

# Development Consent

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

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2 and Schedule 3.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Karen Harragon  
**Director**  
**Social Infrastructure Assessments**

Sydney

19 March 2026

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### SCHEDULE 1

<b>Application Number:</b>	SSD-83956216
<b>Applicant:</b>	Investa Custodian (2) Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	105-153 Miller Street, North Sydney (Lot 2 DP792740)
<b>Development:</b>	Adaptive reuse of the existing commercial building, including alterations and additions, for the purpose of a university that is a tertiary institution within the meaning of section 15 of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021, as in force as at the date of the grant of this consent.

**Note:** As at the date of the grant of this consent section 15 of Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021 defines “tertiary institution” as having the same meaning “as in State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017”. A “tertiary institution” is defined in that policy (and in Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021) as “a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act”.

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Investa Custodian (2) Pty Ltd or any other person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certified Contaminated Land Consultant</b>	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
<b>Certifier</b>	Means a council or accredited certifier
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with relevant NSW government agencies</p>
<b>Council</b>	North Sydney
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation of the new university campus (excluding internal fit-out), as modified by the conditions of this consent.
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement</i> , prepared by Beam dated 23 June 2025, submitted with the

	application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage NSW, the NSW Department of Climate Change, Energy, the Environment and Water
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>LTEMP</b>	Long Term Environmental Management Plan
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Appendix B of the Response to submissions.
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul> <i>Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.</i>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent

<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions in document titled <i>Response to Submissions</i> prepared by Beam dated 7 November 2025 received in relation to the application for consent for the development under the EP&A Act.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1.
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Investigations</b>	Data gap investigation as described in <i>Remediation Action Plan</i> , prepared by Douglas Partner, dated 17 June 2025
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

**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.

**Terms of Consent**

- A2. 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 Planning Secretary;
  - (c) generally in accordance with the EIS and Response to Submissions;
  - (d) generally in accordance with Modification Assessments; and
  - (e) in accordance with the approved plans in the table below:

<b>Demolition plans prepared by <i>Batesmart</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA01.3B1	A	Demolition Plan Basement	29/11/24
DA01.3LG	A	Demolition Plan Lower Ground	29/11/24
DA01.300	A	Demolition Plan Upper Ground Floor	29/11/24
DA01.301	A	Demolition Plan Level 1	29/11/24
DA01.302	A	Demolition Plan Level 2	29/11/24
DA01.303	A	Demolition Plan Level 3	29/11/24
DA01.304	A	Demolition Plan Level 4	29/11/24
DA01.305	A	Demolition Plan Level 5	29/11/24
DA01.306	A	Demolition Plan Level 6	29/11/24
DA01.307	A	Demolition Plan Level 7	29/11/24
DA01.308	A	Demolition Plan Level 8	29/11/24
DA01.309	A	Demolition Plan Level 9	29/11/24
DA01.310	A	Demolition Plan Level 10	29/11/24
DA01.311	A	Demolition Plan Level 11	29/11/24
DA01.312	A	Demolition Plan Level 12	29/11/24
DA01.313	A	Demolition Plan Level 13	29/11/24
DA01.314	A	Demolition Plan Level 14	29/11/24
DA01.315	A	Demolition Plan Level 15	29/11/24
DA01.901	A	Demolition Elevation Elevation North	29/11/24
DA01.902	A	Demolition Elevation Elevation East	29/11/24
DA01.903	A	Demolition Elevation Elevation South	29/11/24
DA01.904	A	Demolition Elevation Elevation West	29/11/24
<b>Architectural drawings prepared by <i>fcstudio</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
1200	02	Site Plan Proposed	1/4/25
20B1	10	Basement	1/4/25
20LG	13	Lower Ground Floor – Denison Street	1/4/25

20UG	11	Ground Floor – Miller St	1/4/25
2001	09	Level 1	1/4/25
2002	09	Level 2	1/4/25
2003	08	Level 3-4	1/4/25
2005	04	Level 5-7	1/4/25
2008	03	Level 8	1/4/25
2009	07	Level 9-12 Typical Lowrise	1/4/25
2013	09	Level 13 – Terrace	1/4/25
2014	08	Level 14	1/4/25
2015	08	Level 15-20 Typical Highrise	1/4/25
2021	08	Level 21 Plant	1/4/25
2022	08	Level 22 Plant	1/4/25
2023	05	Roof	1/4/25
3000	04	North Elevation - Proposed	14/4/25
3001	05	South Elevation - Proposed	14/4/25
3002	04	East Elevation - Proposed	14/4/25
3003	04	West Elevation - Proposed	14/4/25
4001	02	Short Section South Proposed	1/4/25
7000	03	Proposed Materials	14/4/25
<b>Landscape drawings prepared by 360 Degrees</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
L-SD-02	C	Landscape Schedules & Planting Palette	3/6/25
L-SD-03	B	Tree Retention & Removal Plan	1/4/25
L-SD-04	B	Landscape Plan - Lower Ground Floor - Denison St	1/4/25
L-SD-05	B	Landscape Plan - Ground Floor - Miller St	1/4/25
L-SD-06	B	Landscape Plan - Level 13	1/4/25
L-SD-07	B	Landscape Sections	1/4/25

- A3. The Applicant must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- the environmental performance of the approved development;
  - any document or correspondence in relation to the approved development;
  - any notification given to the Planning Secretary under the terms of this approval;
  - any audit of the construction or operation of the construction or operation of the approved development;
  - the terms of this approval and compliance with the terms of the approval (including anything required to be done under the approval);
  - the carrying out of any additional monitoring and management measures; and
  - in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

## **Limits of Consent**

- A5. This consent lapses five years after the date of consent unless work is physically commenced.
- A6. This consent does not permit the internal fit-out of the building.
- A7. This consent does not permit the erection or installation of signage, or illumination of the building, unless for public convenience and safety, including road safety, or where expressly required by another condition of this consent.

## **Prescribed Conditions**

- A8. The Applicant must comply with all relevant conditions of development consent under Part 4, Division 2, Subdivision 1 of the EP&A Regulation.

## **Planning Secretary as Moderator**

- A9. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

## **Heritage**

- A10. A suitably qualified and experienced heritage architect must be nominated for this project, in consultation with Heritage NSW, and approved by the Planning Secretary. The nominated heritage architect must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage architect must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.
- A11. A heritage induction must be provided to all site personnel by a suitably qualified heritage consultant.

