

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As the Minister for Planning and Public Spaces, 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.



The Hon Rob Stokes MP

Minister for Planning and Public Spaces

Sydney

12th June

2020

SCHEDULE 1

Application Number:	SSD 8924
Applicant:	Infrastructure New South Wales
Consent Authority:	Minister for Planning and Public Spaces
Site:	1A, 1B and 1C Bridge Road, Glebe (Lots 3, 4, 5 DP 1064339)
Development:	<p>Concept development application for the new Sydney Fish Market, including:</p> <ul style="list-style-type: none">• A Concept Proposal comprising:<ul style="list-style-type: none">○ Building envelope for a 3-storey building (AHD 28 m)○ Maximum GFA of 30,000 m²○ Use of the site for a fish market, including waterfront commercial and tourist facilities and ancillary uses○ Waterfront structures, including wharves○ Public domain, including landscaping and foreshore promenade○ Pedestrian, cycle, footpath and Bridge Road works.• Stage 1 works comprising<ul style="list-style-type: none">○ Demolition of existing wharves, structures, utilities and services.

DEFINITIONS

Accredited Certifier	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
Applicant	Infrastructure NSW, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifier	Means a council or an accredited certifier
Conditions of this consent	Conditions contained in Schedule 2 and Schedule 3 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	City of Sydney
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising demolition for the new Fish Market development, as modified by the conditions of this consent
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled New Sydney Fish Market at Blackwattle Bay, prepared by BBC Consulting Planners dated October 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm.
Feasible	Means what is possible and practical in the circumstances
Incident	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 Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or • 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)
Minister	Minister for Planning and Public Spaces (or delegate)
Night	The period from 10 pm to 7 am Monday to Saturday, and the period from 10 pm to 8 am Sunday and Public Holidays.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent

Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	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.
Response to submissions (RTS)	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
SSD	State Significant Development
Subject Site	Land referred to in Schedule 1
TfNSW	Transport for New South Wales
TfNSW (Maritime)	Maritime Division within Transport for New South Wales (RMS)
TfNSW (RMS)	Transport for NSW South Wales (RMS)

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

- A1. 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) in accordance with the EIS and Response to Submissions and additional information;
 - (d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by 3XN and BVN			
Drawing No.	Revision	Name of Plan	Date
AR-S1-A00 AAA-01	F	Cover Sheet	18/09/19
AR-S1-A20 AAA-01	F	Site Survey	18/09/19
AR-S1-A20 AAA-02	F	Locality/Context Plan	18/09/19
AR-S1-A20 AAA-03	F	Site Plan	18/09/19
AR-S1-A21 L00-01	F	Demolition Plan	18/09/19
AR-S1-B10 L00-01	F	Floor Plan Ground	18/09/19
AR-S1-B10 L01-01	F	Floor Plan Upper Ground	18/09/19
AR-S1-B10 L02-01	F	Floor Plan Mezzanine	18/09/19
AR-S1-B10 L10-01	F	Top of Building Envelope	18/09/19
AR-S1-C10 AAA-01	F	East & West Elevation	18/09/19
AR-S1-C10 AAA-02	F	North & South Elevation	18/09/19

- A2. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in **Condition A3 (a)**.
- A3. 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)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2(c)** and **Condition A2(d)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

- A4. This consent will lapse five years from the date of the consent unless the Stage 1 works associated with the development have physically commenced.

PRESCRIBED CONDITIONS

- A5. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

LEGAL NOTICES

- A6. Any advice or notice to the consent authority must be served on the Planning Secretary.

DESIGN INTEGRITY

- A7. Necessary arrangements must be implemented by the Applicant to ensure 3XN and BVN are engaged in the design documentation phase to ensure the integrity design quality of the approved development is maintained through the construction phase to completion of the building works.

SCHEDULE 3

CONDITIONS OF CONSENT FOR STAGE 1 DEMOLITION WORKS

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, and any rehabilitation required under this consent.

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) in accordance with the EIS and Response to Submissions and additional information;
 - (d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by 3XN and BVN			
Drawing No.	Revision	Name of Plan	Date
AR-S1-A21 L00-01	F	Demolition Plan	18/09/19

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in **Condition A3 (a)**.
- 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)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2(c)** and **Condition A2(d)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

- A5. This consent will lapse five years from the date of the consent unless the Stage 1 works associated with the development have physically commenced.

