

# CONSOLIDATED INSTRUMENT

## SUMMARY OF MODIFICATIONS

| Application Number | Determination Date | Decider                            | Modification Description   |
|--------------------|--------------------|------------------------------------|--|
| SSD-8925-Mod-1     | 7 June 2021        | Director, Key Sites Assessments    | Internal changes to the floor plan, external changes to the facades, re-configuration of the recreational and operational wharfs, amendments to the western plaza and amendments to EPA conditions |
| SSD-8925-Mod-2     | 19 February 2021   | Director, Key Sites Assessments    | Modification to Condition B52 Marine Structures and Condition B54 Construction Bessel Traffic Management Plan  |
| SSD-8925-Mod-3     | 18 May 2021        | Team Leader, Key Sites Assessments | Alterations to the footprint and internal layout of the basement, minor changes to the ground floor, and amendments to the subdivision plans   |
| SSD-8925-Mod-4     | 2 July 2021        | Team Leader, Key Sites Assessments | Increase in sediment requiring redistribution to level the seabed under the basement   |

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

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

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## **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.

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

2020

### **SCHEDULE 1**

|                            |   |
|----------------------------|---|
| <b>Application Number:</b> | SSD 8925  |
| <b>Applicant:</b>          | Infrastructure New South Wales  |
| <b>Consent Authority:</b>  | Minister for Planning and Public Spaces   |
| <b>Site:</b>               | 1A, 1B and 1C Bridge Road, Glebe (Lots 3, 4, 5 DP 1064339, Part of Lot 107 DP 1076596, Part of Lot 1 DP 835794, Part of Lot 3 DP 1018801)   |
| <b>Development:</b>        | Stage 2 Development application for the construction, use and operation of a new Sydney Fish Market, including: <ul style="list-style-type: none"><li>• A three-storey (4 levels) building with a GFA of <b>26,751, 26,928, 26,953 m<sup>2</sup></b> comprising:<ul style="list-style-type: none"><li>○ Wholesale services, product storage and processing</li><li>○ Retail, business and office premises</li><li>○ Multi-function spaces for events and functions</li><li>○ Staff amenities and end-of-trip facilities</li><li>○ Outdoor seating areas</li><li>○ Basement car park.</li></ul></li><li>• New public domain, including a foreshore promenade and landscaping</li><li>• Marina</li><li>• Pedestrian, cycle and road access</li><li>• Upgrade works to Bridge Road and intersections with Wattle Street and Wentworth Park Road</li><li>• Provision of services, site level adjustments and stormwater management</li><li>• Subdivision of land.</li></ul> |

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## DEFINITIONS

|                                   |  |
|-----------------------------------|--|
| <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>Applicant</b>                  | Infrastructure NSW, or any 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>Certifier</b>                  | Means a council or an accredited certifier   |
| <b>Conditions of this consent</b> | Conditions contained in Schedule 2 of this document  |
| <b>Construction</b>               | 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.   |
| <b>Council</b>                    | City of Sydney   |
| <b>Day</b>                        | The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays  |
| <b>Design Review Panel</b>        | Design Review Panel or its replacement the Design Integrity Panel  |
| <b>Demolition</b>                 | The deconstruction and removal of buildings, sheds and other structures on the site  |
| <b>Department</b>                 | NSW Department of Planning, Industry and Environment   |
| <b>Development</b>                | The development described in the EIS and Response to Submissions, including the works and activities comprising the new Fish Market development, as modified by the conditions of this consent   |
| <b>EESG</b>                       | Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)  |
| <b>EIS</b>                        | The Environmental Impact Statement titled New Sydney Fish Market at Blackwattle Bay – Stage 2 Development Application Main Works, 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   |
| <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>        | <i>Environmental Planning and Assessment Regulation 2000</i>   |
| <b>EPL</b>                        | Environment Protection Licence under the POEO Act  |
| <b>Evening</b>                    | The period from 6 pm to 10 pm.   |
| <b>Feasible</b>                   | Means what is possible and practical in the circumstances  |
| <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<br><br>Note: "material harm" is defined in this consent  |
| <b>Land</b>                       | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act  |
| <b>Material harm</b>              | Is harm that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>• 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> |
| <b>Minister</b>                   | Minister for Planning and Public Spaces (or delegate)  |

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|--------------------------------------|---|
| <b>Night</b>                         | The period from 10 pm to 7 am Monday to Saturday, and the period from 10 pm to 8 am Sunday 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>Planning Secretary</b>            | Planning Secretary under the EP&A Act, or nominee   |
| <b>POEO Act</b>                      | <i>Protection of the Environment Operations Act 1997</i>  |
| <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>Response to submissions (RTS)</b> | 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.  |
| <b>SSD</b>                           | State Significant Development   |
| <b>Subject Site</b>                  | Land referred to in Schedule 1  |
| <b>TfNSW</b>                         | Transport for New South Wales   |
| <b>TfNSW (Maritime)</b>              | Maritime Division within Transport for New South Wales (RMS)  |
| <b>TfNSW (RMS)</b>                   | Transport for NSW South Wales (RMS)   |

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## 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, 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 tables below: Modification Report entitled 'SSD DA 8925 Stage 2 DA Main Works Section 4.55(1A) Modification 3 Planning Report', and accompanying appendices prepared by BBC Consulting Planners (dated March 2021);
- (e) in accordance with the approved plans in the table below: Modification Report entitled 'SSD DA 8925 Stage 2 DA Main Works Section 4.55(1A) Modification 3 Planning Report', and accompanying appendices prepared by BBC Consulting Planners (dated March 2021)
- (f) in accordance with the approved plans in the tables below: Modification Report entitled 'SSD DA 8925 Stage 2 DA Main Works Section 4.55(1A) Modification 4 Planning Report' and accompanying appendices prepared by BBC Consulting Planners (dated April 2021) and Response to Submissions prepared by BBC Consulting Planners (dated June 2021); and
- (g) in accordance with the approved plans in the tables below:

