgrades to services and infrastructure.

agreement or satisfaction	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.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
SSD	State Significant Development
Subject Site	Wharf 4/5 and shoreshed, Hickson Road, Walsh Bay (Lot 65 in DP 1048377)
TNSW	Transport for NSW, or its successor
Zone of influence	The horizontal distance from the edge of the excavation to twice the maximum excavation depth

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

A1 In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

Development Description

A2 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule 1.

Terms of Consent

A3 The development may only be carried out:

a) in compliance with the conditions of this consent;

b) in accordance with all written directions of the Secretary;

c) generally in accordance with the EIS and RTS; and

d) in accordance with the approved plans in the table below:

Architectural plans prepared by Hassell.			
Drawing No.	**Issue**	**Name of Plan**	**Date**
General Information			
STC_A_0101	5	Location Plan	2/10/2017
Demolition Plans			
STC_A_0300	7	Ground Level Demolition Plan	2/10/2017
STC_A_0301	7	Mezzanine Level Demolition Plan	2/10/2017
STC_A_0302	8	Level 1 Demolition Plan	2/10/2017
STC_A_0303	8	Level 2 Demolition Plan	2/10/2017
STC_A_0304	7	Roof Demolition Plan	2/10/2017
General Arrangement Plans			
STC_A_1100	13	Ground Level Floor Plan	2/10/2017
STC_A_1101	13	Mezzanine Level Floor Plan	2/10/2017
STC_A_1102	15	Level 1 Floor Plan	22/03/2017
STC_A_1103	14	Level 2 Floor Plan	2/10/2017
STC_A_1104	14	Level 3 Floor Plan	2/10/2017
Finishes Plans			
STC_A_1202	6	Level 1 Floor Plan	2/10/2017
STC_A_1203	5	Level 2 Floor Plan	2/10/2017
STC_A_1302	5	Level 1 Ceiling Plan	2/10/2017
STC_A_1303	6	Level 2 Ceiling Plan	2/10/2017
Sections			
STC_A_3000	9	Cross Sections	2/10/2017
STC_A_3001	8	Cross Sections	2/10/2017
STC_A_3002	8	Long Section	2/10/2017
STC_A_3003	7	Cross Sections	2/10/2017

Secretary's Directions

A4 Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to:

a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and

b) the implementation of any actions or measures contained in any such document referred to in (a) above.

The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A3(c) or A3(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A3(c) and Condition A3(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

Development Expenses

A5 It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

Limits on Consent

A6 This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.

Prescribed Conditions

A7 The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Long Service Levy

A8 For work costing $25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal Notices

A9 Any advice or notice to the consent authority must be served on the Secretary.

Review of Strategies, Plans and Programs

A10 Within three months of:

a) the submission of a compliance report under Condition A14 and A15 and Condition C4;

b) the submission of an incident report under Condition A19;

c) the approval of any modification to the conditions of this consent; or

d) the issue of a direction of the Secretary under Condition A4,

the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

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

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

Evidence of Consultation

A11 Where conditions of this consent require consultation with an identified party, the Applicant must:

a) consult with the relevant party prior to submitting the subject document to the Secretary for approval; and

b) provide details of the consultation undertaken including:

i. a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and

ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Compliance

A12 The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Non-Compliance Notification

A13 The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

A14 The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Incident Notification, Reporting and Response

A15 The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

Subsequent notification must be given and reports submitted in accordance with the requirements set out in Condition A17, A18 and A19.

Written Incident Notification and Reporting Requirements

A16 A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under Condition A16 or, having given such notification, subsequently forms the view that an incident has not occurred.

Written Incident Notification Requirements

A17 Written notification of an incident must:

a) identify the development and application number;

b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);

c) identify how the incident was detected;

d) identify when the applicant became aware of the incident;

e) identify any actual or potential non-compliance with conditions of consent;

f) describe what immediate steps were taken in relation to the incident;

g) identify further action that will be taken in relation to the incident; and

h) identify a project contact for further communication regarding the incident.

Incident Report Requirements

A18 Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested. The Incident Report must include:

a) a summary of the incident;

b) outcomes of an incident investigation, including identification of the cause of the incident;

c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and

d) details of any communication with other stakeholders regarding the incident.

Monitoring and Environmental Audits

A19 Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 2B of Part 6 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Applicability of Guidelines

A20 References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

END OF PART A

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No works Prior to Construction Certificate

B1 Works must not commence until a Construction Certificate in respect of the work has been issued.

Building Code of Australia (BCA) Compliance

B2 The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

a) complying with the deemed to satisfy provisions; or

b) formulating an alternative solution which:

i) complies with the performance requirements; or

ii) is shown to be at least equivalent to the deemed to satisfy provision; or

iii) a combination of a) and b).