PRESCRIBED CONDITIONS

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

LONG SERVICE LEVY

- A7. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

LEGAL NOTICES

- A8. Any advice or notice to the consent authority must be served on the Planning Secretary.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A9. Within three months of:
- (a) the submission of a compliance report under **Conditions B10 and B12**;
 - (b) the submission of an incident report under **Condition A17**;
 - (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 A1** which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

- A10. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

EVIDENCE OF CONSULTATION

- A11. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for 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.

STRUCTURAL ADEQUACY

- A12. 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.

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

APPLICABILITY OF GUIDELINES

- A13. 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.
- A14. However, 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

- A15. 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 and independent environmental auditing.

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

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A16. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A17. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

NON-COMPLIANCE NOTIFICATION

- A18. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A19. 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.
- A20. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

OPERATION OF PLANT AND EQUIPMENT

A21. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

PART B PRIOR TO COMMENCEMENT OF STAGE 1 DEMOLITION WORKS

CROWN BUILDING WORK

- B1. If required, Crown building work cannot be commenced unless the Crown Building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:
- (a) the date of the invitation for tenders to carry out Crown building work; or
 - (b) in the absence of tenders, the date on which the Crown building work commences.

NOTIFICATION OF COMMENCEMENT

- B2. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- B3. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE

- B4. If required, the approved works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions; or
 - (b) formulating an alternative solution which:
 - i) complies with the performance requirements; or
 - ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - iii) a combination of (a) and (b).

ACCESS TO INFORMATION

- B5. 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 A1** of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

COMMUNITY COMMUNICATION STRATEGY

- B6. A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the demolition and construction works and for a minimum of 12 months following the completion of construction.
- The Community Communication Strategy must:
- (a) Identify people to be consulted during all the phases of construction work related to this development;
 - (b) Set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
 - (c) Provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;

- (d) Set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to all works related to this development, including disputes regarding rectification or compensation.

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

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

COMMUNITY CONSULTATIVE COMMITTEE

- B7. A Community Consultative Committee shall be established to allow regular contact and liaison with surrounding land users, including representatives from: Glebe Rowing Club; Dragon Boat rowers; the Body Corporate of No. 84 Wentworth Park Road; Sydney Secondary College, with meetings at least monthly, and to allow issues regarding access, noise, construction impacts and the like to be discussed and resolved in a reasonable and timely way.

COMPLIANCE REPORTING

- B8. A **Pre-Construction Compliance Report** must be prepared for the development and submitted to the Certifier before the commencement of construction. A copy of the compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction.
- B9. The Pre-Construction Compliance Report must include:
 - (a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
 - (b) the expected commencement date for construction.
- B10. Construction Compliance Reports must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Planning Secretary.
- B11. The Construction Compliance Reports must include:
 - (a) a results summary and analysis of environmental monitoring;
 - (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
 - (c) details of any review of the **Construction Environmental Management Plan (CEMP)** and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
 - (d) a register of any modifications undertaken and their status;
 - (e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
 - (f) a summary of all incidents notified in accordance with this consent; and
 - (g) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

COMPLIANCE

- B12. 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.

COMPLAINTS AND ENQUIRIES PROCEDURE

- B13. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
 - (a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
 - (b) a postal address to which written complaints and enquiries may be sent; and
 - (c) an email address to which electronic complaints and enquiries may be transmitted.

BARRICADE PERMIT / ROAD OCCUPANCY PERMIT

- B14. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit/Road Occupancy Licence is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

HOARDINGS

- B15. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- (a) Architectural, construction and structural details of the design as well as proposed artwork;
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural engineer.
- Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of works on site.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- B16. Prior to the commencement of works, the Applicant shall prepare and implement an updated **Construction Environmental Management Plan** (CEMP) for the development and be submitted to the Certifier. The CEMP must:
- a) describe the relevant stages and phases of construction, including work program outlining relevant timeframes for each stage/phase;
 - b) include plans demonstrating the boundary of the construction site and any associated areas to be fenced or closed to the public;
 - c) describe all activities to be undertaken on the site during site establishment and construction of the development;
 - d) include a Dust Management Plan, incorporating the mitigation measures outlined in the Air Quality Impact Assessment, prepared by SLR Consulting, dated April 2019
 - e) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
 - f) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - g) include specific consideration of measures to address any requirements of relevant agencies during site establishment and construction;
 - h) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
 - i) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;
 - j) include measures to ensure adequate groundwater entitlement is sourced in order to account for groundwater flows into the construction excavations, unless any exemption applies;
 - k) management of groundwater during construction;
 - l) incorporate procedures and measures for the demolition phase for minimisation of harm to microbats that may not have been excluded from the site, and these procedures and measures must be developed in consultation with the project ecologist;
 - m) document and incorporate all relevant sub environmental management plans (Sub-Plans), control plans, studies and monitoring programs required under this part of the consent; and
 - n) include arrangements for community consultation and complaints handling procedures during construction.