| Architectural Drawings prepared by 3XN and BVN |          |                            |                      |
|--|----------|----------------------------|----------------------|
| Drawing No.                                    | Revision | Name of Plan               | Date                 |
| S2-A00 AAA-01                                  | H<br>K   | Cover Sheet                | 18/09/19<br>01/12/20 |
| S2-A20 AAA-01                                  | H        | Site Survey                | 18/09/19             |
| S2-A20 AAA-02                                  | H<br>I   | Locality/Context Plan      | 18/09/19<br>14/08/20 |
| S2-A20 AAA-03                                  | H<br>I   | Site Plan                  | 18/09/19<br>14/08/20 |
| <b>S2-A20 AAA-04</b>                           | <b>A</b> | <b>Public Domain</b>       | <b>14/08/20</b>      |
| S2-A20 L01-01                                  | G<br>H   | Public Domain Ground       | 18/09/19<br>14/08/20 |
| S2-A20 L02-01                                  | G<br>H   | Public Domain Upper Ground | 18/09/19<br>14/08/20 |
| S2-B10 L00-01                                  | H<br>J   | Floor Plan Ground          | 18/09/19<br>18/03/21 |
| S2-B10 L01-01                                  | H<br>I   | Floor Plan Upper Ground    | 18/09/19<br>14/08/20 |
| S2-B10 L02-01                                  | H<br>I   | Floor Plan Mezzanine       | 18/09/19<br>14/08/20 |

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|------------------|--------|--------------------------------|----------------------|
| S2-B10 L03-01    | H<br>I | Mezzanine Roof Plan            | 18/09/19<br>14/08/20 |
| S2-B10 L10-01    | H      | Roof Plan                      | 18/09/19             |
| S2-B10 LB1-01    | H<br>J | Floor Plan Basement            | 18/09/19<br>18/03/21 |
| S2-C10 AAA-01    | H<br>I | East and West Elevation        | 18/09/19<br>14/08/20 |
| S2-C10 AAA-02    | H<br>I | North and South Elevation      | 18/09/19<br>14/08/20 |
| S2-D10 AAA-01    | H<br>I | Cross Sections                 | 18/09/19<br>14/08/20 |
| S2-D10 AAA-02    | H<br>I | Long Sections                  | 18/09/19<br>14/08/20 |
| S2-E43 AAA-01    | H<br>I | Auction and Office Section     | 18/09/19<br>14/08/20 |
| S2-E43 AAA-02    | H<br>I | Food and Beverage Section      | 18/09/19<br>14/08/20 |
| S2-E43 AAA-04    | H<br>J | Wholesale and Catering Section | 18/09/19<br>18/03/21 |
| AR-S2-L10 AAA-01 | H      | GFA Measurement SREP 26        | 18/09/19             |
| AR-S2-L10 AAA-02 | J      | GFA Standard Instrument        | 01/12/20             |

| Subdivision Drawings prepared by Robert S Davidson |              |  |                          |
|--|--------------|--|--------------------------|
| Reference  | Sheet Number | Name of Plan   | Date                     |
| 78527  | 1 of 2       | Plan of Subdivision of Lots 3,4 & 5 D.P. 1064339, Lot 1 D.P. 835794 & Lot 107 D.P. 1076596 | 26/09/2019               |
| 78527  | 2 of 2       | Plan of Subdivision of Lots 3,4 & 5 D.P. 1064339, Lot 1 D.P. 835794 & Lot 107 D.P. 1076596 | 26/09/2019               |
| 78527STRATUM                                       | 1 of 7       | Plan of Subdivision of Proposed Lot 100  | 30/09/2019<br>28/03/2021 |
| 78527STRATUM                                       | 2 of 7       | Plan of Subdivision of Proposed Lot 100  | 30/09/2019<br>28/03/2021 |
| 78527STRATUM                                       | 3 of 7       | Plan of Subdivision of Proposed Lot 100 – Basement Floor                                   | 30/09/2019<br>28/03/2021 |
| 78527STRATUM                                       | 4 of 7       | Plan of Subdivision of Proposed Lot 100 – Ground Floor                                     | 30/09/2019<br>28/03/2021 |
| 78527STRATUM                                       | 5 of 7       | Plan of Subdivision of Proposed Lot 100 – Upper Ground                                     | 30/09/2019               |

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|              |        |   |                          |
|--------------|--------|---|--------------------------|
|              |        | Floor   | 28/03/2021               |
| 78527STRATUM | 6 of 7 | Plan of Subdivision of Proposed Lot 100 – Mezzanine Floor | 30/09/2019<br>28/03/2021 |
| 78527STRATUM | 7 of 7 | Plan of Subdivision of Proposed Lot 100 – Roof Level      | 30/09/2019<br>28/03/2021 |

| Stormwater Management Plan prepared by Mott Macdonald |          |   |          |
|---|----------|---|----------|
| Drawing No.   | Revision | Name of Plan                                    | Date     |
| MMD-385951-C-SK-CD-3000                               | P4       | Sydney Fish Market – Stormwater Management Plan | 27/09/19 |

| Sydney Fish Market - Bridge Road Upgrade – From Wattle Street to Wentworth Park Road – Concept Design Drawings prepared by Mott Macdonald |           |       |   |          |
|---|-----------|-------|---|----------|
| Drawing No  | Sheet No. | Issue | Name of Plan                                    | Date     |
| CI-GEO-A00<br>GE-0001   | GE-0001   | 1     | Cover Sheet and Index Sheet                     | 25/09/19 |
| CI-RD1-D10<br>RD-0011   | RD-0011   | 1     | Typical Cross Sections                          | 25/09/19 |
| CI-RD3-B20<br>RD-0301   | RD-0301   | 1     | Roadworks Plan Sheet 1 of 3                     | 25/09/19 |
| CI-RD3-B20<br>RD-0302   | RD-0302   | 1     | Roadworks Plan Sheet 2 of 3                     | 25/09/19 |
| CI-RD3-B20<br>RD-0303   | RD-0303   | 1     | Roadworks Plan Sheet 3 of 3                     | 25/09/19 |
| CI-RD3-D20<br>RD-0401   | RD-0401   | 1     | Roadworks Longitudinal Sections Sheet 1 of 3    | 25/09/19 |
| CI-RD3-D20<br>RD-0402   | RD-0402   | 1     | Roadworks Longitudinal Sections Sheet 2 of 3    | 25/09/19 |
| CI-RD3-D20<br>RD-0403   | RD-0403   | 1     | Roadworks Longitudinal Sections Sheet 3 of 3    | 25/09/19 |
| CI-UT1-B00<br>UT-0011   | UT-0011   | 1     | Existing Utilities Legend                       | 25/09/19 |
| CI-UT1-B20<br>UT-0301   | UT-0301   | 1     | Drainage and Public Utilities Plan Sheet 1 of 3 | 25/09/19 |
| CI-UT1-B20<br>UT-0302   | UT-0302   | 1     | Drainage and Public Utilities Plan Sheet 2 of 3 | 25/09/19 |
| CI-UT1-B20<br>UT-0303   | UT-0303   | 1     | Drainage and Public Utilities Plan Sheet 3 of 3 | 25/09/19 |
| CI-PV1-B20  | PV-0301   | 1     | Pavement Plan Sheet 1 of 3                      | 25/09/19 |