Structural Details

B3 Prior to the issue of a Construction Certificate, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

a) the relevant clauses of the BCA

b) the development consent.

Fire Safety Strategy

B4 Prior to the issue of the relevant Construction Certificate, the Applicant shall ensure details of the fire booster location/s are submitted to and approved by FRNSW.

B5 Prior to the issue of the relevant Construction Certificate, the Applicant shall ensure details of the smoke hazard management system are submitted to and approved by FRNSW.

B6 Prior to the issue of any Construction Certificate, the Applicant shall prepare a holistic **Fire Safety Strategy** for the development in consultation with, and to the satisfaction of, FRNSW.

The Fire Safety Strategy must address a fire scenario involving malicious ignition (arson) as a sensitivity analysis be considered with multiple fires occurring at once within the public areas of the development.

The Fire Safety Strategy must be approved by FRNSW prior to the issue of any Construction Certificate.

B7 Prior to the issue of any Construction Certificate, the Applicant shall prepare an **Emergency Management Strategy** and **Evacuation Strategy** for the development in consultation with, and to the satisfaction of, FRNSW.

The Emergency Management Strategy and Evacuation Strategy must be approved by FRNSW prior to the issue of any Construction Certificate.

B8 Prior to the issue of any Construction Certificate, the Applicant shall ensure any isolation of the smoke detection system in the performance space/s during theatrical performances is approved by FRNSW.

Nominated Heritage Consultant

B9 Prior to the issue of a Construction Certificate, a suitably qualified and experienced heritage specialist must be engaged to:

a) inspect the demolition and removal of material to ensure there is no unapproved removal of significant fabric or elements; and

b) provide ongoing advice to tradespeople undertaking the works throughout the construction period.

B10 Evidence and details of the engagement of a nominated heritage consultant in accordance with Condition B9 shall be submitted to the Department and Heritage Division prior to the Construction Certificate.

B11 The nominated heritage consultant is to provide ongoing advice to trades people undertaking the works, as required, throughout the construction period.

Heritage Mitigation

B12 Mechanical, air conditioning, electrical and fire services must be designed in accordance with the guidelines and requirements of the *STC50 Masterplan Heritage Impact Statement* by Tropman and Tropman Architects dated February 2017 in the RTS.

The detailed design of mechanical, air conditioning, electrical and fire services must be prepared in consultation with the heritage consultant for this project to minimise impacts to significant fabric and spaces. Prior to undertaking these works, the detailed designs and the final Fire Engineering Report must be provided to the Heritage Division for endorsement.

Tenancy Fit-Out Guidelines

B13 Prior to the issue of the relevant Construction Certificate, **Tenancy Fit-out Guidelines** (TFGs) prepared by a suitably qualified person shall be submitted to the satisfaction of the Heritage Division. The TFGs must be implemented to make all future tenants of the development aware of the cultural significance of the wharves and the requirements for their ongoing conservation and management.

Prior to the commencement of works, a copy of the TFGs must be submitted to Council, the Heritage Division and the Secretary.

Installation of Water Efficient Fixtures and Fittings

B14 All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate being issued for above ground works.

B15 All taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate for services and finishes works.

B16 New urinal suites, urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).

B17 Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Access for People with Disabilities

B18 Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

Construction and Fit-out of Food Premises

B19 The construction, fit-out and finishes of any food premises must comply with Standard 3.2.3 of the *Australian and New Zealand Food Standards Code* under the *Food Act 2003* all relevant Australian Standards and the provisions of the BCA. Details of compliance with the relevant provisions shall be prepared by a suitably qualified person and submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate relating to the construction and fit-out of any food premises.

Cool Rooms

B20 Any cool room(s), refrigerated chambers or strong-rooms must be constructed in accordance with G 1.2 of the BCA.

Grease Traps

B21 A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. Installation of the grease trap must comply with the requirements of Sydney Water.

Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.

Mechanical Ventilation

B22 The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

B23 Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1, AS1668.2, the BCA and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the BCA, and submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Interlocks – Mechanical Ventilation

B24 Interlocks shall be installed to the kitchen mechanical ventilation system to ensure that the system is not operated unless the filters are correctly installed and enhanced filtration and odour systems are fully functional and operational.

Sanitary Facilities – Food Premises

B25 The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the BCA, Part F 3.1, 4.8 and 4.9.