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

Prior to the commencement of works, details demonstrating compliance with the above requirements (Condition B17 (a)-(m)) must be submitted to the Certifier. A copy of the CEMP must be submitted to the Certifier, TfNSW (Maritime) and the Planning Secretary.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- B17. Prior to the commencement of works, a **Construction Pedestrian and Traffic Management Plan (CPTMP)** shall be prepared in consultation with the Sydney Coordination Office within TfNSW. The CPTMP shall address (but not be limited to) the following:
- (a) A description of the development;
 - (b) Location of any proposed work zone(s);
 - (c) Location of any crane(s);
 - (d) Haulage routes;
 - (e) A detailed plan identifying all construction vehicle access arrangements;
 - (f) Estimated number of construction vehicle movements, including measures to reduce the number of movements during the AM and PM peak periods;
 - (g) Measures to avoid construction worker vehicle movements;
 - (h) Construction program;
 - (i) Proposed construction hours;
 - (j) Consultation strategy for liaison with surrounding stakeholders, including other developments;
 - (k) Any potential impacts to generate traffic, cyclists, pedestrian and bus and light rail services within the vicinity of the site from the construction of the development;
 - (l) Cumulative construction impacts of the development: Bays Market District, Sydney Metro City and Southwest, Western Harbour Tunnel and Westconnex. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network; and
 - (m) Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

Prior to the commencement of works, details demonstrating compliance with the above requirements (Condition B18 (a)-(m)) must be submitted to the Certifier. A copy of the CPTMP must be submitted to the Certifier, TfNSW (RMS) and the Planning Secretary.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- B18. Prior to the commencement of works, a **Construction Noise and Vibration Management Plan (CNVMP)** prepared by a suitably qualified person shall be submitted to the Certifier. The CNVMP must be prepared in consultation with, and address the relevant requirements of, Council and the EPA. The CNVMP shall address (but not be limited to):
- a) Identification of each work area, site compound and access route (both private and public);
 - b) Identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;
 - c) Identification of all potentially affected sensitive receivers using the construction noise objectives identified in accordance with the EPA's *Interim Construction Noise Guideline*, vibration objectives as identified in accordance with the document *Assessing Vibration: A Technical Guideline* (DEC 2006), and the road traffic noise objectives as identified in accordance with the *NSW Road Noise Policy* (DECCW 2011);
 - d) Identification of non-project related construction activities in the area that may be;
 - e) identify the noise management levels for the project;
 - f) identify the construction methodology and equipment to be used and the key sources of noise and vibration;
 - g) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
 - h) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Noise and Vibration Assessment, prepared by SLR, dated April 2019;
 - i) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and
 - j) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded.

Prior to the commencement of works, details demonstrating compliance with the above requirements (B19 (a)-(j)) must be submitted to the Certifier. A copy of the CNVMP must be submitted to the Certifier, Council and the Planning Secretary.

WASTE MANAGEMENT PLAN

- B19. Prior to the commencement any construction (including demolition), a **Waste Management Plan (WMP)** must be prepared and submitted to the Certifier. The WMP must:
- a) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;
 - b) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;
 - c) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - d) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer;
 - e) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the Subject Site, is removed before the vehicle, trailer or motorised plant leaves the Subject Site.

Prior to the commencement of works, details demonstrating compliance with the above requirements (B20 (a)-(e)) and a copy of the WMP must be submitted to the Certifier.