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|                       |         |   |                            |          |
|-----------------------|---------|---|----------------------------|----------|
| PV-0301               |         |   |                            |          |
| CI-PV1-B20<br>PV-0302 | PV-0302 | 1 | Pavement Plan Sheet 2 of 3 | 25/09/19 |
| CI-PV1-B20<br>PV-0303 | PV-0303 | 1 | Pavement Plan Sheet 3 of 3 | 25/09/19 |

- 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 works associated with the development have physically commenced.
- A6. This consent does not approve:
- first use of retail premises, including food and drink premises and fit-out works
  - business premises' fit-out works
  - office premises' fit-out works
  - outdoor seating areas associated with retail premises
  - signage
  - public art
  - first use of recreational and commercial berthing and ferry stop (except fishing fleet vessels).
  - future stages of subdivision to create additional lots not approved by this consent are to be subject to separate development application(s).

Separate development application(s) must be lodged, and consent obtained for the above works and uses (except where exempt and complying development applies).

## PRESCRIBED CONDITIONS

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

## LONG SERVICE LEVY

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

## LEGAL NOTICES

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

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A10. Within three months of:
- (a) the submission of a compliance report under **Conditions B24 and B26**;
  - (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 A2** which requires a review,

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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.

- A11. 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

- A12. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - provide details of the consultation undertaken including:
    - the outcome of that consultation, matters resolved and unresolved; and
    - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## STRUCTURAL ADEQUACY

- A13. 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

- A14. 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.
- A15. 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

- A16. 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

- A17. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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.
- A18. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

## NON-COMPLIANCE NOTIFICATION

- A19. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A20. 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.
- A21. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

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## **OPERATION OF PLANT AND EQUIPMENT**

- A22. 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.

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## PART B PRIOR TO COMMENCEMENT OF WORKS/ISSUE OF A CROWN BUILDING WORKS CERTIFICATE

### CROWN BUILDING WORK

- B1. 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.

### DESIGN INTEGRITY

- B4. Prior to the commencement of works, a Design Integrity Process shall be endorsed by the Planning Secretary, after consultation with the Government Architect NSW and Council, for ongoing design review by the Design Review Panel or a Design Integrity Panel constituted by the Design Excellence Strategy.
- B5. As part of the Design Integrity Process, the following shall be resolved with the Design Review Panel:
- (a) The frontage to Bridge Road comprising the servicing areas to the west shall be treated with materials, artwork, directional signage, lighting and/or heritage interpretation measures to reduce the visual impact of the inactive frontage.
  - (b) A detailed exhibition space strategy. The strategy must include information regarding the different uses of each space located on the ground floor of the building facing Bridge Road, Blackwattle Bay and Eastern Promenade.
  - (c) Opportunities for light penetration to the water within public domain areas. The landowner is encouraged to continue consultation and engagement with local universities regarding ongoing marine habitat opportunities.
  - (d) A detailed Public Domain Plan shall be submitted to the Design Review Panel. The Public Domain Plan shall detail the proposed landscaping, lighting, street furniture, play equipment and treatment along Bridge Road for shared areas (including weather protection and shading for coach users). The flooding and the water sensitive urban design devices for the western and eastern plaza areas (overland flows, pits, bio-retention devices, tree pits and the like) shall not obstruct equitable access and shall seek to be integrated into the public domain and enhance use and enjoyment of such space, to the greatest extent possible.
  - (e) Detailed drawings of the roof cassettes, including operability (if proposed).
  - (f) Detailed drawings of street level carpark entries, access ramps, service and waste management areas to ensure that all surfaces to these areas are treated in materials equal to the standard of the principle building façade to achieve a high-quality interface with the public domain.
  - (g) The enclosure of the undercroft area beneath the western promenade to manage safety and security.
  - (h) Detailed drawings incorporating the wind mitigation measures identified in the Pedestrian Wind Environment Study by Windtech, May 2019 or any alternative solutions prepared by Windtech.
  - (i) A Final Signage and Wayfinding Strategy.
  - (j) **The modifications as approved under modification application SSD 8925 MOD 1, including:**
    - (i) the design of the western plaza
    - (ii) materials and colours for the fascia
    - (iii) internal and external changes to the building

Final design details are to be submitted to and approved by the Planning Secretary prior to the issue of the relevant Crown Building Works Certificate. A copy of the final design details are to be submitted to Council for information. Details demonstrating compliance with these requirements are to be provided to the Certifier.

- B6. The Applicant must ensure 3XN (Principles Architect) and BVN and ASPECT (Nominated) are engaged in the design documentation phase to ensure the integrity of the design quality of the approved development is maintained through the construction phase to completion of the building works. The design team is to:
- (a) prepare the design drawings for a Crown Building Works Certificate;
  - (b) prepare the design drawings for the contract documentation;
  - (c) maintain continuity of consultants and design integrity during tender and construction phases through to completion of the project;

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- (d) provide any documentation required by the Minister verifying the design intent has been achieved at completion; and
- (e) attend all meetings that pertain to design issues with the community, authorities and other stakeholders, as required.

Any changes to the design team or the deliverables outlined above must be approved by the Design Review Panel and notified to the Planning Secretary.

Details demonstrating compliance with this requirement are to be provided to the Certifier.