Sanitary Facilities for Disabled Persons

B26 The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Plans demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Pre-Construction Dilapidation Report

B27 The Applicant must engage a qualified structural engineer 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'. The report must be submitted to the Certifying Authority prior to issue of the Construction Certificate or any works commencing whichever occurs first. A copy of the report must be forwarded to the affected landowners. The Pre-Construction Dilapidation Report must also include a photographic recording of the public domain site frontages. The form of the recording is to be as follows:-

a) a PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;

b) each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;

c) each image is to be numbered and cross referenced to a site location plan;

d) a summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record.

Footpath Damage Guarantee

B28 If not already obtained, a Footpath Damage Bank Guarantee to cover the site frontage which may be damaged and must be lodged with the relevant road authority. A suitable bank guarantee must be submitted in favour of the relevant road authority as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with the relevant road authority prior to the issue of the Construction Certificate.

Requirements of Public Authorities

B29 The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the satisfaction of the certifying authority prior to the issue of the Construction Certificate.

Archival Recording

B30 A photographic archival recording of all areas of the wharf must be prepared prior to the issue of a Construction Certificate, and following completion of works, in accordance with the Heritage Division's *How to prepare archival records of heritage items and Photographic Recording of Heritage Items using Film or Digital Capture*. Within 1 month of its completion, the original copy of the archival record must be deposited with the Heritage Division, and an additional copy provided to Council to ensure that the existing spaces are properly documented prior to modification and that copies of the archival recordings are kept with the relevant authorities.

Bicycle Parking

B31 A minimum of 10 bicycle spaces are to be provided for staff. The layout, design and security of all bicycle facilities must comply with the minimum requirements of AS 2890.3 – 1993

Parking Facilities Part 3: Bicycle Parking Facilities. Staff bicycle parking should be provided according to the security level B as specified AS 2890.3:2015.

Documentation demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

END OF PART B

PART C PRIOR TO COMMENCEMENT OF WORKS

Notification of Commencement

C1 The Department must be notified in writing of the dates of commencement of physical work at least 48 hours before those dates.

If the construction of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Community Communication Strategy

C2 A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, City of Sydney Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following completion of construction:

The Community Communication Strategy must:

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

b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;

c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;

d) set out procedures and mechanisms:

   (i) through which the community can discuss or provide feedback to the Applicant;
   (ii) through which the Applicant will respond to enquiries or feedback from the community; and
   (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

The Community Communication Strategy must be submitted to the Secretary for approval no later than one month before the commencement of any work.

Work for the purposes of the development must not commence until the Community Communications Strategy has been approved by the Secretary, or within another timeframe agreed with the Secretary.

The Community Communication Strategy, as approved by the Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Compliance

C3 The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Compliance Reporting

C4 A Pre-Construction Compliance Report must be prepared for the development, and submitted to the PCA for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction.

The Pre-Construction Compliance Report must include:

a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and

b) the expected commencement date for construction.

Construction Compliance Reports must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Secretary.

The Construction Compliance Reports must include:

a) a results summary and analysis of environmental monitoring;

b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;

c) details of any review of the CEMP and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;

d) a register of any modifications undertaken and their status;

e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;

f) a summary of all incidents notified in accordance with this consent; and

g) any other matter relating to compliance with the terms of this consent or requested by the Secretary.

Complaints and Enquiries Procedure

C5 Prior to the commencement of construction works, or as otherwise agreed by the Secretary, the following must be made available for community enquiries and complaints for the duration of construction:

a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;

b) a postal address to which written complaints and enquiries may be sent; and

c) an email address to which electronic complaints and enquiries may be transmitted.

Access to Information

C6 At least 48 hours before the commencement of construction and until the completion of all works under this consent, or such other time as agreed by the Secretary, the Applicant must:

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

i. the documents referred to in Condition A2(c) and (d) of this consent;

ii. all current statutory approvals for the development;

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

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

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

vi. a summary of the current stage and progress of the development;

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

viii. a complaints register, updated monthly;

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

x. any other matter required by the Secretary; and

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

Independent Environmental Audit

C7 No later than one month before the commencement of construction or within another timeframe agreed with the Secretary, a program of independent environmental audits must be prepared for the development in accordance with AS/NZS ISO 190-2014: Guidelines for Auditing Management Systems (Standards Australia, 2014) and submitted to the Secretary for information.

The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.

The environmental audit program of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:

a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
b) assesses whether the development is complying with the terms of this consent;
c) reviews the adequacy of any document required under this consent; and
d) recommends measures or actions to improve the environmental performance of the development, improvements to any document required under this consent.

Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.

Note: The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.

Demolition Works

C8 Demolition work must comply with the provisions of *Australian Standard AS2601:2001 The Demolition of Structures (Standards Australia, 2001)*. The work plans by AS2601:2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the PCA prior to the commencement of works.

