

Development consent

Section 89E 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

24/5/

2017

SCHEDULE 1

Application No.:	SSD 7665
Applicant:	The Sydney Opera House Trust
Consent Authority:	Minister for Planning
Land:	2 Circular Quay East, Bennelong Point, Sydney. Lot 4 DP 787933 and Lot 5 DP 775888
Development:	Safety, accessibility and venue enhancement works to the Joan Sutherland Theatre, new office accommodation, and entry foyer refurbishment works at the Sydney Opera House.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	The Sydney Opera House Trust
Application	The development application and the accompanying drawings plans and documentation described in Condition A2
AS	Australian Standard
Construction	Any works, including earth and building works
Council	City of Sydney Council
Certification of Crown Building works	Certification under section 109R of the EP&A Act
Certifying Authority	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; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment or its successors
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement entitled ' <i>Sydney Opera House Building Renewal Safety, Accessibility and Venue Enhancement Works and Entry Foyer Refurbishment</i> ', and accompanying appendices, prepared by Keylan Consulting Pty Ltd, dated September 2016.
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Heritage Council	Heritage Council of NSW
Minister	Minister for Planning, or nominee
NCC	National Construction Code 2016
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage, or its successor
Reasonable and Feasible	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.
RtS	Response to Submissions entitled ' <i>Sydney Opera House Building Renewal Program Safety, Accessibility, and Venue Enhancement Works and Entry Foyer Refurbishment (SSD 7665)</i> ', and accompanying appendices, prepared by Keylan Consulting Pty Ltd, dated 3 February 2017.
RMS	Roads and Maritime Services Division, Department of Transport, or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
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.
SOH	Sydney Opera House
Standard Construction Hours	Standard construction hours recommended in Table 1 Chapter 2 of the <i>Interim Construction Noise Guideline, July 2009</i> (ICNG)
Subject Site	2 Circular Quay East, Bennelong Point, Sydney (Lot 4 DP 787933 and Lot 5 DP 775888)

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Terms of Consent

A1. The Applicant, in acting on this consent, must carry out the development:

- a) generally in accordance with the Environmental Impact Statement entitled '*Sydney Opera House Building Renewal Safety, Accessibility and Venue Enhancement Works and Entry Foyer Refurbishment*', and accompanying appendices, prepared by Keylan Consulting Pty Ltd, dated September 2016;
- b) generally in accordance with the Response to Submissions entitled '*Sydney Opera House Building Renewal Program Safety, Accessibility, and Venue Enhancement Works and Entry Foyer Refurbishment (SSD 7665)*', and accompanying appendices, prepared by Keylan Consulting Pty Ltd, dated 3 February 2017;
- c) in compliance with the conditions of this consent; and
- d) the following drawings:

Works to the Joan Sutherland Theatre			
Architectural (or Design) Drawings prepared by Scott Carver			
Sheet No.	Revision	Name of Plan	Date
DA000	C	Cover Sheet	4/8/2016
DA001	B	Material Board	2/8/2016
DA011	B	Overall Demolition Plan – L1 + 30	2/8/2016
DA012	B	Overall Demolition Plan – L2 + 42	2/8/2016
DA013	B	Overall Demolition Plan – L3 + 51	2/8/2016
DA014	B	Overall Demolition Plan – L4 + 61	2/8/2016
DA109	B	Overall Proposed Works Plan – GR + 12	2/8/2016
DA110	B	Overall Proposed Works Plan – GM + 21	2/8/2016
DA111	B	Overall Proposed Works Plan – L1 + 30	2/8/2016
DA112	C	Overall Proposed Works Plan – L2 + 42	4/8/2016
DA113	B	Overall Proposed Works Plan – L3 + 51	2/8/2016
DA114	B	Overall Proposed Works Plan – L4 + 61	2/8/2016
DA130	C	JST Northern Foyer Access – L2 Passage	4/8/2016
DA135	B	JST Northern Foyers (W) – L2 Passage Demolition Sections – Sheet 1	2/8/2016
DA136	B	JST Northern Foyers (W) – L2 Passage Demolition Sections – Sheet 2	2/8/2016
DA137	C	JST Northern Foyers (W) – L2 Passage New Works Sections – Sheet 1	4/8/2016
DA138	C	JST Northern Foyers (W) – L2 Passage New Works Sections – Sheet 2	4/8/2016
DA150	B	Dressing Room	2/8/2016
DA151	B	Dressing Room – Demolition & Proposed Plans	2/8/2016
DA160	B	Orchestra Pit Access	2/8/2016
DA166	B	Orchestra Pit Access – Demolition & Proposed Plans (L1)	2/8/2016
DA170	B	Toilets	2/8/2016