## LANDSCAPE DESIGN

- B7. Prior to the issue of the relevant Crown Building Works Certificate, amended plans and details drawn to scale, and technical specification, by a registered landscape architect shall be submitted to and endorsed by the Design Review Panel. Amended plans are to include:

- (a) revise tree species in the Urban Park and waterfront promenade to medium to large shade tree species, selected to provide a landscape and visual connection to Wentworth Park. The chosen trees species must have a minimum height of 12 metres with a canopy spread of 8 metres at maturity. Any change to these minimum requirements is to be approved by the Design Review Panel.
- (b) submit plans with levels and details to confirm the Bridge Road works mitigate any impacts on existing heritage fig trees and the park wall.
- (c) amended plans and sections for Bridge Road "Green Promenade" design to demonstrate integration of a cycleway, rationalised pedestrian dwelling areas, furniture and movements between vehicle drop off and SFM, and rationalise streetlights to provide a row of new street trees.
- (d) all new trees to be minimum 400L pot size at installation. Submit details for trees on slab details with the soil depth and soil volume compliant with the Sydney Landscape Code.

The final amended plans are to be submitted to and approved by the Planning Secretary.

- B8. Prior to the issue of the relevant Crown Building Works Certificate, a detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect must be submitted to the Planning Secretary for approval. These documents must include:

- (a) location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, on structure and in free standing pots.
- (b) location and details of existing and proposed surface finishes on the site including, but not limited to paved areas, harbour deck event space, waterfront promenade, boardwalks, ferry wharf, overland flow mesh deck, shared path, public art, interfaces, edges, infill pit lids.
- (c) location and details of existing structures on the site including, but not limited to, water play, custom furniture, vehicle mitigation barriers, fixed and removable bollards, walls, east and west promenade steps, bike racks, light poles, signage, WSUD devices in the public domain, drainage, services, shade structures (if applicable), other fixtures, and all associated footings.
- (d) coordinated services plan including location and approximate depth of all existing and proposed pits, services (electricity, gas, sewer, potable water), proposed urban plaza and local park drainage, lights and GPO if applicable, fence footings, sign posts etc.
- (e) detailed grading plan with existing and proposed levels, falls, and pits.
- (f) details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers. Soil volume for trees on slab to comply with Sydney Landscape Code. Any change to these minimum requirements is to be approved by the Design Review Panel.
- (g) planting details and locations, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
- (h) landscape maintenance plan. This plan is to be complied with during the occupation of the development.
- (i) details of WSUD, drainage, waterproofing and watering systems.

## PEDESTRIAN WIND ENVIRONMENT

- B9. Detailed drawings incorporating the wind mitigation measures identified in the Pedestrian Wind Environment Study by Windtech, May 2019, (any alternative solutions approved by Windtech where required), are to be submitted to and approved by the Planning Secretary in consultation with the Design Review Panel prior to the issue of the relevant Crown Building Works Certificate to ensure that the design excellence is achieved.

- B10. Where alternative solutions are proposed to maintain the design integrity and achieve design excellence, these are to be reviewed and approved by Windtech.

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## **CYCLING CONNECTION**

- B11. Prior to the commencement of any works within the classified road reserve, the Applicant shall provide design details to the Certifier demonstrating that the new off-road cycling connection on Bridge Road is designed in accordance with Australian Standards.
- B12. The Applicant shall continue to consult with TfNSW and Council on the design of the shared path cycleway and facility for the Bridge Road footpath. This shall consider the available roadside/footpath space on Bridge Road, safety of all street users as well as interface with the adjacent drop-off/pick-up zone.
- Final detailed design drawings shall be submitted to and approved by the Planning Secretary prior to the issue of the relevant Crown Building Works Certificate. A copy of the approved design drawings shall be submitted to the Certifier.

## **PUBLIC ART PLAN**

- B13. A Preliminary Public Art Plan must be prepared in consultation with Council's Public Art Advisory Panel. The Plan must include:
- (a) Detailed historical analysis and future vision for the precinct to aid the preparation of artists briefs;
  - (b) A methodology for the selection and commissioning of artists;
  - (c) Indication of the appointment of a curator to guide the artist selection process and/or the appointment of an Indigenous curator to assist with the selection of Aboriginal and other artists;
  - (d) An estimated budget for the proposed suite of artworks; and
  - (e) A program for the development of artworks and inclusion of artists.

A copy of the Plan shall be submitted to and approved by the Planning Secretary prior to the issue of the relevant Crown Building Works Certificate.

Details demonstrating compliance with this requirement shall be submitted to the Certifier.

## **BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE**

- B14. 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).
- B15. The detailed design for the Development shall comply with the BCA as applicable at the time of construction detail approval, including resolving issues identified in the Report for BCA Compliance, prepared by Group DLA, dated 26 September 2019, including any necessary performance based or fire-engineered solutions as endorsed by suitably qualified practitioners with expertise in these areas
- Details demonstrating compliance with the requirement shall be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

## **ACCESSIBILITY**

- B16. The accessibility of the Development shall comply with the Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards), and the access provisions of the Building Code of Australia 2019 (BCA), as applicable at the time of approval of the detailed design prior to construction. In achieving such accessibility, all issues identified as requiring resolution in the Accessibility Compliance report, prepared by Group DLA, dated 26 September 2019 shall be resolved.

Details demonstrating compliance with this requirement shall be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

## **EXTERNAL WALLS AND CLADDING**

- B17. The external walls of all buildings including to existing buildings must comply with the relevant requirements of the BCA.
- B18. Prior to the commencement of works, 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.

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B19. The Applicant must provide a copy of the documentation submitted to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

## ACCESS TO INFORMATION

B20. 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 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

B21. 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 four 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

B22. Before the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2016). The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so for the duration of construction and for at least six months following the completion of construction.

B23. The 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.

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## COMPLIANCE REPORTING

- B24. 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](mailto:compliance@planning.nsw.gov.au) before the commencement of construction.
- B25. 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.
- B26. Construction Compliance Reports must be submitted to the Department at [compliance@planning.nsw.gov.au](mailto: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.
- B27. 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

- B28. The Applicant must ensure that all 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

- B29. 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.

## STRUCTURAL DETAILS

- B30. Prior to the commencement of the relevant works, the Applicant shall submit to the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA; and
  - (b) the development consent.