CONSTRUCTION AIR QUALITY MANAGEMENT PLAN

- B20. Prior to the commencement of works, a **Construction Air Quality Management Plan (CAQMP)** prepared by a suitably qualified person shall be submitted to the Certifier. The CAQMP must be prepared in consultation with, and address the relevant requirements of, Council and the EPA. The CAQMP shall address (but not be limited to):
- a) describe the measures that would be implemented on site to ensure:
 - (i) the control of air quality and odour impacts of the development;
 - (ii) that these controls remain effective over time;
 - (iii) that all reasonable and feasible air quality management practice measures are employed
 - (iv) the air quality impacts are minimised during adverse meteorological conditions and extraordinary events; and
 - (v) compliance with relevant conditions of consent.
 - b) include performance objectives for monitoring dust and ensuring no off-site air quality impacts to nearby residences and businesses;
 - c) includes an air quality monitoring program that:
 - (i) is capable of evaluating the performance of the construction works;
 - (ii) includes a protocol for determining any exceedences of the relevant conditions of consent and responding to complaints
 - (iii) adequately supports the air quality performance objectives; and
 - (iv) evaluates and reports on the effectiveness of air quality management for the construction works.
 - d) details on monitoring weather conditions and communicating changing conditions to the workforce;
 - e) stop work procedures if performance objectives are not being met.

Prior to the commencement of works, details demonstrating compliance with the above requirements (B21 (a)-(e)) and a copy of the WMP must be submitted to the Certifier.

SOIL AND WATER MANAGEMENT PLAN

- B21. Prior to the commencement of works a **Soil and Water Management Plan (SWMP)** must be prepared and submitted to the Certifier. The SWMP must include:
- a) details of all erosion and sediment controls to be implemented during construction;
 - b) a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
 - c) a summary of any ground investigations to date;

- d) detail all off-site stormwater flows from the site and methods to ensure that sediment is not mobilised in stormwater flows leaving the site;
- e) the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI;
- f) the proposed stormwater disposal and drainage from the development, designed in accordance with:
 - (i) Australian Rainfall and Runoff – A Guide to Flood Estimation, Volumes 1 and 2 (1987);
 - (ii) SA/NZS 3500.3.2 National Plumbing and Drainage Part 3.2: Stormwater Drainage – Acceptable Solutions;
 - (iii) Managing Urban Stormwater – Soils and Construction Volume 1 (4th Edition March 2004)
- g) monitoring techniques;
- h) methods for testing of the water quality (suspended solids, turbidity and contaminants) prior to discharging from the site to ensure compliance with Managing Urban Stormwater – Soils and Construction Volume 1 (4th Edition March 2004) and Conditions C24, C25 and C26 of this consent.

Prior to the commencement of works, details demonstrating compliance with the above requirements (B22(a)-(h)) must be submitted to the Certifier. A copy of the SWMP must be submitted to the Certifier.

DEWATERING PLAN

- B22. If required, prior to the commencement of works, the Applicant must prepare a **Dewatering Plan** demonstrating that dewatering will not result in the discharge of pollutants at non-trivial levels. The Dewatering Plan must be approved by the EPA and include at a minimum:
- a) A description of the dewatering process, monitoring methods, management triggers and actions, and discharge location;
 - b) A characterisation of the expected quality of the proposed discharge in terms of the concentrations and loads of all pollutants present at non-trivial levels;
 - c) An assessment of the potential impact of the discharge on the environmental values of the receiving waterway with reference to the relevant Australian and New Zealand Guidelines for Fresh and Marine Quality guideline values; and
 - d) Where relevant; details of proposed measures proposed to mitigate any identified impacts.
- B23. If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water under the provisions of Part V of the Water Act 1912. The NSW Office of Water licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

Prior to the commencement of works, details demonstrating compliance with the above requirements and a copy of the Dewatering Plan must be submitted to the Certifier.

CONTAMINATION

- B24. Prior to the commencement of works, an Unexpected Contamination Finds Protocol (UFP) prepared by a suitably qualified and experienced expert shall be prepared. The protocol should include detailed procedures for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The Applicant should ensure that the procedure includes details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The UFP must be submitted to the Certifier and EPA. The UFP must be implemented for the duration of construction works.
- B25. Prior to the commencement of works, the Applicant must engage an EPA-accredited Site Auditor to prepare interim audit advice which comments on:
- (a) The Data Gap Assessment – The New Sydney Fish Market 1A to 1C Bridge Road, Glebe NSW, Revision A (dated 12 March 2019) prepared by JBS&G Australia Pty Ltd for UrbanGrowth NSW Development Corporation which comments on the appropriateness of the assessment and the assessment's conclusions;
 - (b) Whether the characterisation of the site is sufficient to ensure any asbestos containing materials in soils and at ground surface are managed appropriately;
 - (c) Whether the Hazardous Materials Management Plan, prepared by JBS&G (dated 8 April 2019), requirements for managing asbestos at ground surface and in soils are appropriate.
- Any deficiencies identified by the auditor in the interim audit advice must be addressed.
- B26. Prior to the commencement of works, the Applicant must engage an EPA-accredited auditor to prepare a Section B Site Audit Statement that confirms that the remediation action plan is appropriate for the site and that the site can be made suitable for the proposed use.