## **Evidence of Consultation**

- A12. 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 for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## **Staging**

- A13. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A14. A Staging Report prepared in accordance with condition A13 must:
  - (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
  - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);

- (c) specify how compliance with conditions will be achieved across and between each of the stages of the project;
  - (d) specify how compliance with independent auditing requirements will be achieved across and between each of the operational stages of the project; and
  - (e) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A15. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A16. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report including independent auditing requirements.

### **Staging, Combining and Updating Strategies, Plans or Programs**

- A17. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
  - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
  - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A18. Any strategy, plan or program prepared in accordance with condition A17, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A19. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A20. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

### **Structural Adequacy**

- A21. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

*Note: Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

### **External Walls and Cladding**

- A22. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

## Applicability of Guidelines

- A23. 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.
- A24. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning 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.

## Monitoring and Environmental Audits

- A25. 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 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent 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.*

## Access to Information

- A26. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 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 audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

## Compliance

- A27. 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.

## Incident Notification, Reporting and Response

- A28. The Planning Secretary must be notified through the major projects portal 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.

A29. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 2.

### **Non-Compliance Notification**

A30. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance.

A31. 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.

A32. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### **Revision of Strategies, Plans and Programs**

A33. Within three months of:

- (a) the submission of an incident report under condition A29;
- (b) the submission of an Independent Audit under condition D40;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,

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

A34. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) 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.*

## **PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **Design Amendments**

- B1. Prior to the issue of any construction certificate for above ground works, revised architectural plans for the new Denison Street Wing must be prepared in consultation with Heritage NSW, and approved by the Government Architect of NSW. The revised plans must detail the following:

#### **Southern and northern facades**

- (a) revise the design, including the material selection and details, of the northern and southern facades (consider the solid material of the existing Miller Street south wall, and use this to inform the appearance of a predominantly solid elevation rather than one of disconnected horizontal bands); and
- (b) revise the connection of the southern and northern facades to the curtain wall on the eastern façade to address the proportional relationship of the end wall of the two wings and to ensure a more sympathetic design to the original (such as providing a strong shadow gap or separation in the eastern plane).

#### **Pattern and detailing of the east and western façade curtain walls**

- (c) increased height of the spandrels and revised colour of some of the glass panels for the curtain wall or alternative design measures to reduce the dominant horizontal pattern of the curtain wall to be more sympathetic to the original mosaic nature, which is rich in detail and 'directionless' in its pattern.

#### **Top of the building**

- (d) revise the top of the building design to respectfully represent the raised roof over open space with vertical supports in a contemporary manner with similar proportions (not dimensions).

#### **Street Awnings**

- (e) the awning extending is to be amended to provide for continuous weather protection and refuge to all of the site's frontages. The required awning(s) must be capable of being detached from the building façade, must have a low profile and be constructed of either glass or other lightweight material to match the height of adjoining awnings (if present or practical). Cutouts are to be provided in the awnings as necessary to allow for existing street trees or growth of new trees.

#### **Podium**

- (f) the terracotta tiles used for the podium balustrades (matching those used on the Miller Street Wing) must be replaced with an alternative finish.

- B2. Prior to the issue of any construction certificate for above ground works for the Miller Street Wing or core, revised architectural plans must be prepared in consultation with Heritage NSW, and approved by the Government Architect of NSW. The revised plans must detail the following:

- (a) revised design of the column at the south-western end of the Miller Street colonnade so that all colonnade columns visually appear consistent in height for the length of the colonnade.
- (b) the tiles to clad the external walls of the core are to match the colour of the existing external wall tiles on the core (which differ to those used on the Miller Street Wing).

### **External Walls and Cladding**

- B3. Prior to the issue of any construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

- B4. Prior to the issue of any construction certificate, the Applicant must be submitted to and approved by Heritage NSW:
- (a) samples of the proposed new glazed terracotta tiles for external cladding to the Miller Street Wing, Denison Street Wing and core.
  - (b) details and samples of any new curtain walling components/system proposed for the Miller Street Wing.

### **Heritage Fabric**

- B5. Prior to the issue of any construction certificate for the Miller Street Wing, the Applicant must undertake a detailed structural review of the building fabric of Miller Street Wing to demonstrate that retention of heritage fabric of the Miller Street Wing (particularly the original aluminium elements of the curtain wall, including framing and spandrel panels, and floor slabs) is not feasible due physical condition or structural soundness.
- B6. Prior to the issue of any construction certificate for the Miller Street Wing, the structural review required by condition B5 and final demolition plans must be provided to Heritage NSW for review and approved by the Planning Secretary.
- B7. Prior to the issue of any construction certificate, the Applicant must identify, in consultation with Heritage NSW:
- (a) methodologies for the dismantlement, the salvage of all heritage fabric that is proposed for salvage and reinstallation, including the timber panelling in the auditorium;
  - (b) requirements for testing and approval of replacement wall tiles, fixing system and detailing;
  - (c) methodologies for the removal, storage, relocation, cleaning and/or repair works, re-installation for the Gerald Lewers sculptures and Bas-relief artwork on the south elevation, in consultation with the respective families of the artists of these works to ensure that the works are faithfully restored and re-installed;
  - (d) moveable heritage strategy, detailing a catalogue of all moveable objects on site and future management policies for those items; and
  - (e) a fabric board of the existing and proposed fabric.

### **Reflectivity**

- B8. Prior to the issue of any construction certificate, the Applicant must provide the Certifier with documented evidence that the glazing products proposed for use for windows, walls or roof finishes and roofing materials are to be factory pre-finished with low glare and reflectivity properties.

*Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers.*

### **Landscaping**

- B9. Prior to the commencement of construction, the Applicant must prepare a revised Landscape Plan to incorporate sympathetic architectural planting and river pebbles to surround the Gerald Lewers sculptures.
- B10. The updated landscape plans, required by condition B9 must be prepared in consultation with Heritage NSW and approved by Government Architect of NSW.