Approved Plans to be On-Site

C9 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

Hoarding

C10 A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

a) architectural, construction and structural details of the design as well as proposed artwork; and

b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

Barricade Permit

C11 Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

Road Occupancy Licence

C12 A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

Parking Restrictions

C13 The Applicant shall ensure is has obtained approval from Council's Pedestrian Cycling and Traffic Calming Committee for any changes required to on street parking restrictions for construction, prior to the commencement of works.

Maritime Exclusion Zone

C14 The Applicant shall contact RMS at least four weeks prior to the establishment of any maritime exclusion zone and provide details of the start and end dates for the maritime exclusion zone and associated construction activities. Details should be sent to maritimeplanning@rmsw.nsw.gov.au.

Construction Licence

C15 The Applicant shall ensure is has obtained a Construction Licence from RMS in respect to any required occupation of RMS land during construction, prior to the commencement of works.

Construction Environmental Management Plan

C16 Prior to the commencement of works, the Applicant shall prepare and implement a **Construction Environmental Management Plan** (CEMP) for the development and be submitted to the PCA. The CEMP must:

a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;

b) describe all activities to be undertaken on the site during site establishment and construction of the development;

c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;

d) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;

e) be prepared in consultation with the Council, EPA, DPI, RMS, TNSW, Ports Authority and the Heritage Division and include specific consideration of measures to address any requirements of these agencies during site establishment and construction;

f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;

g) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;

h) document and incorporate all relevant sub environmental management plans (Sub-Plans), control plans, studies and monitoring programs required under this part of the consent; and

i) include arrangements for community consultation and complaints handling procedures during construction.

In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

Prior to the commencement of works, a copy of the CEMP must be submitted to Council and the Secretary.

Construction Pedestrian Traffic Management Plan

C17 Prior to the commencement of works, a **Construction Pedestrian Traffic Management Plan** (CPTMP) prepared by a suitably qualified person shall be endorsed by TNSW (Sydney Coordination and Metro Delivery Offices) and submitted to the PCA. The CPTMP must be prepared in consultation with Council, TNSW (Sydney Coordination and Metro Delivery Offices), RMS, the Barangaroo Delivery Authority and the Port Authority of NSW. The CPTMP shall address (but not be limited to):

a) location of the proposed work zone;

b) haulage routes;

c) construction vehicle access and traffic control arrangements;

d) proposed construction hours;

e) estimated number of construction vehicle movements;

f) any changes required to on-street parking;

g) construction program;

h) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction;

i) cumulative construction impacts of projects including Sydney Light Rail Project and Sydney Metro City and South West considering any traffic and pedestrian management plans prepare for these projects to ensure that work activities are coordinated and managed to minimise impacts on the road network;

j) measures proposed to mitigate any associated general traffic, public transport, pedestrian access and cyclist impacts/conflicts; and

k) measures to encourage public transport use and other non-car travel options by construction workers.

Prior to the commencement of works, a copy of the CPTMP must be submitted to Council and the Secretary.

Construction Noise and Vibration Management Plan

C18 Prior to the commencement of works, a **Construction Noise and Vibration Management Plan** (CNVMP) prepared by a suitably qualified person shall be submitted to the PCA. The CNVMP must be prepared in consultation with, and address the relevant requirements of Council and the EPA. The CNVMP shall address (but not be limited to):

a) identify nearby sensitive receivers and land uses;

b) identify the noise management levels for the project;

c) identify the construction methodology and equipment to be used and the key sources of noise and vibration;

d) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;

e) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the Noise and Vibration Impact Assessment (dated 11 October 2017) in Appendix 19 of the EIS and the supplementary Noise and Vibration Report (dated 23 January 2018) in Appendix 2 of the RTS;

f) include a respite provision process for high noise impact activities consistent with the conditions of this consent;

g) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and

h) include a suitable proactive construction noise and vibration monitoring program.

Prior to the commencement of works, a copy of the CNVMP must be submitted to Council and the Secretary.

Waste Management Plan

C19 Prior to the commencement any construction (including demolition), a **Waste Management Plan** (WMP) must be prepared and submitted to the PCA. The WMP must:

a) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;

b) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;

c) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";

d) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer;

e) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the Subject Site, is removed before the vehicle, trailer or motorised plant leaves the Subject Site;

f) require that concrete waste and rinse water are not disposed on the site and are prevented from entering Sydney Harbour; and

The design and management of waste must comply with the requirements of *City of Sydney Development Control Plan 2012.*