## ROAD WORKS

- B31. Prior to the commencement of any works within the classified road reserve, the Applicant must obtain Section 87 and 138 concurrence under the *Roads Act 1993* from TfNSW.

The construction of the road works, new traffic control signal and modifications to the existing traffic control sign within the TfNSW corridor (e.g. Bridge Road and Wattle Street) shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email at [DeveloperWorks.Sydney@rms.gov.au](mailto:DeveloperWorks.Sydney@rms.gov.au).

Detailed design plans of the proposed works are to be submitted to Council for information and submitted to TfNSW for approval prior to the commencement of any works within the classified road reserve area and approval obtained prior to commencement of any road works that impact upon TfNSW road corridors. Please send all documentation to [development.sydney@rms.gov.au](mailto:development.sydney@rms.gov.au).

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A plan checking fee and lodgement of a performance bond is required from the Applicant, prior to the release of the approved road design plans by TfNSW.

## **ROAD WORKS (COUNCIL LAND)**

- B32. Any proposals for alterations to the public road owned by Council, involving traffic and parking arrangements, must be designed in accordance with TfNSW requirements and must be referred to and agreed by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site (Council owned).

## **SIDRA**

- B33. Prior to the commencement of any works within the classified road reserve, the Applicant shall provide the electronic copies of all SIDRA model files for concurrence. Any adjustments to the base values of the model shall be identified and supporting justification for each change provided. In addition, all signals shall be monitored on Masterlink mode and details provided on how the existing base model has been calibrated with on-site observations, for instance queue lengths and/or delays.

Survey data shall be provided to validate the volumes used for the SIDRA modelling to TfNSW for concurrence prior to the commencement of any works within the classified road reserve.

## **CYCLING CONNECTION**

- B34. Prior to the commencement of any works within the classified road reserve, the Applicant shall provide design details to Council and the Certifier that the new off-road cycling connection on Bridge Road is designed in accordance with Australian Standards.
- B35. The Applicant shall continue to consult with TfNSW and Council on the design of the shared path cycleway and facility for the Bridge Road footpath. This shall consider the available roadside/footpath space on Bridge Road, safety of all street users as well as interface with the adjacent drop-off/pick-up zone. Details demonstrating compliance with this requirement shall be provided to the Certifier.

Final detailed design drawings shall be provided to the Planning Secretary and the Certifier.

## **PUBLIC DOMAIN DAMAGE DEPOSIT**

- B36. A Public Domain Damage Deposit calculated on the basis of 250 linear metres of the asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site. The guarantee must be lodged with Council prior to the commencement of works.

The guarantee will be retained in full until the use of the development commences, and any rectification works to the footway and public domain are completed to Council's satisfaction. On satisfying the above requirements, 90% of the bank guarantee will be released, with the remaining 10% to be retained for the duration of the 12-month Defect Liability Period.

## **PUBLIC DOMAIN PLAN**

- B37. Prior to the commencement of works, the Applicant shall ensure the following:

- a) A detailed Public Domain Plan for the Bridge Road frontages must be lodged with Council's Public Domain section and approved by Council prior to the commencement of the relevant works. The Public Domain Plan is to be submitted with a complete Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual);
- b) The Public Domain Plan documents all works required to ensure that the Bridge Road frontage public domain complies with the Council's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps and other relevant public domain elements. The Public Domain Plan submission is to incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to the commencement of the relevant works.

## **PUBLIC DOMAIN LEVELS AND GRADIENTS**

- B38. Prior to the issue of the relevant Crown Building Works Certificate, alignment levels for the building and site frontages (Bridge Road) must be submitted to Council. The submission must be in accordance with the City of Sydney Public Domain Manual and must be submitted with a completed levels and gradients approval application. Information on how to complete the submission can be downloaded from the Council's website. Any requirements to comply with the Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

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Note: Levels and gradient plans will be included in the completed construction level Public Domain Plan documentation and the stamped plans issued with the section 138 approval.

## CHANGES TO KERBSIDE CAR PARKING RESTRICTIONS

- B39. Prior to the commencement of any works on Council owned land, a separate submission must be made for any changes to kerbside parking arrangements. There is no guarantee kerbside parking will be changed or that any change will remain in place for the duration of the development/use. All costs associated with any parking changes would be borne by the developer.

Note: The Applicant is to contact the Area Traffic Engineer to discuss the proposal before making a submission. If new parking signage is installed, the Applicant is to immediately notify the Council's Public Domain team.

## COST OF SIGNPOSTING

- B40. All costs associated with signposting of any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

## HERITAGE INTERPRETATION

- B41. The recommendations and suggestions of the Heritage Interpretation Strategy by City Plan Heritage dated February 2020, shall be included in the detailed Public Domain Plan. Details demonstrating compliance with this requirement shall be submitted to the Certifier.

## ARCHIVAL RECORDING

- B42. Prior to the commencement of works, archival photographic recording of the coal loader and office/weighbridge must be undertaken.

## CAR PARK AND SERVICE VEHICLE LAYOUT

- B43. Plans demonstrating compliance with the following traffic and parking requirements must be submitted to the Certifier prior to the commencement of works:

- a) All vehicles should enter and leave the basement car park in a forward direction;
- b) Car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, lighting and parking bays) shall be in accordance with AS 2890.1-2004 Parking Facilities Part 1: Off-street Car Parking, AS 2890.6-2009 Parking Facilities Part 6:Off-street Parking for People with Disabilities for accessible spaces and AS 2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities;
- c) Appropriate pedestrian advisory signs are to be provided at the egress from the car park;
- d) The swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site shall be in accordance with Austroads. The design, layout, signage, line marking, lighting and physical controls for all service vehicles shall be in accordance with AS 2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities;
- e) The loading dock must be designed to enable Council's 9.25 m rigid vehicle garbage trucks to service the buildings. A minimum vertical clearance of 4 m must be provided;
- f) The roller door providing access to the loading dock shall provide a minimum height clearance of 3.8 m;
- g) Provision of an electronic noticeboard to advise drivers of the availability of parking within the car park.