### **Stormwater Management System**

- B11. Prior to the issue of any construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in the EIS;
  - (c) be in accordance with applicable Australian Standards; and
  - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

## **Flood Management and Mitigation**

- B12. Prior to the issue of any construction certificate, the Applicant must provide evidence to the certifier, from a Chartered Professional Engineer (CPEng) registered on the Engineers Australia National Engineers Register (NER) deeming compliance with the following requirements:
- (a) the proposed habitable floor levels are to be minimum 300mm above the 1 in 100-year flood level;
  - (b) any new structures below the PMF level will be constructed from flood compatible building components having regard to the hydrodynamic forces from moving flow and the hydrostatic forces applied by still-water during any period of flood inundation and/or submerging events;
  - (c) the structural integrity of the building has been designed to ensure safe and secure shelter-in-place of vulnerable persons as outlined in the *Flood Emergency Response Plan*, prepared by enstruct Group, dated December 2025, both up to and including the PMF flood event and after the PMF flood event until flood waters have receded and it is safe to leave the buildings;
  - (d) the building has been designed so that the part of the buildings that will be used for egress by those sheltering in place up to and during a PMF event (or other submerging events) will be safe to be used for this purpose after the flood waters recede from the relevant flood events including the PMF event (or other submerging events) described in the *Flood Impact Risk Assessment*, prepared by enstruct Group, dated June 2025 and the letter titled *105 Miller Street Response to SSD submissions – Flooding*, prepared by enstruct Group, dated 3 October 2025; and
  - (e) the building would comply with relevant BCA requirements and Australian Standards and the supplementary 'Construction of buildings in flood hazard areas' guidance with regard to structural adequacy during a PMF event described in the *Flood Impact Risk Assessment*, prepared by enstruct Group, dated June 2025 and the letter titled *105 Miller Street Response to SSD submissions – Flooding*, prepared by enstruct Group, dated 3 October 2025, and that these BCA requirements and Australian Standards are listed.
- B13. The evidence required under condition B12 is to be made available to the Planning Secretary within seven days upon request.

## **Operational Noise – Design of Mechanical Plant and Equipment**

- B14. Prior to the issue of any construction certificate for the mechanical plant and equipment:
- (a) a detailed assessment of the mechanical plant and equipment must be undertaken by a suitably qualified person, to ensure compliance with the relevant project trigger noise level criteria as recommended in the *Noise and Vibration Impact Assessment*, prepared by RWDI, dated 4 July 2025; and
  - (b) evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under (a) have been incorporated into the design to ensure the development will not exceed the project trigger noise level criteria identified in the *Noise and Vibration Impact Assessment*, prepared by RWDI, dated 4 July 2025.

## **Operational Waste Storage and Processing**

- B15. Prior to the issue of the construction certificate for waste storage and processing areas, evidence must be provided to the Certifier that the design of the operational waste storage area:
- (a) complies with applicable provisions of North Sydney Development Control Plan 2025 and relevant Australian Standards;
  - (b) is constructed using solid non-combustible materials;
  - (c) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
  - (d) includes a hot and cold water supply with a hose through a centralised mixing valve;
  - (e) is naturally ventilated or an air handling exhaust system must be in place; and

- (f) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

### **Car Parking and Service Vehicle Layout**

- B16. Prior to the issue of a construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to and approval obtained from the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the Site in a forward direction;
  - (b) car parking spaces are designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
  - (c) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2.

### **Bicycle Parking and End-of-Trip Facilities**

- B17. Prior to the issue of a construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to and approval obtained from the Certifier, demonstrating that:
- (a) the provision of a minimum 282 bicycle parking spaces outlined in plans listed in condition A2;
  - (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and;
  - (c) the provision of end-of-trip facilities for staff.

### **Geotechnical Report**

- B18. Prior to the issue of the relevant construction certificate, evidence must be provided and be approved by the Certifier, demonstrating that the construction certificate plans include the design and construction recommendations of the *Report on Geotechnical Investigation*, prepared by Douglas Partners, dated 4 April 2025.

### **Shoring for Adjoining Property**

- B19. Prior to the issue of any construction certificate, where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings are to be certified, by an appropriately qualified and practising structural engineer, as being adequate for their intended purpose. The drawings must show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council and the Certifier.

*Note: Approval of engineering drawings for shoring works to be located on adjoining property by the Certifier does not authorise a trespass on private or public land. All relevant permissions/ legal rights must be obtained to undertake any works on adjoining land.*

### **Public Domain Works**

- B20. Prior to the issue of construction certificate for footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meet the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

*Note: Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.*

### **Development Contributions**

- B21. Prior to the issue of any construction certificate, a payment of a levy of 1% of the proposed cost of carrying out the development, calculated in accordance with the *North Sydney Local Infrastructure Contribution Plan 2020*, must be paid to Council under section 7.12 of the EP&A Act.

B22. The levy is imposed under section 7.12 of the EP&A Act and has been determined, at the date of this consent, in accordance with or having regard to *North Sydney Local Infrastructure Contribution Plan 2020*. The amount must be adjusted between the date of this consent and the date of payment in accordance with the plan.

## **PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION**

### **Notification of Commencement**

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction at least 48 hours before those dates.
- C2. If the construction of the development is to be staged, the Planning Secretary 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.

### **Certified Drawings**

- C3. Prior to the commencement of construction, the Applicant must submit to Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### **Pre-Construction Dilapidation Report – Protection of Public Infrastructure**

- C4. Prior to the commencement of construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services and infrastructure (excluding rail infrastructure) that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths but excluding rail infrastructure) that have potential to be affected;
  - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
  - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

### **Pre-Construction Survey – Adjoining Properties**

- C5. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of commercial buildings that are likely to be impacted by the development.
- C6. Where the offer for a pre-construction survey is accepted (as required by condition C5), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- C7. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition C5, the Applicant must:
  - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
  - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
  - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

### **Demolition**

- C8. Alterations to, and demolition of the existing building must be limited to that documented on the approved plans.
- C9. Prior to the commencement of demolition, demolition work plans required by *AS 2601-2001 The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the demolition contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

### **Heritage Photographic Archival Recording**

- C10. Prior to the commencement of demolition of any part of the heritage item, a photographic archival record of the external and internal areas of the heritage items on site and all other items

of heritage significance on the site identified in the *Heritage Impact Statement*, prepared by Curio Projects, dated April 2025, must be prepared in accordance with the NSW Heritage publication guidelines titled *Guidelines for preparing archival recordings of heritage items as a condition of consent (2025)*. A digital copy must be submitted to Heritage NSW, Council, any relevant local studies collection in the locality prior to the commencement of demolition of any part of the heritage item. A copy must be provided to the Planning Secretary within 7 days of requesting it.

- C11. Prior to the commencement of demolition of any part of the heritage item, Council's Historian must be provided with an opportunity to undertake a photographic archival record of the external and internal areas of the heritage items on site and all other items of heritage significance on the site identified in the *Heritage Impact Statement*, prepared by Curio Projects, dated April 2025.