DA171	B	Toilets (E/W) – Demolition & Proposed Plans	2/8/2016
DA180	B	Seating Upgrade	2/8/2016
DA181	B	Seating Upgrade – Demolition Plan	2/8/2016
DA182	C	Seating Upgrade – Proposed Works	4/8/2016
DA183	B	Seating Upgrade – Proposed L2 Section	2/8/2016
DA184	B	Seating Upgrade – Modular Wheelchair Platform	2/8/2016
DA185	B	Seating Upgrade – Modular Wheelchair Platform Detail	2/8/2016
DA240	B	JST Northern Foyer Access – L3 Passage	2/8/2016
DA244	B	JST Northern Foyers (W) Passages – Demolition Plans (L2 – L4)	2/8/2016
DA246	C	JST Northern Foyers (W) Passages – Proposed Plans (L2 – L4)	4/8/2016
DA247	B	JST Northern Foyers (W) Passages – Sections	2/8/2016
DA250	B	Lift 31	2/8/2016
DA252	C	Lift 31 – Proposed Plans (L1-L2)	4/8/2016
DA253	B	Lift 31 – Proposed Plans (L3-L4)	2/8/2016
DA254	B	Lift 31 – Proposed Sections	2/8/2016
DA256	B	Lift 31 – Glazing Elevations – Demolition	2/8/2016
DA257	B	Lift 31 – Glazing Elevations – Proposed	2/8/2016
DA449	C	JST Follow Spot Room – Cover Sheet	13/1/2017
DA450	C	Existing Follow Spot Room – Layout	13/1/2017
DA451	C	Follow Spot Room – Layout	13/1/2017
DA452	C	Follow Spot Room – Sections	13/1/2017
DA453	C	Follow Spot Room – Details 1	13/1/2017
DA454	C	Follow Spot Room – Details 2	13/1/2017
931	B	Safety Curtain @ Proscenium	8/7/2016

New Office Accommodation			
Architectural (or Design) Drawings prepared by Tonkin Zulaikha Greer Architects			
Sheet No.	Revision	Name of Plan	Date
A-0000	B	Cover Page	5/11/2016
A-0001	B	Location Plan	5/11/2016
A-0101	B	Demolition Ground Floor Plan (+12)	5/11/2016
A-0102	B	Demolition Mezzanine Plan (+21)	5/11/2016
A-1001	B	Proposed Ground Floor Plan (+12)	5/11/2016
A-1002	B	Proposed Mezzanine Plan (+21)	5/11/2016
A-1201	B	Proposed Ground Floor RCP (+12)	5/11/2016
A-1202	B	Proposed Mezzanine RCP (+21)	5/11/2016
A-2001	B	Sections 01	5/11/2016
A-2002	B	Sections 02	5/11/2016
A-3001	B	East Elevation	5/11/2016
A-6001	B	Lift 03 – Function Centre and Offices	5/11/2016
A-9001	A	Finishes	August 2016