B27. The Applicant must adhere to the management measures accepted or recommended by the site auditor.

Prior to the commencement of works, details demonstrating compliance with the above requirements (Conditions B25-B28) must be submitted to the Certifier. A copy of all the documentation outlined in the above requirements (Conditions B25-B28) must be submitted to the Planning Secretary.

HAZARDOUS MATERIALS MANAGEMENT PLAN

B28. Prior to the commencement of demolition works, an updated **Hazardous Materials Management Plan** (HMMP) prepared by a suitably qualified person, shall be submitted to the Certifier. The HMMP must be prepared in consultation with the EPA and SafeWork NSW. The HMMP must:

- a) ensure the development complies with the *NSW Occupational Health and Safety Regulation 2001* and Part 7 of the *Protection of the Environment Operations (Waste) Regulation 2014*;
- b) be consistent with Safe Work Australia's codes of practice *How to Safely Remove Asbestos 2011* and *How to Manage and Control Asbestos in the Workplace 2011*;
- c) identify any known or potential areas of concern on site for hazardous and asbestos containing materials;
- d) outline the procedures for identification, handling and disposal of hazardous materials;
- e) include an Asbestos Management Plan;
- f) ensure that all hazardous materials would be handled and disposed of by suitably qualified and licensed experts in accordance with the relevant guidelines and legislation;
- g) ensure an induction process is in place for site workers and visitors regarding the identification of hazardous and asbestos containing materials and the formal procedures to be followed if such materials are identified on site;
- h) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and
- i) outline the procedures for validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates.

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

B29. The Applicant shall comply with any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.

B30. Prior to the commencement of any work, the Applicant is required to satisfy the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 'asbestos wastes'.

REQUIREMENTS OF PUBLIC AUTHORITIES FOR REMOVAL / RELOCATION OF SERVICES

B31. Prior to the commencement of any works, the Applicant shall comply with the requirements of any public authorities (e.g. Sydney Water, Ausgrid, Telstra etc) in regard to the connection, relocation or removal of services affected by the demolition works. Any costs in relocation, adjustment or support of services are the responsibility of the Applicant.

PRE-CONSTRUCTION DILAPIDATION REPORT

B32. Prior to the commencement of works, the Applicant is to engage a suitably qualified professional(s) to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained and existing and adjoining building, infrastructure and roads with the zone of influence. The report must be submitted to the Certifier prior to the commencement of works. A copy of the report must be forwarded to the affected landowners.

The Pre-Construction Dilapidation Report must also include a photographic recording of the public domain site frontages. The recording must include clear images of the foreshore, footpath, nature strip, kerb and gutter, driveway crossings and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street. The form of the recording is to be as follows:

- a) a PDF format report containing all the images that clearly demonstrates the existing site conditions;
- b) each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- c) each image is to be numbered and cross referenced to a site location;
- d) a summary report, prepared by a suitable professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record.

HARBOUR MASTER APPROVAL

- B33. Prior to any seabed disturbance, the Applicant shall obtain a Harbour Master approval under clause 67ZN of the *Ports and Maritime Administration Regulation 2012*.

CONSTRUCTION VESSEL TRAFFIC MANAGEMENT PLAN

- B34. Prior to the commencement of works, a **Construction Vessel Traffic Management Plan (CVTMP)** prepared by a suitably qualified person shall be submitted to the satisfaction of RMS (Maritime) and Port Authority of NSW. The CTVMP must include the management and mitigation measures outlined in the Navigation Impact Assessment prepared by Royal HaskoningDHV, dated 20 September 2019. A copy of the CVTMP must be provided to the Planning Secretary.