### **Ecologically Sustainable Development**

- C12. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 5-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
  - (b) seeking approval from the Planning Secretary for an alternative certification process.

### **Outdoor Lighting**

- C13. Prior to the installation of outdoor lighting, including to under awning lighting to the Brett Whiteley Plaza and Denison Street frontages of the site and under the colonnade at the ground level facing Miller Street, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Environmental Management Plan Requirements**

- C14. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

*Notes: The Environmental Management Plan Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>*

*Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

### **Construction Environmental Management Plan**

- C15. Prior to the commencement of construction, the Applicant must prepare a Construction Environmental Management Plan (CEMP). The CEMP must include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) groundwater management plan including measures to prevent groundwater contamination;
    - (v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C17);
  - (c) Construction Noise and Vibration Management Sub-Plan (see condition C16);
  - (d) Construction Waste Management Sub-Plan (see condition C18);
  - (e) Construction Soil and Water Management Sub-Plan (see condition C20);
  - (f) Construction Flood Emergency Management Sub-Plan (see condition C21);

- (g) unexpected finds protocol(s) for historic heritage and burials, prepared in consultation with Heritage NSW; and
  - (h) an unexpected finds protocol for Aboriginal heritage and associated communications procedure, prepared by suitably qualified and experienced person, in consultation with Registered Aboriginal Parties and Heritage NSW, and generally in accordance with the recommendations of the *Aboriginal Cultural Heritage Assessment Report*, prepared by Curio Projects, dated April 2025.
- C16. The Applicant must not commence construction of the development until the CEMP is approved by the Planning Secretary and a copy submitted to the Certifier.
- C17. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council and TfNSW;
  - (c) detail construction program and construction methodology;
  - (d) detail vehicle types and number of vehicles;
  - (e) detail heavy vehicle routes, access and parking arrangements;
  - (f) location of any proposed work zone(s);
  - (g) plan of any proposed hoarding and/or scaffolding;
  - (h) detail crane arrangements, including location of any crane(s);
  - (i) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
  - (j) detail any cumulative construction impacts, including consideration of any existing CPTMPs for developments within or around the development site, to ensure coordination of work activities is managed to minimise impacts on the surrounding road network;
  - (k) measures to minimise movement delays (i.e. vehicle movements are to be minimised during peak network demand periods);
  - (l) details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site; and
  - (m) consultation strategy for liaison with surrounding stakeholders, including other developments under construction.
- C18. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise and vibrations expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise and vibration generating works such as piling, in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise and vibration generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition C18;
  - (f) include vibration monitoring for the retained parts of the Miller Street Wing and stop work triggers;
  - (g) include a complaints management system that would be implemented for the duration of the construction; and
  - (h) include a program to monitor and report on the impacts and environmental performance of the construction of the development and the effectiveness of the management measures in accordance with condition C18.

- C19. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste comprising:
- (a) bin storage areas;
  - (b) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
  - (c) information regarding the recycling and disposal locations; and
  - (d) confirmation of the contamination status of the development areas of the site based on the validation results.
- C20. The Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
  - (d) detail all off-site flows from the Site; and
  - (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to, 1 in 5-year ARI and 1 in 100-year ARI.
- C21. The Construction Flood Emergency Management Sub-Plan (CFEMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) address the provisions of the *Floodplain Risk Management Guidelines*;
  - (c) include details of:
    - (i) the flood emergency responses for construction phases of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees and contractors.
- C22. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

### **Construction Worker Transportation Strategy**

- C23. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

### **Aboriginal Heritage**

- C24. Prior to the commencement of construction, the Applicant must consult with Registered Aboriginal Parties to determine specific requirements and management measures to be used on site during construction.

## Site Contamination

- C25. Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.
- C26. Prior to the commencement of construction involving ground disturbance (excluding demolition) Applicant must conduct site investigations to confirm the full nature and extent of the contamination at the project area and comply with the following requirements:
- (a) the site investigations must be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
  - (b) the reports must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme; and
  - (c) the recommendations of the *Remediation Action Plan*, prepared by Douglas Partner, dated 17 June 2025 and the unexpected finds procedure must be updated following results of further site investigations.

## PART D DURING CONSTRUCTION

### Site Notice

- D1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
  - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
  - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
  - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

### Operation of Plant and Equipment

- D2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### Heritage tradespersons

- D3. All work to, or affecting, significant heritage fabric must be carried out by suitably qualified tradesperson(s) with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

### Site protection

- D4. Significant built and landscape heritage elements to be retained are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements and the Miller Street Wing's steel structure, north and south end building walls and stairwells, is not damaged or removed.

### Demolition

- D5. Demolition works plans must be consistent with the plans approved in condition A2 or condition B6, if revised plans have been approved under that condition.
- D6. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition C8.

### Construction Hours

- D7. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 7pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D8. Construction activities may be undertaken outside of the hours in condition D7 if required:
- (a) by the Police or a public authority 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; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- D9. Notification of such construction activities as referenced in condition D8 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- D10. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

#### **Implementation of Management Plans**

- D11. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

#### **Construction Traffic**

- D12. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

#### **Hoarding Requirements**

- D13. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

#### **No Obstruction of Public Way**

- D14. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

#### **Construction Noise Limits**

- D15. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- D16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding streets outside of the construction hours of work outlined under condition D7.
- D17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

#### **Vibration Criteria**

- D18. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D19. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D18.
- D20. The limits in conditions D18 and D19 apply unless otherwise outlined in a CNVMSP required by condition C18.

## Tree Protection

D21. For the duration of the construction works:

- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- (b) all street trees immediately adjacent to the property boundary must be protected at all times during construction in accordance with Council's tree protection requirements, including all trees identified in the table below. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;

Tree	Location
T4-T9 <i>Platanus acerifolia</i>	Council verge in front of 105-153 Miller Street
<i>Platanus acerifolia</i>	Council verge along Denison Street, north-west corner of 80 Mount Street
5 x northernmost <i>Prunus species</i>	Brett Whiteley Place

- (c) minor pruning works to trees, T1-T3 *Platanus acerifolia*, are permitted and must be undertaken under the guidance of an appropriately qualified arborist/tree surgeon in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees. Scaffolding, hoarding, cranes, piling rigs, construction zones and any other associated building works must be designed/located in order to minimise/negate the need for any pruning. No more than 10% canopy can be removed;
- (d) all trees on the site that are not approved for removal (T1-T3 *Platanus acerifolia*) must be suitably protected during construction as per the recommendations of the *Arboricultural Impact Assessment (SSDA)*, prepared by Green Spaces Consultancy, dated 5 April 2025; except for minor pruning works as permitted by condition D21(c); and
- (e) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

## Air Quality

D22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D23. During construction, the Applicant must ensure that:

- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## Erosion and Sediment Control

D24. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP required by condition C20.