## CAR PARKING

- B44. A maximum number of car parking spaces and loading spaces to be provided for the development shall comply with the sub-total (417) and total (438) in the table below. Details confirming compliance with the sub-total and total parking numbers must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

| Car Parking Type                                  | Number of spaces |
|---|------------------|
| Office and business car parking                   | 56               |
| Accessible office and business car parking        | 4                |
| Retail car parking                                | 176              |
| Flexible retail car parking (SRV parking capable) | 181              |
| <b>Sub total</b>                                  | <b>417</b>       |
| Small rigid vehicle loading dock(s)               | 3                |

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| Medium rigid vehicle loading dock(s) | 13         |
| Articulated vehicle loading dock(s)  | 5          |
| <b>Total</b>                         | <b>438</b> |

## BICYCLE PARKING AND END-OF-TRIP FACILITIES

- B45. The minimum number of bicycle spaces and end-of-trip facilities to be provided for the development must comply with the table below. Details confirming compliance with the parking numbers must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

| User                     | Number of spaces | Requirements  |
|--------------------------|------------------|---|
| Staff / Employee         | 60               | Class B bicycle parking facility in accordance with AS2890.3. |
| Customer                 | 76               | Class C bicycle parking facility in accordance with AS2890.3. |
| End-of-trip facility     | Number           |   |
| Showers with change area | 6                |   |
| Personal lockers         | 60               |   |

- B46. The layout, design and security of all bicycle facilities in the basement must comply with AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities. Staff bicycle parking should be provided according to the security level B as specified AS 2890.3:2015.

Documentation demonstrating compliance with this condition shall be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

- B47. The layout, design and security of all bicycle facilities in the basement must comply with AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities. Staff bicycle parking should be provided according to the security level B as specified AS 2890.3:2015.

## SIGNAL SYSTEM

- B48. A system of traffic lights and/or mirrors must be installed at the ends of any ramp(s) and /or where necessary, to indicate traffic movement on the ramp(s). This system must be detailed in the application for the relevant Crown Building Works Certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

## SIGNS AT EGRESS

- B49. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:
- (a) compelling "Give Way to Pedestrians and Bicycles" before crossing a footpath on an existing or identified shared path route.

## STORAGE AND HANDLING OF WASTE

- B50. To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment and comply with the Council Policy for Waste Minimisation in New Developments, and must be:

- a) Provided with a hose tap connected to the water supply;
- b) Paved with impervious floor materials;
- c) Coved at the intersection of the floor and walls;
- d) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
- e) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the Protection of the Environment Operations Act 1997 or a nuisance.
- f) Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
- g) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.

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- h) Appropriately managed so that it does not attract pests or create litter.

Detailed plans and specifications for the construction of the waste storage area must demonstrate compliance with the above requirements and must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate and must be constructed in accordance with such plans and specifications prior to the occupation or commencement of the use.

## SEAWALLS AND FORESHORE STRUCTURES

- B51. The Applicant shall ensure that all seawalls are designed in accordance with the Office of Environment's Environmentally Friendly Seawalls Guidelines, OEH 2009 with the aim of increasing aquatic biodiversity in the area. Details of compliance with this condition shall be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

## MARINE STRUCTURES

- B52. Prior to the issue of the relevant Crown Building Works Certificate, the detailed design of all marine structures (public pier, waterfront promenade, wharve structures and pontoons) must be submitted to **and approved by the satisfaction of TfNSW (Maritime)**. The drawings and specifications are to:

- a) Comply with NSW Maritime's Engineering Standards for Maritime Structures and NSW Maritime's Guidance Note Documentation, AS 4997-2005 Guidelines for the Design of Maritime Structures and AS 3962-2001 Guidelines for Design of Marinas;
- b) Fully and clearly describe all new works for land below the Mean High-Water Mark and all their components and interconnections;
- c) Demonstrate the structural components have been designed by a practising structural Civil Engineer and experienced in the design of maritime structures;
- d) Include all marine ecological aspects and initiatives within the Marine Ecological Assessment prepared by Ecological Australia dated 2 April 2019, so opportunities to increase marine biology are realised.
- e) Include all management and mitigation measures within the Navigation Impact Assessment prepared by Royal HaskoningDHV, dated 20 September 2019.

## HARBOUR MASTER APPROVAL

- B53. 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

- B54. Prior to the commencement of works, a **Construction Vessel Traffic Management Plan** (CVTMP) prepared by a suitably qualified person shall be submitted to **and approved by the satisfaction of TfNSW (Maritime)** and **approved by** Port Authority of NSW. The CVTMP 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.

## SCHEDULE OF MATERIALS

- B55. A physical material sample board which specifies all proposed external materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be prepared in consultation with the Design Review Panel and submitted to the Planning Secretary prior to the relevant Crown Building Works Certificate being issued. The materials and samples board must:
- (a) (a) Include evidence regarding warranties, durability, methodology and evidence of prior successful use in proximity to seawater (where relevant)
  - (b) (b) not include generic material or colour descriptions or use terminology such as 'or similar' and must be prepared in consultation with the Council.

- B56. The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the approved materials schedule and sample board.

## ENVIRONMENTAL SUSTAINABILITY

- B57. The Applicant shall ensure the detailed design of the development incorporates the environmental sustainability objectives, measures and initiatives outlined in the Ecologically Sustainable Development Report, prepared by Wood and Grieve, dated 26 September 2019. Any changes to the specific initiatives will be required to be approved by the Design Review Panel. The sustainability targets shall not be reduced through the design, construction and operational phases, including:
- (a) a 30% reduction target in greenhouse gas emissions from operations
  - (b) a 45% reduction target in potable water consumption

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- (c) a landfill diversion rate at 90% for construction and demolition waste and 80% for operational waste  
Details demonstrating compliance with this condition must be submitted to the Certifier prior to the commencement of the relevant works.