ABORIGINAL CULTURAL HERITAGE

- B35. The recommendations of the Aboriginal Cultural Heritage Assessment (ACHA), prepared by Artefact, dated July 2017 and updated last on 27 August 2019, shall be implemented as relevant to the site and Development. This shall include an Aboriginal Heritage Interpretation Plan and unexpected finds protocol. Prior to the commencement of works, details demonstrating compliance with this requirement shall be submitted to the Certifier.

ARCHIVAL RECORDING

- B36. Prior to the commencement of works, archival photographic recording of the coal loader and office/weighbridge must be undertaken.

MICROBAT MANAGEMENT PLAN

- B37. Prior to the commencement of works, the Microbat Management Plan (MMP), prepared by Ecological Australia, dated 6 May 2020, must be amended to the satisfaction of EESG.

Prior to the commencement of works, details demonstrating compliance with this requirement and any provision of the MMP shall be submitted to the Certifier. A final copy of the MMP shall be submitted to the Certifier, Planning Secretary and the Co-ordinator General EESG.

DEMOLITION

- B38. The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.

PART C DURING DEMOLITION/CONSTRUCTION

DEMOLITION

- C1. Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard.

HOURS OF DEMOLITION/CONSTRUCTION

- C2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7.00 am and 5.30 pm, Mondays to Fridays inclusive; and
 - (b) between 7.30 am and 3.30 pm, Saturdays.
- C3. No work may be carried out on Sundays or public holidays.
- C4. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials;
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- C5. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday.

NOISE AND VIBRATION MANAGEMENT

- C7. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities that could exceed the construction noise or vibration management levels shall be identified and managed in accordance with the **CEMP** and **CNVMP**.
- C8. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels
- C9. The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to noise sensitive receivers.
- C10. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required, they must only be installed where outlined in the **CEMP**.
- C11. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- (a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;
 - (b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*;
 - (c) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6842- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment; and
 - (d) these limits apply unless otherwise outlined in the **CEMP**.

DISPOSAL OF SEEPAGE AND STORMWATER

- C12. Any seepage or rainwater collected on-site during construction shall be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant authority.

APPROVED PLANS TO BE ON SITE

- C13. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

SITE NOTICE

- C14. A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
- a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

CONTAMINATION

- C15. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.
- C16. All remediation work must be undertaken in accordance with the remediation action plan and site auditor's section B Site Audit Statement.
- C17. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.
- C18. 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 so as to result in significant contamination [note this would render the Applicant the 'person responsible for the contamination under section 6(2) of the *Contaminated Land Management Act 1997*].
- C19. The EPA is to be notified under section 60 of the Contaminated Land Management Act 1997 for any contamination identified which meets the triggers in the *Guidelines for the Duty to Report Contamination* under the *Contaminated Land Management Act 1997* (EPA, 2015) (www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf).

SAFework NSW REQUIREMENTS

- C20. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

HOARDING/FENCING REQUIREMENTS

- C21. 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 removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

IMPLEMENTATION OF MANAGEMENT PLANS

- C22. The Applicant must ensure the requirements of the **CEMP**, **CNVMP**, **CPTMP**, **CVTMP**, **WMP**, **WSMP**, **SMP**, **CAQMP** and **HMMP** required by **Part B** of this consent are implemented during construction.

IMPLEMENTATION OF REPORT RECOMMENDATIONS

- C23. The Applicant must ensure the requirements of the **ACHA** (Condition B36) required by **Part B** of this consent are implemented during construction.

IMPACT OF BELOW GROUND (SUB SURFACE) WORKS – NON-ABORIGINAL OBJECTS

- C24. If during the course of construction, the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the Heritage Division must be notified immediately and consulted with regard to the recommencement of works. This protocol must be included in the induction for all construction workers on the site.

IMPACT OF BELOW GROUND (SUB SURFACE) WORKS – ABORIGINAL OBJECTS

- C25. If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and EESG informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from the Heritage Division is received by the Applicant. This protocol must be included in the induction for all construction workers on the site.

WASTE MANAGEMENT

- C26. Notwithstanding the WMP referred to in **Condition B20**, the Applicant must ensure that:
- a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;
 - b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;
 - c) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - d) the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises.

USE OF SILT CURTAINS

- C27. The Applicant must ensure silt curtains are installed throughout the duration of the works to minimise disturbance and mobilisation of sediments and contaminants in the seabed of Blackwattle Bay. The silt curtains must be installed and maintained throughout the duration of works. The silt curtain must extend from the surface of the water to the seabed, and ensure that all attachment points for the silt curtains are firmly anchored to avoid gaps and release of contaminants.