### **Imported Fill**

D25. The Applicant must:

- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

### **Emergency Management**

D26. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

### **Aboriginal Cultural Heritage**

D27. Construction must be undertaken in accordance with the recommendations of the *Aboriginal Cultural Heritage Assessment Report*, prepared by Curio Projects, dated April 2025.

### **Waste Storage and Processing**

D28. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

D29. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

D30. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.

D31. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.

D32. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

### **Outdoor Lighting**

D33. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Site Contamination**

D34. Remediation of the site must be carried out in accordance with the *Remediation Action Plan*, prepared by Douglas Partner, dated 17 June 2025, as updated by condition C26(c) and any variations to the *Remediation Action Plan* approved by an NSW EPA-accredited Site Auditor.

D35. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).

D36. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

### **Independent Environmental Audit**

D37. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).

D38. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.

D39. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 week's notice (or timing) to the applicant of the date or timing upon which the audit must be commenced.

- D40. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition D37 of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- D41. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- D42. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

## **PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE/COMMENCEMENT OF OPERATION**

### **Notification of Occupation**

- E1. The Applicant must notify the Planning Secretary in writing at least one month before the issue of the relevant occupation certificate, the intended date(s) of commencement of the operation of the development.
- E2. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **External Walls and Cladding**

- E3. Prior to the issue of the occupation certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E4. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **Post-Construction Dilapidation Report – Protection of Public Infrastructure**

- E5. Prior to the issue of the occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
  - (a) ascertain whether the construction works created any structural damage to public infrastructure (excluding rail infrastructure) by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition C4 of this consent;
  - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads, gutters and footpaths).
  - (c) be submitted to the Certifier;
  - (d) be forwarded to Council for information; and
  - (e) be provided to the Planning Secretary when requested.

### **Repair of Public Infrastructure**

- E6. Unless the Applicant and the relevant public 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 construction works; and/or
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
  - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

*Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by conditions of this consent.*

### **Road Damage**

- E7. Prior to the issue of an occupation certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

### **Post-Construction Survey – Adjoining Properties**

- E8. Where a pre-construction survey has been undertaken in accordance with condition C6, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:

- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition C6;
- (b) be provided to the owner of the relevant buildings surveyed;
- (c) be provided to the Certifier; and
- (d) be provided to the Planning Secretary when requested.

E9. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

#### **Utilities and Services**

E10. Prior to the issue of the occupation certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

#### **Works as Executed Plans**

E11. Prior to the issue of the occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

#### **Green Travel Plan**

E12. Prior to the issue of an occupation certificate, a Green Travel Plan (GTP) must be submitted to and approval obtained from Transport for NSW to promote the use of active and sustainable transport modes. The plan must:

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

#### **Travel Access Guide**

E13. Prior to the issue of an occupation certificate, a Travel Access Guide (TAG) must be prepared in accordance with guidance provided by Transport for NSW.

E14. Prior to the issue of an occupation certificate, the TAG required by condition E14 must be approved by Transport for NSW.

#### **Mechanical Ventilation**

E15. Prior to the issue of an occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:

- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
- (b) any dispensation granted by Fire and Rescue NSW.

## **Operational Noise – Design of Mechanical Plant and Equipment**

E16. Prior to the issue of an occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition B14 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the project trigger noise level criteria as recommended in the *Noise and Vibration Impact Assessment*, prepared by RWDI, dated 4 July 2025.

## **Car Parking, Service Vehicles and Bi-cycle parking Arrangements**

- E17. Prior to the issue of an occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to and approval obtained from the Planning Secretary, which demonstrates that:
- (a) the car-parking, service vehicle areas, bi-cycle parking facilities comply with condition B16 and condition B17;
  - (b) appropriate pedestrian and cyclist advisory signs are to be provided;
  - (c) appropriate provisions have been incorporated into the design of car parking areas to allow for providing power to and the installation of charging facilities for electric vehicles;
  - (d) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
  - (e) the bi-cycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
  - (f) end-of-trip facilities for staff are provided.

## **Fire Safety Certification**

E18. 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 Council. The Fire Safety Certificate must be prominently displayed in the building.

## **Structural Inspection Certificate**

- E19. Prior to the issue of an occupation certificate of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier for approval. 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 and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

## **Constructed Floor Levels**

E20. Prior to the commencement of operation, a certification report prepared by a suitably qualified and registered engineer (NER) must be submitted to the Certifier, stating that the development has been constructed in accordance with the flood planning level required by condition B12.

## **Stormwater Quality Management Plan**

- E21. Prior to the issue of the occupation certificate, an Operation and Maintenance Plan (OMP), along with evidence of compliance with the OMP and consultation with Council, is to be submitted to the Certifier. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) maintenance schedule of all on-site detention, rainwater and flood storage tanks;
  - (c) record and reporting details;
  - (d) relevant contact information; and
  - (e) Work Health and Safety requirements.

## **Easements**

- E22. Prior to the issue of the occupation certificate, an easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* naming the Council as the prescribed authority, which can only be revoked, varied or modified with the consent of the Council, and which provides for maintenance of the stormwater system (including the on-site detention and flood storage tanks) must be registered on title of Lot 2 DP792740.

## **Warm Water Systems and Cooling Systems**

- E23. Prior to the issue of an occupation certificate the Applicant must demonstrate that the installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

## **Outdoor Lighting**

- E24. Prior to the issue of an occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## **Heritage Interpretation Plan**

- E25. Prior to the issue of an occupation certificate, the Applicant must submit a Heritage Interpretation Plan to acknowledge the heritage of the site to the satisfaction of Heritage NSW. The plan must:
- (a) be prepared by a suitably qualified and experienced expert in consultation with Council;
  - (b) be prepared in accordance with the Heritage NSW publication *Interpreting Heritage Places and Items Guidelines* (2005);
  - (c) incorporates interpretive information and elements identified in the *Stage 1 Heritage Interpretation Strategy*, prepared by Curio Projects, dated March 2025;
  - (d) include provision for a representative sectional sample of the building's original steel and concrete floor together with explanatory text to be displayed in a publicly accessible area;
  - (e) include provision for a representative sample of the building's original curtain wall together with explanatory text to be displayed in a publicly accessible area; and
  - (f) include provision for a representative sample of the building's original terracotta walls tiles together with explanatory text to be displayed in a publicly accessible area.
- E26. Prior to the issue of an occupation certificate, the Applicant must implement the Heritage Interpretation Plan approved under condition E25.