Hazardous Materials Management Plan

C20 Prior to the commencement of works, a **Hazardous Materials Management Plan** (HMMP) prepared by a suitably qualified person shall be submitted to the PCA. The HMMP must be prepared in consultation with the EPA and SafeWork NSW. The HMMP must:

a) incorporate the recommendations and mitigation measures outlined in the Hazardous Materials Assessment (dated October 2011) in Appendix 24 of the EIS and the Hazardous Materials Re-inspection (dated September 2012) in Appendix 25 of the EIS;

b) ensure the development complies with the *NSW Occupational Health and Safety Regulation 2001* and Part 7 of the *Protection of the Environment Operations (Waste) Regulation 2014;*

c) be consistent with Safe Work Australia's codes of practice *How to Safely Remove Asbestos 2011* and *How to Manage and Control Asbestos in the Workplace 2011*;

d) identify any known or potential areas of concern on site for hazardous and asbestos containing materials;

e) outline the procedures for identification, handling and disposal of hazardous materials;

f) include an Asbestos Management Plan;

g) ensure that all hazardous materials would be handled and disposed of by suitably qualified and licensed experts in accordance with the relevant guidelines and legislation;

h) ensure an induction process is in place for site workers and visitors regarding the identification of hazardous and asbestos containing materials and the formal procedures to be followed if such materials are identified on site;

i) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and

j) outline the procedures for validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates.

Prior to the commencement of works, a copy of the HMMP must be submitted to the EPA, SafeWork NSW and the Department.

C21 The Applicant shall comply with any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.

C22 Prior to the commencement of any work, the Applicant is required to satisfy the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 *'asbestos wastes'*.

Contamination

C23 Prior to the commencement of works, an Unexpected Contamination Finds Protocol (UFP) prepared by a suitably qualified and experienced expert shall be submitted to the satisfaction of the EPA and the PCA.

The UFP must be implemented for the duration of construction works.

Interpretation Plan

C24 Prior to the commencement of works:

a) **The Interpretation Plan*** must be prepared by an interpretive specialist and form an integral component of the final detailed design process.

b) The **Interpretation Plan** shall be prepared having regard to the *Walsh Bay Redevelopment Precinct Interpretation Plan* (dated November 1999) prepared by Tropman & Tropman Architects and the *Interpretation Strategy for Moveable Heritage Items – Pier 2/3 Walsh Bay* (dated November 2016) prepared by Tropman and Tropman Architects.

c) Interpretation at the Wharf Theatre at Wharf 4/5 must be included in the overarching Interpretation Plan for Walsh Bay Arts Precinct. The plan must include:
   i) indicative designs and locations for interpretative devices, including the timber columns proposed to be removed; and
   ii) where relevant, a strategy for the reuse, storage and/or display of the moveable heritage items currently stored within Pier 2/3 as well as any maritime archaeological and archaeological evidence within the site.

C26 The Applicant must ensure the detailed design of the development incorporates the heritage mitigation measures outlined in Section 3 *Entitled Final Mitigation Measures* of the RTS. The mitigation measures must be documented in the CEMP and OPM where relevant.

Details demonstrating compliance with this condition must be submitted to the PCA, Heritage Division and Secretary.

C27 The **Interpretation Plan** shall be prepared as an integral component of the final detailed design and is to be provided to the Heritage Division, Secretary and Certifying Authority prior to the commencement of works.

**Note: For the purposes of this condition, one Interpretation Plan may be prepared for the development (SSD 7561) and the Walsh Bay Arts and Cultural Precinct development (SSD 8671).*

END OF PART C

PART D DURING CONSTRUCTION

Construction hours

D1 Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

a) between 7 am and 6 pm, Mondays to Fridays inclusive;

b) between 8 am and 1 pm, Saturdays.

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

Activities may be undertaken outside of these hours if required:

a) by the Police or a public authority (not the Applicant) for the delivery of vehicles, plant or materials; or

b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

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

a) 9 am to 12 pm, Monday to Friday;

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

c) 9 am to 12 pm, Saturday.

Noise and Vibration Management

D2 The development must 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 must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the **Construction Environmental Management Plan**.

D3 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.

D4 Heavy vehicles and oversized vehicles must not que or idle on Hickson Road awaiting access to the Subject Site.

D5 The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the Interim Construction Noise Guideline as being particularly annoying to noise sensitive receivers.

D6 Vibration caused by construction at any residence or structure outside the subject site must be limited to:

a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;

b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*; and

c) 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.

Site Protection and Works

D7 All significant building fabric and building elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

D8 The installation of new services must be carried out in such a manner as to minimise damage to, or removal of, significant fabric.

Approved plans to be on site

D9 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the PCA.

Site Notice

D10 A site notice(s) must 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 site is not permitted.

Heritage Fabric to be Removed

D11 Heritage fabric to be removed must be salvaged in accordance with the *STC50 Masterplan Conservation Management Action Plan* prepared by Tropman and Tropman Architects (dated February 2017).