TRENCHING, DREDGING AND RECLAMATION

- C28. No trenching (except where approved by Sydney Water or under this consent), dredging or reclamation work in Blackwattle Bay is permitted at any time during the works.

WATER QUALITY

- C29. All works must be undertaken in a manner that ensures the protection of the water quality objectives and environmental values for Sydney Harbour estuarine waters in accordance with the NSW Water Quality Objectives and the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000) for the environmental values under the ANZECC Guidelines.
- C30. No contaminated or treated site waters (surface, collected groundwater or contaminated construction waters) are permitted to be discharged into Sydney Harbour.
- C31. No approval is permitted to pollute waters. All water discharge from the site must meet all requirements of the *Protection of Environment Operations Act 1997*.

IDENTIFICATION AND REMOVAL OF HAZARDOUS MATERIALS

- C32. Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
- C33. Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.

COVERING OF LOADS

- C34. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

- C35. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

STOCKPILE MANAGEMENT

C36. The Applicant must ensure:

- a) stockpiles of material do not exceed 4 metres in height;
- b) stockpiles of material are constructed and maintained to prevent cross contamination; and
- c) suitable erosion and sediment controls are in place for stockpiles.

EROSION AND SEDIMENT CONTROL

C37. All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

DUST CONTROL MEASURES

C38. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

- a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
- b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
- c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
- d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
- f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
- g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- h) cleaning of footpaths and roadways shall be carried out regularly.

PROTECTION OF TREES

C39. The Applicant must ensure:

- (a) no street trees on public land are trimmed or removed unless it forms a part of this development consent or is required in an emergency to avoid the loss of life or damage to property;
- (b) all trees that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures to protect the root systems, trunk and branches during construction, in accordance with AS 4970:2009; and
- (c) any removal works are to be undertaken by a qualified arborist recognised within the Australian Qualification Framework, with a minimum five years of continual experience within the industry of operational amenity arboriculture and covered by appropriate and current types of insurance to undertake such works and in accordance with AS 4373:2007.

ACID SULFATE SOILS

C40. The Applicant must ensure that any acid sulfate soil (ASS) and potential acid sulfate soil (PASS) excavated or other disturbed during construction is managed in accordance with the *Acid Sulfate Soils Manual 1988* (NSW Acid Sulfate Soil Management Advisory Committee and the EPA's *Waste Classification Guidelines 2014* (Part 4: Acid Sulfate Soils).

NO OBSTRUCTION OF THE PUBLIC WAY

C41. Unless otherwise authorised, the public way on Council owned land must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

DAMAGE TO THE PUBLIC WAY

C42. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

BUNDING

C43. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

MICROBAT MANAGEMENT PLAN AND MICROBATS

- C44. All measures and commitments contained in the Microbat Management Plan (MMP) approved by EESG shall be implemented throughout the works.
- C45. An ecologist with microbat specialist knowledge and experience must be engaged during the works.

CONTACT TELEPHONE NUMBER

- C46. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

PART D POST COMPLETION OF DEMOLITION/CONSTRUCTION WORKS

NOTIFICATION

- D1. The Applicant must notify the Department that the construction works are complete within one week of completing the works.

PROTECTION OF PUBLIC INFRASTRUCTURE

- D2. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

REPAIR OF DAMAGE (ROADS AND PUBLIC DOMAIN)

- D3. All public footways, paving, sub-surface infrastructure, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles.

POST CONSTRUCTION DILAPIDATION REPORT

- D4. Post completion of the works:
- a) the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report. This report must ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
 - b) the report is to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifier must:
 - c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions;
 - d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and
 - e) a copy of this report is to be forwarded to the Certifier, Council, the Planning Secretary and each of the affected property owners.

ADVISORY NOTES

APPEALS

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

OTHER APPROVALS AND PERMITS

- AN2. The Applicant shall apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

ROAD OCCUPANCY LICENCE

- AN3. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

TEMPORARY STRUCTURES

- AN5.
- a) An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.
 - b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

DISABILITY DISCRIMINATION ACT

- AN6. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references AS 1428.1 - *Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

- AN7.
- a) The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
 - b) This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

- AN8. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

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

APPENDIX 1 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 Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under **Condition** Error! Reference source not found. 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.