## **Signage**

- E27. Prior to the issue of an occupation certificate, way-finding signage and vehicular egress signage stopping all vehicles before proceeding onto the public way must be installed.
- E28. Prior to the issue of an occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

## **Operational Waste Management Plan**

- E29. Prior to the issue of an occupation certificate, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;

- (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) include the Management and Mitigation Measures included in *Operational Waste Management Plan*, prepared by Foresight Environmental, dated 3 April 2025.

### Site Contamination

E30. Prior to the issue of an occupation certificate, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

### Landscaping

- E31. Prior to the issue of an occupation certificate, landscaping of the site must be completed generally in accordance with the landscape plan(s) listed in condition A2.
- E32. Prior to the issue of the occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping.
- E33. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

### Operational Flood Emergency Response Plan

- E34. Prior to the issue of an occupation certificate, a final Flood Emergency Response Plan (FERP) must be submitted to the Certifier and be made available on the Applicant's website within seven days after the Certifier accepts it. The FERP must:
  - (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with NSW State Emergency Service, noting the limitations described in the NSW Floodplain Development Manual Appendix N, section N7;
  - (c) confirm the constructed development complies with the provisions of the 'Shelter in place guidelines for flash flooding' (DPHI) in relation to:
    - (i) access to personal hygiene facilities such as a toilet,
    - (ii) provides for a minimum floor space of 2sqm per person, and
    - (iii) provision of items for self-sufficiency that are stored, maintained and are regularly updated in an accessible location above the PMF, including sufficient drinking water and food for occupants, fire extinguishers, radios and torches;
  - (d) be generally consistent with the *Flood Emergency Response Plan*, prepared by enstruct Group, dated December 2025, and clearly outline the approach and actions for early evacuation of the site;
  - (e) address the provisions of the Floodplain Risk Management Guidelines;
  - (f) demonstrate consistency with the Mosman/North Sydney Flood Emergency Sub Plan;
  - (g) be prepared in accordance with the Flood Risk Management Toolkit to address protection of people using the hospital during flood events up to the Probable Maximum Flood (PMF) event;
  - (h) include details of:
    - (i) the flood emergency protocols for the operational phase of the development;
    - (ii) predicted flood levels within the site and within the adjoining road system and other public land expected to be used by students and visitors;
    - (iii) flood warning time and flood notification;
    - (iv) strategies such as early or pre-emptive university closure;

- (v) clear emergency management triggers and responses from nominated university personnel;
- (vi) assembly points and flood free evacuation routes;
- (vii) evacuation and refuge protocols;
- (viii) provide clear messaging and communication protocols, including what arrangements will be made to stop vehicles from entering basement parking areas once evacuation and refuge protocols are activated;
- (ix) what arrangements will be made to restrict pedestrian access to the flood affected levels of the basement and/or ground level once inundation has occurred until after appropriate inspections have been made by the Chief Flood Warden or their delegate;
- (x) how the requirements in the FERP will be maintained and enforced for the life of the development; and
- (xi) awareness training for employees, students, contractors and visitors.

E35. A copy of the Flood Emergency Response Plan (required by condition E34) must be provided to the Planning Secretary within 7 days of requesting it.

## PART F POST OCCUPATION

### Operation of Plant and Equipment

- F1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

### Warm Water Systems and Cooling Systems

- F2. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### Street Activation

- F3. The spaces along the ground and lower ground floors (excluding the auditorium) must not be used as formal teaching spaces and must continue to be used for student hubs, retail and open spaces that activate the site.

### Heritage Interpretation Plan

- F4. The Applicant must implement the most recent version of the Heritage Interpretation Plan approved under condition E25.

### Operational Flood Emergency Response Plan

- F5. The FERP required by condition E34 of this consent (as updated) must be implemented unless otherwise agreed by the Planning Secretary.
- F6. The FERP must be reviewed and updated (if necessary) annually by the facility manager to ensure contact details are current, and a comprehensive review must be conducted at least every five years or after any significant flood event or major changes to circumstance, whichever occurs earlier. The comprehensive review must be done in consultation with NSW SES, and evidence of each review must be maintained by the Applicant and a copy of the review and the updated FERP must be provided to the Planning Secretary within seven days if requested.

### Long Term Environmental Management Plan

- F7. Upon completion of remediation works, the Applicant must manage the site in accordance with any LTEMP submitted under condition E30 and any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997*.

### Operational Noise Limits

- F8. The Applicant must ensure that noise generated by operation of the development does not exceed the project trigger noise level criteria as recommended in the *Noise and Vibration Impact Assessment*, prepared by RWDI, dated 4 July 2025.
- F9. Short term operational noise monitoring must be:
- (a) carried out within 4 months of commencement of use of the proposed buildings and associated open spaces approved by this development consent; and
  - (b) undertaken by an appropriately qualified person in accordance with the Noise Policy for Industry (EPA, 2017) or any latest version where valid data is collected.
- F10. The resultant monitoring report prepared by the appropriately qualified person must be submitted to the Planning Secretary within 5 months of commencement of use of the proposed buildings and the associated open spaces to verify that operational noise levels do not exceed the project trigger noise level criteria as recommended in the *Noise and Vibration Impact Assessment*, prepared by RWDI, dated 4 July 2025.
- F11. Should the noise monitoring program required by condition F9 identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels when measured at the affected noise sensitive receivers, or provide attenuation measures at the affected noise sensitive receivers.

### **Unobstructed Driveways and Parking Areas**

- F12. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.
- F13. All loading and unloading operations must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or the public way.

### **Green Travel Plan**

- F14. The Green Travel Plan required by condition E12 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **Ecologically Sustainable Development**

- F15. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition C12, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

### **Outdoor Lighting**

- F16. Notwithstanding condition D33, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### **Landscaping**

- F17. The Applicant must maintain the landscaping and vegetation on the site generally in accordance with the approved Landscape Management Plan required by condition E32 for the duration of occupation of the development.