Impacts of Below Ground (Sub Surface) Works – Non-Aboriginal Objects

D12 If during the course of construction the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the Heritage Council of New South Wales must be notified immediately and consulted with regard to the recommencement of works.

Impacts of Below Ground (Sub Surface) Works – Aboriginal Objects

D13 If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and OEH informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from Office of Environment and Heritage is received by the Applicant.

Site Contamination Issues During Construction

D14 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

SafeWork NSW Requirements

D15 To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

Hoarding/Fencing Requirements

D16 The following hoarding requirements must be complied with:

a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and

b) the construction site manager must be responsible for the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

Implementation of Management Plans

D17 The Applicant must ensure the requirements of the **Construction Environmental Management Plan, Construction Noise and Vibration Management Plan, Construction Pedestrian Traffic Management Plan** and **Construction Waste Management Plan** required by **Part C** of this consent are implemented during construction.

Waste Management

D18 Notwithstanding Condition D17 above, the Applicant must ensure that:

a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;

b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;

c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour;

d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;

e) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises; and

f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of Sydney Harbour.

Asbestos and Hazardous Waste Removal

D19 Any existing filling on the site must be assessed for the presence of asbestos materials during construction. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.

D20 Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.

Covering of Loads

D21 All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Vehicle Cleansing

D22 Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Stockpile Management

D23 The Applicant must ensure:

a) stockpiles of excavated material do not exceed 4 metres in height;

b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and

c) suitable erosion and sediment controls are in place for stockpiles.

Erosion and Sediment Control

D24 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.

No Obstruction of Public Way

D25 The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Secretary to stop all work on site.

Contact Telephone Number

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

Operation of Plant and Machinery

D27 All plant and equipment used on site, or to monitor the performance of the development must be:

a) maintained in a proper and efficient condition; and

b) operated in a proper and efficient manner.

Acid Sulfate Soils

D28 The Applicant must ensure that any acid sulfate soil (ASS) and potential acid sulfate soil (PASS) excavated or otherwise disturbed during construction is managed in accordance with:

a) the *Acid Sulfate Soils Manual 1988* (NSW Acid Sulfate Soil Management Advisory Committee);

b) the EPA's *Waste Classification Guidelines 2014 (Part 4: Acid Sulfate Soils)*.

Bunding

D29 The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

Pollution of Waters

D30 No approval is granted to pollute waters. All water discharge from the site must meet all requirements of the *Protection of the Environment Operations Act 1997.*

Archaeological Monitoring and reporting

D31 Archaeological works must be undertaken by a nominated Excavation Director who satisfies the Heritage Council's Excavation Director Criteria for undertaking works at State Significant historical archaeological sites in NSW.

Selection of Appropriate Tradespeople

D32 All heritage work must be carried out by suitably qualified tradespeople with practical experience in conservation and restoration of similar structures, materials and methods.

Nominated Heritage Consultant

D33 The nominated heritage consultant (refer to Condition B9) is to regularly inspect the site and provide ongoing advice to the tradespeople undertaking the works for the duration of construction to ensure that there is no unapproved removal of elements, significant fabric is not damaged and that all work is being carried out in accordance with the conditions of this consent.

Significant Fabric Protection

D34 The Applicant must ensure significant building fabric identified as being at risk of damage is protected for the duration of construction from potential damage. Protection systems must be implemented to ensure that there is no unapproved removal or alteration of significant fabric or elements.

END OF PART D

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificate

E1 An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of the approved building, whichever occurs first.

Nominated Heritage Consultant

E2 Prior to the issue of an Occupation Certificate, the Applicant shall provide a report to the Secretary and the Heritage Division certifying all heritage works have been carried out in accordance with the terms of this consent outlined in Condition A3.

Operational Plan of Management

E3 Prior to issue of an Occupation Certificate, an updated **Operational Plan of Management** (OPM) prepared by a suitably qualified person shall be submitted to and approved by the Secretary. The OPM must be prepared in consultation with Council, TNSW, RMS, FRNSW, and the Heritage Division. The OPM shall address (but not be limited to):

a) governance and operational strategies for the precinct;

b) roles and responsibilities of key employees involved in overseeing the management and operation of the precinct;

c) hours of operation;

d) statutory approvals applying to the operation of the precinct;

e) documentation and incorporation of all management plans, strategies and guidelines required under this part of the consent;

f) detail how the environmental performance of the development would be monitored and managed, and identify what actions would be taken to address potential impacts;

g) event management, loading and unloading, sustainable travel, traffic, transport access and parking, pedestrian access, noise and vibration, heritage and conservation management, security and staff management, emergency management/evacuation and incident response protocols, alcohol and food management, occupational health and safety, infrastructure and services management, patron safety, waste management, water management, wayfinding and signage and lighting; and

h) community consultation and complaints management.