## **REFLECTIVITY**

- B58. The visible light reflectivity from building materials used on the facades/roof shall not exceed 20 per cent and shall be designed to minimise glare. A report/documentation demonstrating compliance with this requirement is to be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

## **OUTDOOR LIGHTING**

- B59. All new outdoor lighting (including any signage illumination) shall comply with AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with this requirement shall be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.
- B60. Lighting of the building shall minimise up-lighting that causes light spill to the sky and a lighting management system shall be installed that ensures external lighting of the building is automatically switched off, unless necessary for the safe functioning of the building and public domain. All decorative lighting shall be switched off at 12 midnight.
- B61. Details demonstrating compliance with these requirements is to be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

## **INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS**

- B62. All toilets installed as part of the approved works must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- B63. All taps and shower heads installed as part of the approved works must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available.
- B64. New urinal suites, urinals and urinal flushing control mechanisms installed as part of the approved works must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- B65. Systems should include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved.
- B66. Details demonstrating compliance with the above requirements (Conditions B50-B53) are to be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

## **SANITARY FACILITIES FOR DISABLED PERSONS**

- B67. The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Plans demonstrating compliance with this condition shall be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

## **ACCESS FOR PEOPLE WITH DISABILITIES**

- B68. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the commencement of the relevant works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

## **MECHANICAL VENTILATION**

- B69. All mechanical ventilation systems shall be installed in accordance with the BCA and shall comply with Australian Standards AS1668.2 and AS3666 - Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection, and are to include electro static filtration and ozone odour treatment. Details demonstrating compliance of these requirements shall be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

## **NOISE**

- B70. Prior to the issue of the relevant Crown Building Works Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the *Noise Impact Assessment, prepared by SLR, dated April 2019*. This must be done by a suitably qualified Acoustic Consultant and submitted to the Certifier.

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## BARRICADE PERMIT / ROAD OCCUPANCY PERMIT

- B71. 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.
- B72. A Road Occupancy Licence (ROL) should be obtained from the Transport Management Centre prior to any works that may impact on traffic flows on the classified road network during construction activities. A ROL can be obtained through <http://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

## HOARDINGS

- B73. 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 must be submitted to the Certifier prior to the commencement of works on site.

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B74. Prior to the issue of the relevant Crown Building Works Certificate and to minimise the opportunity for crime in accordance with CPTED principles, the Applicant shall provide detailed design documentation demonstrating compliance with the recommendations of the CPTED Assessment prepared by AECOM dated 2 April 2019 to the Certifier, prior to the issue of the relevant Crown Building Works Certificate.

## SECURITY RISK ASSESSMENT

- B75. Prior to commencement of the relevant works, the Applicant shall provide detailed design documentation demonstrating compliance with the approved undercroft design as required by Condition B5 (g) and recommendations within Part 10 of the Security Risk Assessment Report prepared by Aecom dated 2 April 2019.
- B76. Details demonstrating compliance with this requirement must be provided to the Certifier, prior to the issue of the relevant Crown Building Works Certificate.

## CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- B77. Prior to the commencement of works, the Applicant shall prepare and implement an updated **Construction Environmental Management Plan** (CEMP) for the development. 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;

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- k) management of groundwater during construction;
- l) 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
- m) 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 must be submitted to the Certifier. A copy of the CEMP must be submitted to the Certifier, Council, TfNSW (Maritime) and the Planning Secretary.

## CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- B78. 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 needs to specify, but not 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.

A copy of the final CPTMP must be submitted to the Coordinator General, Transport Coordination within TfNSW for endorsement prior to the commencement of works.

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

## CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- B79. Prior to the commencement of works, a **Construction Noise and Vibration Management Plan** (CNVMP) prepared by a suitably qualified person 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;

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- 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 (B6779 (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

- B80. Prior to the commencement any construction (including demolition), a **Waste Management Plan** (WMP) must be prepared. 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 (B68 (a)-(e)) and a copy of the WMP must be submitted to the Certifier.

## CONSTRUCTION AIR QUALITY MANAGEMENT PLAN

- B81. Prior to the commencement of works, a **Construction Air Quality Management Plan** (CAQMP) must be prepared. 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:
    - (vi) is capable of evaluating the performance of the construction works;
    - (vii) includes a protocol for determining any exceedences of the relevant conditions of consent and responding to complaints
    - (viii) adequately supports the air quality performance objectives; and
    - (ix) evaluates and reports on the effectiveness of air quality management for the construction works.

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- 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 must be submitted to the Certifier. A copy of the **CPTMP CAQMP** must be submitted to Certifier and the Planning Secretary.

## SOIL AND WATER MANAGEMENT PLAN

- B82. 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 (4<sup>th</sup> 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 (4<sup>th</sup> 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 must be submitted to the Certifier. A copy of the SWMP must be submitted to Certifier and the Planning Secretary.

## STORMWATER DRAINAGE DESIGN (CONNECTIONS TO COUNCIL DRAINAGE SYSTEM)

- B83. Prior to the commencement of the relevant works, and where connections to Council's drainage and stormwater system are proposed, the Applicant must prepare a **detailed Stormwater Management Plan** prepared by a suitably qualified and experienced professionals demonstrating compliance with Section 3.7.2 Drainage and Stormwater Management of Sydney DCP 2012 must be submitted to and approved by Council. A stormwater design certification shall be required stating that the proposed design complies with:
- a) City's Sydney Streets Technical Specifications, Part A4 Drainage Designs;
  - b) Standard drawings;
  - c) City's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction; and
  - d) All relevant standards.

Certification is also required of all hydraulic and structural design elements. Structural certification is not required for City of Sydney standard drawings.

The above certification shall accompany information that address the requirements of Section 4.5 Data Requirements, Part A4 Drainage Design of City's Sydney Streets Technical Specifications.

Sydney Water Requirements - The requirements of Sydney Water about the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of Sydney Water approval must be submitted to the Council prior to any Construction Certificate other than demolition.

Note: A Deed of Agreement for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to any commencement of the use or occupation of the development and can take up to three months.

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## DRAINAGE CONNECTION

- B84. Prior to the issue of the relevant Crown Building Works Certificate, for approval of a connection into the Council's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council, together with an application fee in accordance with the Council's adopted Schedule of Fees and Charges. This must be approved prior to the issue of the relevant Crown Building Works certificate.

## STORMWATER MANAGEMENT

- B85. Prior to the issue of the relevant Crown Building Works Certificate, an electronic copy of the MUSIC Modelling shall be provided to Council for review. A design certification report prepared by a suitably qualified practitioner (NPER) for stormwater quality improvement devices, structural integrity, treatment train and their treatment properties demonstrating compliance of the approved MUSIC link reports above shall be submitted to the Certifier. The approval report shall be provided Council prior to the commencement of the relevant works. Details demonstrating compliance with this requirement shall be submitted to the Certifier.