## APPENDIX 1 ADVISORY NOTES

### General

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

### Long Service Levy

AN2. For work costing \$250,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Corporation on 131 441.

### Legal Notices

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

### Access for People with Disabilities

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### Utilities and Services

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### Road Design and Traffic Facilities

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### Road Occupancy Licence

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### SafeWork Requirements

AN9. 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 requirements.

### Hoarding Requirements

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### Handling of Asbestos

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### Fire Safety Certificate

AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

## APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal 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 A28 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. 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(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. 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.

### SCHEDULE 3

#### PART A PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE OR COMMENCEMENT OF WORKS

##### Engineering

- A1. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents, subject to any amendments to the documents as required and approved by Sydney Metro in accordance with this consent:
- (a) Report on Geotechnical Metro Impact Assessment, (ref.86964.03.R.0002.Rev0), prepared by Douglas Partners, dated 7 July 2025.
  - (b) Geotechnical Memo (ref. 86964.03 R.003 Rev0), prepared by Douglas Partners, dated 22 July 2025.
  - (c) Structural Impact Assessment of Sydney Tunnel Lining (ref: PS214031-WSP-SYD-LTR-Rev A), prepared by WSP, dated 1 July 2025.
  - (d) Proposed Development Impacts From Sydney Metro Infrastructure Structural Report (ref PS214031), prepared by WSP, Revision A, dated 2 July 2025.
  - (e) Structural Response to Metro RFI - Addendum to 'Proposed Development Impacts From Sydney Metro Infrastructure Structural Report (ref PS214031), prepared by WSP, Revision A, dated 2 July 2025', (ref. PS214031-WSP-SYD-STR-LET-250724 Rev A), prepared by WSP, dated 24 July 2025.
  - (f) Electrolysis Study (ref: PS214031-WSP-NSW-SYD-TPT-REP-00001), Prepared by WSP, Rev A, dated 4 July 2025.
  - (g) Noise and Vibration Impact Assessment (ref: 2506347), prepared by RWDI Australia Pty Ltd, Revision C, dated 4 July 2025.
  - (h) Technical Response (Updated) to Sydney Metro RFI – 105 Miller Street, North Sydney (Noise and Vibration Impact Assessment, prepared by RWDI Australia Pty LTD, dated 4 July 2025.
  - (i) Detail Survey, Sheets 1 -7, drawing no. PR144264-DET-002-C, Issue D (Sheets 1-7), prepared by RPS AAP Consulting, dated 28 August 2025.
  - (j) Architectural Plans, prepared by FJC Studio, including:
    - (i) Sheet 20B1, Basement Plan, Rev. 10, dated 1 April 2025.
    - (ii) Sheet 20LG, Lower Ground Floor – Dennison Street, Rev. 13, dated 1 April 2025.
    - (iii) Sheet 20UG, Ground Floor – Miller Street, Rev. 11, dated 1 April 2025.
- Note: Sydney Metro cannot approve any amendments to the Architectural Plans referred to in condition A1(j) without prior approval from the Planning Secretary.*
- A2. The Certifier must not issue a Construction Certificate for the development until the Certifier has:
- (a) confirmed in writing to Sydney Metro that the construction drawings and specifications comply with the documents listed at (a) to (j) above (in the version approved in writing by Sydney Metro if amendments have been made to such documents); and
  - (b) received written confirmation from Sydney Metro that:
    - (i) Sydney Metro has been provided with and approved:
      - Final construction drawings for the Construction Certificate; and
      - A Construction Noise and Vibration Management Plan; and
    - (ii) this condition has been satisfied.
- A3. Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that conditions A1 and A2 has been complied with.

## **Rail Corridor**

- A4. All structures must be designed, constructed and maintained to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the rail corridor and rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

## **Survey and services**

- A5. Prior to the issue of a Construction Certificate, Sydney Metro must be provided with survey reports prepared by a registered surveyor that:
- (a) accurately survey the development and its location relative to the rail corridor boundary and any rail infrastructure; and
  - (b) show the location of pegs identifying the common property boundary between the development site and the rail corridor and any Sydney Metro easements.
- A6. Prior to the issue of a Construction Certificate, a services search must be:
- (a) undertaken to establish the existence and location of any rail services;
  - (b) based on current, not expired information and include information obtained through the Dial Before You Dig service; and
  - (c) undertaken using equipment that will not have any impact on rail services and signalling; and
  - (d) provided to Sydney Metro.
- A7. If the services search under condition A6 identifies rail services within the development site, such services must not be relocated or incorporated within the development site without Sydney Metro's prior written approval.

## **Noise and Vibration**

- A8. The development must:
- (a) comply with Section 2.100 of State Environmental Planning Policy (Transport and Infrastructure) 2021 and Section 3 of the NSW Department of Planning & Environment's "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008), and the Sydney Metro Underground Corridor Protection Guidelines (available from [www.sydneymetro.info](http://www.sydneymetro.info)); and
  - (b) be designed, constructed and maintained to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and
  - (c) not have any noise or vibration impacts on the rail corridor or rail infrastructure beyond those identified in the following documents (including any amended versions of them approved by Sydney Metro in accordance with this consent):
    - (i) Noise and Vibration Impact Assessment (ref: 2506347), prepared by RWDI Australia Pty Ltd, Revision C, dated 4 July 2025; and
    - (ii) Technical Response (Updated) to Sydney Metro RFI – 105 Miller Street, North Sydney (Noise and Vibration Impact Assessment, prepared by RWDI Australia Pty LTD, dated 4 July 2025; and
  - (d) incorporate all the measures recommended in the documents referred to in A8(c).
- A9. Prior to the issue of a Construction Certificate, a copy of the documents referred to in condition A8(c) must be provided to the Certifier and the Certifier must ensure that the recommendations of those documents are incorporated in the construction drawings and documentation.