Prior to occupation or commencement of the use, a copy of the OPM must be submitted to the Council and the PCA.

Operational Noise and Vibration Management Plan

E4 Prior to the issue of an Occupation Certificate, a **Noise and Vibration Management Plan** (NVMP) prepared by a suitably qualified person shall be submitted to and approved by the Secretary. The NVMP must be prepared in consultation with Council and the EPA.

The NVMP must outline all measures that would be implemented to minimise noise and vibration associated with the operation of the development and ensure it is effectively managed. The NVMP shall also address (but not be limited to):

a) measures to ensure compliance with Condition F3 and F4 of this consent;

b) incorporate all relevant recommendations and mitigation measures outlined in the Revised Noise Impact Assessment (dated 9 February 2017) of the RTS and RTS Addendum dated 3 April 2018;

c) restrictions on patrons and staff leaving the Subject Site along the Wharf 4/5 western apron after 12 midnight; and

d) include a suitable noise and vibration monitoring program.

Prior to the commencement of use, a copy of the NVMP must be submitted to Council and the EPA.

Loading Dock Management

E5 Prior to the issue of an Occupation Certificate a **Loading Dock Management Plan** (LDMP) prepared by a suitably qualified person shall be submitted to the satisfaction of the PCA. The LDMP must be prepared in consultation with Council and TNSW (CBD Coordination Office).

The LDMP must outline all measures that would be implemented to ensure the safe and efficient operation of the loading dock. The LDMP shall also address (but not be limited to):

a) all loading dock management details, including measures to ensure loading and unloading of service vehicles is undertaken outside peak attendance periods to the site;

b) all measures to ensure the operation of the loading dock has minimal impact on the operation of the local road network;

c) measures to ensure service vehicles accessing the site larger than a 8.8 m medium rigid vehicle are minimised;

d) management of incidents at the loading dock;

e) management of conflicts between vehicles using Hickson Road and service vehicle movements to/from the loading dock; and

f) management of conflicts between pedestrians accessing the site and service vehicle movements to/from the loading dock.

Prior to the issue of an Occupation Certificate, a copy of the LDMP must be submitted to Council and the Secretary.

Waste Management Plan

E6 Prior to the commencement of the use, an updated **Waste Management Plan** (WMP) prepared by a suitably qualified person shall be submitted to the satisfaction of the PCA. The WMP must be prepared in consultation with Council and the EPA.

The WMP must outline all measures that would be implemented to ensure the effective management of operational waste associated with the development. The WMP must outline how waste would be minimised, handled, stored and disposed of in accordance with the relevant guidelines and legislation.

Prior to the commencement of use, a copy of the WMP must be submitted to the Council.

Green Travel Plan

E7 Prior to the commencement of the use, a **Green Travel Plan** (GTP) prepared by a suitably qualified person shall be endorsed by TNSW (Sydney Coordination Office) and submitted to the PCA. The GTP must be prepared in consultation with Council, RMS, the Barangaroo Delivery Authority and TNSW (Sydney Coordination Office). The GTP shall outline all measures proposed to increase the mode share of walking and cycling to the site.

The GTP shall include a monitoring requirement in relation to the future demand for the expansion of staff and visitor bicycle parking spaces and staff end of trip facilities and provision of visitor end of trip facilities. The Applicant shall deliver on any recommendations for expansion or provision of facilities from the results of the monitoring. Prior to the commencement of use, a copy of the GTP must be submitted to the Secretary.

Wayfinding and Signage Strategy

E8 Any future building identification and wayfinding signage should be visually consistent with the broader Signage and Wayfinding Strategy for the Walsh Bay Arts Precinct. Signage should be specifically designed to respect the integrity, context and setting of the Precinct's industrial character and have no/minimal impact on the Pier's highly significant components. The signage must be endorsed by Heritage Division prior to installation and be consistent with the interpretation plan being developed for the precinct.

Mechanical Ventilation

E9 Following completion, installation and testing of all mechanical ventilation systems, the Applicant shall provide evidence of the satisfaction of the PCA, prior to the commencement of use, that the installation and performance of the mechanical systems complies with:

a) Building Code of Australia;

b) Australian Standard AS1668 and other relevant codes;

c) the development consent; and

d) any dispensation granted by FRNSW.

Road Damage

E10 The cost of repairing any damage caused to Council'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 prior to the occupation/use of the building.

Sydney Water Compliance

E11 A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site 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 PCA prior to the use of the development.