Entry Foyer Refurbishment Works			
Architectural (or Design) Drawings prepared by Tonkin Zulaikha Greer Architects			
Sheet No.	Revision	Name of Plan	Date
A-0000	A	Cover Page	2/8/2016
A-0001	A	Location Plan (+30)	2/8/2016
A-0101	A	Demolition Level 1 Plan (+30)	2/8/2016
A-1001	A	Proposed Ground Floor Plan (+12)	2/8/2016
A-1002	A	Proposed Level 1 Plan (+30)	2/8/2016
A-1003	A	Proposed Level 2 Plan (+42)	2/8/2016
A-1201	A	Proposed Level 1 RCP (+30)	2/8/2016
A-2001	A	Wall Elevations 01	2/8/2016
A-2002	A	Wall Elevations 02	2/8/2016
A-2003	A	Wall Elevations 03	2/8/2016
A-6001	A	Utzon Escalator Detail Plans	2/8/2016
A-6002	A	Utzon Escalator Detail Sections	2/8/2016
A-6003	A	Lift 36 Plans GR +21 and L1 +30	2/8/2016
A-6004	A	Lift 36 Plans L2 (+42) and Roof (+51)	2/8/2016
A-9001	A	Finishes + Product Information	2/8/2016

Temporary Box Office Facilities			
Drawing prepared by Event Tops			
Sheet No.	Revision	Name of Plan	Date
V1	-	Vehicle Concourse	-

- A2. If there is any inconsistency between the documents in Condition A1, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency.
- A3. The Applicant must comply with any reasonable requirements of the Secretary arising from the Department's assessment of:
- any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; and
 - the implementation of any actions or measures contained in these documents.

Limits on Consent

- A4. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.
- A5. This consent in no way implies approval for the provision of two new slot windows along the eastern façade of the Sydney Opera House Building to provide natural light and amenity for the office accommodation.
- A6. The use of the LED screen in the Utzon Bar and Lounge for advertising at any time is prohibited.
- A7. This consent includes the provision of temporary box office and cloakroom facilities to be located on the vehicle concourse and used for the duration of the construction works.

Interpretation Strategy

- A8. Within six months from the date of consent, the Applicant shall submit to the Department, an Interpretation Strategy for the interpretation of the original 'Curtain of the Sun' tapestry by John Coburn. The Interpretations Strategy shall be informed by the Conservation Management Plan for the Sydney Opera House, shall be prepared in

consultation with the Nominated Heritage Architect (Condition B3), and shall include, but not be limited to, the following:

- a) the type of interpretation that will occur;
- b) the location of the interpretative piece;
- c) the estimated construction/installation date; and
- d) schedule of works.

National Construction Code Compliance

A9. The proposed works shall comply with the applicable performance requirements of the National Construction Code so as 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).

Development Expenses

A10. 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.

Developer Contributions

A11. In accordance with Section 61 of the *City of Sydney Act 1988*, the Applicant must pay developer contributions in accordance with *Central Sydney Development Contributions Plan 2013*. The contributions are to be paid by the Applicant prior to the certification of Crown Building Works in Part B of this consent (unless the Applicant is granted with an exemption from the Section 61 contributions levy by Council).

Prescribed Conditions

A12. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Legal Notices

A13. Any advice or notice to the consent authority shall be served on the Secretary.

END OF PART A

PART B PRIOR TO COMMENCEMENT OF WORKS

Certification of Crown Building Works

- B1. Plans certified in accordance with section 109R of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to commencement of each stage of construction works and shall include details as required by any of the following conditions.

Demolition Works

- B2. All 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 works.

Nominated Heritage Consultant

- B3. Prior to the certification of Crown Building Works, a suitably qualified and experienced heritage consultant 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.
- B4. Evidence and details of the engagement of a nominated heritage consultant in accordance with Condition B3 shall be submitted to the Department and Council, prior to the certification of Crown Building Works.
- B5. The nominated heritage consultant is to provide ongoing advice to trades people undertaking the works, as required, throughout the construction period.

Notice of Commencement of Works

- B6. The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of building work on the Subject Site.

Contamination

- B7. Prior to the commencement of any works (including demolition), a hazardous material survey shall be undertaken.
- B8. Prior to the commencement of any works (including demolition), the Applicant shall prepare and implement appropriate project specific procedures for identifying and dealing with unexpected finds of site contamination (including asbestos and lead-based paint materials). This shall include any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.
- B9. 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'.

Archival Recording

- B10. Prior to the certification of Crown Building Works, a photographic archival record of all areas undergoing works must be prepared in accordance with the document *How to Prepare Archival Records* by the Heritage Council of NSW, and submitted to the Heritage Council and the Department.