## **Electrolysis**

- A10. Prior to the issue of a Construction Certificate:
- (a) an electrolysis expert is to be engaged to prepare a report on the electrolysis risk to the development from stray currents; and

- (b) all measures recommended in the electrolysis report to control that risk must be incorporated into the development; and
- (c) a copy of the electrolysis report is to be provided to the Certifier with the application for a Construction Certificate; and
- (d) the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

### **Construction**

- A11. Prior to the issue a Construction Certificate, the Applicant must provide the Certifier with written confirmation from Sydney Metro that the following obligations have been satisfied:
- (a) no work will be undertaken within the rail corridor, or on any easements which benefit Sydney Metro, at any time, except with the written approval from Sydney Metro; and
  - (b) no rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, on Sydney Metro property or on easements which benefit Sydney Metro.
- A12. Prior to the issue of a Construction Certificate, the following information must be submitted to Sydney Metro for review and approval:
- (a) details of the machinery to be used during excavation/construction; and
  - (b) demolition, excavation and construction methodology and staging.
- A13. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that condition A12 has been satisfied.
- A14. Prior to the issue of a Construction Certificate, approval from Sydney Metro must be obtained for the following:
- (a) a Risk Assessment/Management Plan and detailed Safe Work Method Statements for impacts of the proposed works on the rail corridor; and
  - (b) a tunnel monitoring plan (including details of instrumentation and a monitoring regime during excavation and construction phases); and
  - (c) a plan showing all craneage and other aerial operations for the development that is compliant with all Sydney Metro requirements; and
  - (d) a Construction Traffic Management Plan to ensure no adverse impacts to Sydney Metro operations; and
  - (e) any proposed alterations to Sydney Metro assets (which may also be subject to operator requirements).
- A15. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that condition A14 has been satisfied.
- A16. Prior to the issue of a Construction Certificate the Applicant is to:
- (a) contact Sydney Metro's Corridor Protection Team who will determine the need for public liability insurance cover and the level of insurance required; and
  - (b) obtain insurance for the sum determined by Sydney Metro; and
  - (c) ensure such insurance does not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure; and
  - (d) maintain the insurance for the period specified by Sydney Metro.
- A17. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with condition A16, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.  
*Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro Northwest and Bankstown Line rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.*

## **Drainage**

- A18. All drainage from the development must be disposed of and managed so that it is not discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro.
- A19. The Certifier must not issue a Construction Certificate or Occupation Certificate unless condition A18 has been satisfied.

## **Documentation**

- A20. Copies of any certificates, drawings, approvals/endorsements or documents approved by, given to or issued by Sydney Metro must be submitted to the Planning Secretary within seven days upon request.

## **PART B DURING CONSTRUCTION**

### **Supervision**

- B1. Unless an alternate arrangement is approved by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

### **Consultation**

- B2. At all times a representative (who has been notified to Sydney Metro in writing), must:
- (a) oversee compliance with obligations under the conditions of this consent and in accordance with correspondence from Sydney Metro;
  - (b) act as the authorised representative of the Applicant; and
  - (c) be available (or have a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.
- B3. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.
- B4. Where a condition of consent requires consultation with Sydney Metro, all requests and/or documentation must be forwarded to the relevant Sydney Metro interface team.

### **Drainage**

- B5. All existing and future drainage works on the development site must be directed into the appropriate local council or approved drainage system.
- B6. Measures must be taken to ensure that during the carrying out of works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any costs to Sydney Metro to restore or maintain alternative services.

### **Inspections**

- B7. Written notice must be given to Sydney Metro at least 5 business days before any of the following events occur within 25 metres of the rail corridor:
- (a) site investigations;
  - (b) foundation, pile and anchor set out;
  - (c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
  - (d) foundation, pile and anchor excavation;
  - (e) other excavation;

- (f) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
  - (g) other concreting; and
  - (h) any other event that Sydney Metro has notified to the Applicant in writing, so that Sydney Metro may inspect the carrying out or completion of those works on the development site.
- B8. Prior to the commencement of works and at any other time during the excavation and construction period as deemed necessary by Sydney Metro:
- (a) a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant; and
  - (b) a detailed dilapidation survey is to be submitted to Sydney Metro within 10 days after the joint inspection (unless otherwise notified by Sydney Metro in writing); and
  - (c) the dilapidation survey(s) must establish the extent of any existing damage to the satisfaction of Sydney Metro.

## **PART C PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

### **Noise and Vibration**

- C1. Prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifier and Sydney Metro certifying that the completed development meets the requirements of:
- (a) Section 2.100 of State Environmental Planning Policy (Transport and Infrastructure) 2021 and Section 3 of the NSW Department of Planning & Environment's "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008); and
  - (b) any other noise and vibration requirements imposed by this consent.
- C2. The acoustic report referred to in condition C1 must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels.
- C3. If the acoustic report referred to in condition C1 finds that internal noise levels are greater than the required dB(A) level, corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

### **Documentation**

- C4. Prior to the issue of an Occupation Certificate, as-built drawings endorsed by a registered surveyor must be provided to Sydney Metro confirming that there has been no encroachment into the rail corridor or on easements that benefit Sydney Metro, unless agreed to by Sydney Metro in writing.
- C5. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that condition C4 has been satisfied.
- C6. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to the Planning Secretary within seven days upon request.

### **Inspections**

- C7. Prior to the issue of an Occupation Certificate, confirmation is to be sought in writing from Sydney Metro as to whether it requires a joint inspection of Sydney Metro's rail infrastructure and property in the vicinity of the development to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared.
- C8. The dilapidation survey referred to in condition C7 must identify the extent of any existing damage to enable any deterioration occurring during operation of the development to be observed.

- C9. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that conditions C7 and C8 have been satisfied.
- C10. At any time during the use and occupation of the development, Sydney Metro may at its discretion, require a joint inspection of Sydney Metro's rail infrastructure and property in the vicinity of the development by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared.
- C11. The dilapidation survey referred to in condition C10 must identify the extent of any damage or deterioration to Sydney Metro's rail infrastructure or property occurring during operation of the development and such damage or deterioration must be rectified at the Applicant's cost.

## **PART D GENERAL**

### **Inspections**

- D1. At any time during the construction of the development, Sydney Metro may give reasonable notice to the Applicant or the Applicant's principal contractor that to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent, Sydney Metro seeks to:
  - (a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
  - (b) attend on-site meetings with the Applicant and its contractors.
- D2. Upon receipt of notice from Sydney Metro under condition D1, the Applicant must facilitate any such inspection and meeting requested by Sydney Metro.

### **Other**

- D3. Any conditions or other requirements imposed by Sydney Metro in giving approval to or endorsing any documents provided to Sydney Metro in accordance with these conditions of consent must also be complied with when implementing the approved/endorsed document.
- D4. Staged Construction Certificates dealing with specific works and compliance with specific conditions must not be issued without prior written approval from Sydney Metro as to which of Sydney Metro's conditions apply to each stage of the works.
- D5. The Applicant must reimburse Sydney Metro for all Sydney Metro's reasonable costs associated with reviewing documents post the date of this consent.