Utility Providers

E12 Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

Fire Safety Certification

E13 Prior to the issue of an Occupation Certificate, a **Fire Safety Certificate** must be obtained for all the 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 be prominently displayed in the building.

Structural Inspection Certificate

E14 A **Structural Inspection Certificate** must be submitted to the satisfaction of the PCA prior to the use of the building. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority after:

a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and

b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Post- Construction Dilapidation Report

E15 Prior to the issue of any Occupation Certificate:

a) the Applicant must 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 PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions;

d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and

e) a copy of this report is to be forwarded to the Council and the Secretary and each of the affected property owners.

Waste and Recycling Collection

E16 Prior to the issue of any Occupation Certificate and/or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.

Food Premises – Health Registration Database

E17 Prior to the commencement of food handling operations, the proprietor of the food premises must notify and register the food premises with Council's Health and Building Unit and the NSW Health Department at www.foodnotify.nsw.gov.au prior to the opening of the premises;

E18 Prior to the commencement of food handling operations, the proprietor of the food premises must notify the NSW Health Department of the following information:

a) contact details of the food business including the name of the food business and the name and address of the proprietor;

b) the nature of the food business; and

c) the location of all food premises of the food business within the jurisdiction of NSW Health.

Sanitary Facilities for Disabled Persons

E19 Prior to the issue of the final Occupation Certificate, details must be provided to the PCA demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and Condition B26.

E20 Prior to the commence of the use, a Fire Safety Certificate must be obtained for all the 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 be prominently displayed in the building.

Protection of Public Infrastructure

E21 Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and

(b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Interpretation Plan

E22 The **Interpretation Plan** must be fully implemented within 12 months of the completion of the works.

END OF PART E

PART F POST OCCUPATION OR DURING USE

Operational Management

F1 The **Operational Plan of Management** (refer to Condition E3) and all relevant plans must be fully implemented during use of the premises.

Hours of Operation - STC

F2 The hours of operation for uses at Wharf 4/5 and Shore Sheds 4/5 shall be as follows:

Land Use	**Hours of Operation**
Offices	24 hours
Teaching, Rehearsals and Performances	6 am to 12 midnight
Restaurant and bar	7 am to 12 midnight
Special functions	7 am to 12 midnight
Loading dock and deliveries	6 am to 12 midnight

Noise Control - Plant and Machinery

F3 Noise associated with the operation of any plant, machinery or other equipment on the site, must not give rise to any one or more of the following:

a) transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;

b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; or

c) exhibit tonal, impulsive or other annoying characteristics

Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be above the background noise level between the hours of 12 midnight and 7 am.

Noise Control - Use

F4 Noise emanating from the premises (internal areas) including patron noise and music must not give rise to any one or more of the following:

a) transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;

b) the LA10 noise level must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 7 am and 12 midnight at the boundary of any affected residence;

c) the LA10 noise level emitted must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) between 12 midnight and 7 am at the boundary of any affected residence; and

d) notwithstanding compliance with (a), (b) and (c) above, all noise associated with the premises must not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7 am.

Green Travel Plan

F5 The Green Travel Plan, required by Condition E7, shall be displayed throughout the site.

Unobstructed Driveways and Parking Areas

F6 At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Loading/Unloading

F7 All vehicles using the loading dock shall enter and exit the site in a forward motion.

F8 All loading and unloading operations associated with the site must be carried out:

a) in accordance with the LDMP (Condition E5);

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

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

Annual Fire Safety Certificate

F9 An annual **Fire Safety Statement** must be given to Council and the FRNSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

Fire Safety Strategy (FSS)

F10 The development shall operate in accordance with the FSS approved in accordance with Condition B6 of this consent.

Storage and Handling of Waste

F11 The removal of recycled bottles and glasses must only occur between 7 am and 8 pm weekdays and 9 am and 5 pm weekends and public holidays to avoid disruption to the area.

F12 No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

Operation of plant and equipment

F13 All plant and equipment used on site, or to monitor the performance of the development must be:

a) maintained in a proper and efficient condition; and

b) operated in a proper and efficient manner.

END OF PART F

ADVISORY NOTES

APPEALS

AN1 Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation.

OTHER APPROVALS AND PERMITS

AN2 The Applicant must apply to NSW Heritage for any approvals under the *Heritage Act 1977* (if required), and the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

AN3 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

TEMPORARY STRUCTURES

AN4

a) An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.

b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

DISABILITY DISCRIMINATION ACT

AN5 This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN6

a) The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

b) This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of 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 notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

AN7 You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see plumbing, building and developing then building over or next to assets).

END OF ADVISORY NOTES