Ecologically Sustainable Development

- B11. Prior to the certification of Crown Building Works, the Applicant shall incorporate all design, operation and construction measures identified in the ESD Statement prepared by Cundall Australia dated 23 June 2016.

Construction Environmental Management Plan

- B12. Prior to the certification of Crown Building Works, a **Construction Environmental Management Plan** (CEMP) shall be submitted to the Certifying Authority. The CEMP 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) the preparation of a **Construction Noise and Vibration Management Plan** (CNVMP), prepared by a suitably qualified person, which addresses the relevant provisions of Australian Standard 2436 – 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites, and the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009);
- d) the preparation of a **Construction Air Quality Management Plan** (CAQMP), prepared by a suitable qualified person, which includes the monitoring and management of air quality and dust (including dust emissions on the site and dust emissions from the site) to protect the amenity of the neighbourhood; and
- e) erosion and sediment control to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site.

Note: 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.

Construction Traffic and Pedestrian Management Plan

- B13. Prior to the certification of Crown Building Works, a **Construction Pedestrian and Traffic Management Plan** (CPTMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The CPTMP shall address, but not be limited to, the following matters:

- a) Location of the proposed work zone;
- b) Haulage routes;
- c) Construction vehicle access arrangements;
- d) Hours of work;
- e) Estimated number of construction vehicle movements;
- f) Construction program;
- g) Consultation strategy for liaison with surrounding stakeholders;
- h) Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- i) Cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and
- j) Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

- B14. The CPTMP shall be prepared in consultation with the CBD Coordination Office, and a copy of the final CPTMP plan shall be submitted to Coordinator General, CBD Coordination Office, prior to the commencement of any works.

National Construction Code

- B15. Prior to the certification of Crown Building Works, details shall be provided to the satisfaction of the Certifying Authority which demonstrate that the proposal complies with the prescribed conditions of approval under clause 98 of the EP&A Regulation in relation to the requirements of the NCC.
- B16. Any non-deemed to satisfy compliance issues are to be included as alternative solutions in the final design to the satisfaction of the Certifying Authority, prior to the certification of Crown Building Works. A copy shall be provided to the Secretary.

Structural Details

- B17. Prior to the certification of Crown Building Works, 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 NCC; and
 - b) the development consent.

Waste Management Plan

- B18. Prior to the certification of Crown Building Works, a **Waste Management Plan (WMP)** shall be prepared and submitted to the Certifying Authority. The WMP shall:
- a) demonstrate that an appropriate area will be provided within the premises 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, the SOH Asbestos Risk Management Plan and the SOH Hazardous Materials Action Plan, 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; and
 - 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.

END OF PART B

PART C DURING CONSTRUCTION

Hours of Work

- C1. The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - b) between 8:00 am and 1:00 pm, Saturdays;
 - c) no work on Sundays and public holidays.
 - d) works may be undertaken outside these hours where:
 - i) the works are internal and undertaken within the wholly enclosed building; or
 - ii) the delivery and removal of vehicles, plant or materials is via the underground loading dock within the Subject Site (in which case it may be undertaken on a 24 hours a day, 7 days a week basis during the construction of the development); or
 - iii) the delivery and removal of vehicles, plant or materials (not via the underground loading dock under Condition C1(d)(ii)) is required outside these hours by the Police or other public authorities, or it is determined that it would be hazardous to the general public (i.e. tourists, patrons or events in the forecourt/boardwalks), provided it is undertaken outside scheduled performance times at the Sydney Opera House (including not within 30 minutes before or after scheduled performances); or
 - iv) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
 - v) a variation is approved in advance in writing by the Secretary or her nominee.

Noise and Vibration Management

- C2. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline*. 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 CNVMP, approved as part of the CEMP.
- C3. 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.
- C4. Heavy vehicles and oversized vehicles must not queue or idle on Macquarie Street awaiting access to the Subject Site.
- C5. 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 5dB to the predicted levels for those activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to noise sensitive receivers.
- C6. 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

- C7. 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.
- C8. The installation of new services shall be carried out in such a manner as to minimise damage to, or removal of, significant fabric.

Salvage of Significant Building Fabric

- C9. The steps and associated handrails required to be removed for the escalator installation are to be carefully removed, catalogued, safely stored and able to be readily reinstated.
- C10. Any significant internal building fabric and elements approved to be removed are to be carefully removed, catalogued, safely stored and able to be readily reinstated, including the white birch 'wobbly' panels and door hardware.

Waste Classification

- C11. The Applicant must ensure that all waste generated by the development is classified in accordance with the EPA's *Waste Classification Guidelines 2009* and disposed of at a facility that may lawfully accept that waste.

Asbestos and Hazardous Waste Removal

- C12. Hazardous and/or industrial waste arising from the demolition activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority.

Acoustic Design

- C13. The proposed alterations must not affect the existing acoustic integrity of the building in relation to the control of noise emissions from the premises.
- C14. No additional equipment may be installed or changes made to the acoustic design unless certified by a suitably qualified acoustic consultant that the equipment will not increase noise emissions from building.

Approved Plans to be On-Site

- C15. 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

- C16. 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(s) are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - b) the notice(s) is to be durable and weatherproof and is to be displayed throughout the construction 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 complaints are to be displayed on the site notice; and
- d) the notice(s) is to be mounted at eye level in the vicinity of the Sydney Opera House building/on any perimeter hording/fencing, and is to state that unauthorised entry to the Subject Site is not permitted.

Work Cover Requirements

C17. 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/Fencing Requirements

C18. The following hoarding requirements shall be complied with:

- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
- b) the construction site manager shall 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.

Groundwater

C19. The Applicant is required to ensure untreated groundwater is not discharged to Sydney Harbour as a result of any excavation for the project, including any excavation into the bedrock associated with the new lift cores (Lift 31 or Lift 36).

END OF PART C

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Road Damage

- D1. 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 of the building.

Fire Safety Certification

- D2. Prior to the use of the Joan Sutherland Theatre, new office accommodation area or entry foyer area, a Fire Safety Certificate shall 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

- D3. A Structural Inspection Certificate must be submitted to the satisfaction of the Certifying Authority prior to the use of the Joan Sutherland Theatre, new office accommodation area or entry foyer area. 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 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.

END OF PART D

PART E POST OCCUPATION

Ecologically Sustainable Development

- E1. The operation of the building shall implement the ESD principles and design measures outlined within the EIS.

Annual Fire Safety Certificate

- E2. An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW 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.

Noise Control – Plant and Machinery

- E3. Noise associated with the operation of any plant, machinery or other equipment on the site, shall 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; and
 - c) notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

END OF PART E

ADVISORY NOTES

Appeals

AN1. The 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 (as amended).

Other Approvals and Permits

AN2. The Applicant shall 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*.

Requirements for Section 60 Approval under Heritage Act 1977

AN3. Prior to the commencement of any works, an application under section 60 of the *Heritage Act 1977* must be submitted to and approved by the Heritage Council of NSW or its delegate.

AN4. As part of the Section 60 application under the *Heritage Act 1977*, the Applicant is to further resolve the design of the following:

- a) The proposed new accessible passageway on Level 3 of the JST, such as how the edges of the cut stairs will be finished;
- b) Details of interpretive elements, signage, LED screen, handrails, and finishes to the escalators; and
- c) Details of the new lifts at each level of the building relative to heritage fabric.

A copy of the Heritage Council's approval and additional information required above must be submitted to the Secretary and Council for information.

Responsibility for other consents / agreements

AN5. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Temporary Structures

AN6.

- 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 National Construction Code.
- 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

AN7. 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

AN8. On 7 January 2017, the Commonwealth Department of Environment and Energy determined that the proposed works are a controlled action. Consequently, approval of the works under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is required.

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth 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 New South Wales 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 obtain approval from the Department of Environment and Energy (or its successor) and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act has application in this case and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos Removal

AN9. 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

AN10. 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.

END OF ADVISORY NOTES