## FLOOD PLANNING LEVELS

- B86. The development shall be constructed to comply with the recommended flood planning levels indicated in Table 3-4 of the Flooding and Water Quality Assessment Report prepared by Cardno dated 1 October 2019. Details demonstrating that the development will comply with the recommended flood planning levels shall be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

- B87. All building structures are to be designed to ensure structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the 100-year flood level plus 0.5 metres or Probable Maximum Flood Level whichever is greater. Details demonstrating compliance with this requirement shall be submitted to the Certifier.

## SERVICE AND DRAINAGE PIT LIDS

- B88. All existing or proposed utility service pit lids throughout the public domain areas owned by Council, shall be heel guard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by the Public Domain Officer. Private pits are not allowed in public domain. The details must be shown on the public domain plan and must be approved by the Council prior to the issue of the Crown Building Works Certificate for the public domain works (owned by Council).

## WATER QUALITY MANAGEMENT PLAN

- B89. Prior to the commencement of the final removal of the cofferdam sheet piles, the Applicant must develop a Water Quality Management Plan, setting out monitoring and associated management triggers and actions to address water quality risks. Consideration should be given to including continuous turbidity monitoring at a site immediately outside the silt curtain and at a nearby background site (unaffected by the project) to allow management triggers to be defined based on an increase in turbidity above background levels.

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

## DEWATERING PLAN

- B90. 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 description of the dewatering process, monitoring methods, management triggers and actions, and discharge location;
- 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;
- 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
- Where relevant; details of proposed measures proposed to mitigate any identified impacts.

- B91. 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.

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## CONTAMINATION

- B92. **Prior to the commencement of works, Within eight weeks of the approval of SSD 8925 MOD 5**, 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 an EPA accredited Site Auditor**. The UFP must be implemented for the duration of construction works.
- B93. **Prior to the commencement of works, Within eight weeks of the approval of SSD 8925 MOD 5**, the Applicant must engage an EPA-accredited Site Auditor to prepare interim audit advice which comments on:
- 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;
  - Whether the characterisation of the site is sufficient to ensure any asbestos containing materials in soils and at ground surface are managed appropriately;
  - 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.
  - sediment adjustment methodology prepared by Senversa Pty Ltd (dated 15 April 2021), the Acid Sulphate Soil Management Plan prepared by JBS&G Australia Pty Ltd (dated 26 April 2021), and revised Construction Staging Plan.**
  - Any deficiencies identified by the auditor in the interim audit advice/s must be addressed.**
- Any deficiencies identified by the auditor in the interim audit advice must be addressed.
- B94. Prior to the commencement of works, the Applicant must **engage an EPA-accredited auditor to prepare submit to the Certifier** a Section B Site Audit Statement, **prepared by an EPA accredited Site Auditor** that confirms that the remediation action plan is appropriate for the site and that the site can be made suitable for the proposed use.
- B95. 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 **B73-B76 B92-B94**) must be submitted to the Certifier. A copy of all the documentation outlined in the above requirements (Conditions **B73-B76 B92-B94**) must be submitted to the Planning Secretary.

## HAZARDOUS MATERIALS MANAGEMENT PLAN

- B96. 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:
- 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*;
  - 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*;
  - identify any known or potential areas of concern on site for hazardous and asbestos containing materials;
  - outline the procedures for identification, handling and disposal of hazardous materials;
  - include an Asbestos Management Plan;
  - 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;
  - 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;
  - include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and
  - outline the procedures for validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates
  - be guided by the processes and procedures outlined in the Hazardous Materials Management Plan, prepared by JBS&G, dated 8 April 2020 and the SEPP 33 Assessment, prepared by RiskCon Engineering, dated 18 April 2019.

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Prior to the commencement of works, details demonstrating compliance with the above requirements (Condition B7796 (a)-(j)) must be submitted to the Certifier. A copy of the HMMP must be submitted to the Certifier, [EPA](#), SafeWork NSW and the Planning Secretary.

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

- B97. The Applicant shall comply with any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.
- B98. 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

- B99. 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

- B100. 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.

## ABORIGINAL CULTURAL HERITAGE

- B101. 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.

## AIR QUALITY

- B102. The mitigation measures in Part 7.4 of the Air Quality Assessment (AQA), prepared by SLR, dated April 2019 shall be implemented thorough to the detailed design, construction and operation, including exhausting, treatment of exhaust, temperature control, operational measures and monitoring. Prior to the issue of the relevant Crown Building Works Certificate, details demonstrating compliance with this requirement shall be submitted to the Certifier.

## MARINE ECOLOGY

- B103. All recommendations within the Marine Ecology Assessment report (MEA), prepared by Ecological Australia, dated 2 April 2019 shall be implemented, including preparation of an Aquatic Biodiversity Management Plan (ABMP), which shall address OEH guidelines. Further, research from Macquarie University and University of NSW to enhance native habitat-forming organisms shall be included in the ABMP, once proof of the concept phase is completed, where relevant. Prior to the commencement of works, details demonstrating compliance with this requirement shall be submitted to the Planning Secretary and Certifier.

## ACOUSTIC IMPACT

- B104. Further consultation shall occur with the Body Corporate of No. 84 Wentworth Park Road, including with involvement of an acoustic expert, seeking to incorporate reasonable acoustic mitigation measures at that property to meet acoustic guidelines (subject to agreement of that property). If either agreement is not reached or the applicant believes suggested measures are unreasonable, written proof of the engagement and situation shall be

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provided to the Planning Secretary. Prior to the commencement of works, details demonstrating compliance with this requirement shall be submitted to the Planning Secretary and Certifier.

## **VEHICLE CLEANSING**

B105. 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.

## **MICROBAT MANAGEMENT PLAN**

B106. 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 Co-ordinator General EESG.

## **DEMOLITION**

B107. 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

## **TREE SELECTION AND MANAGEMENT**

B108. The Applicant must ensure:

- a) tree species for the proposed replanting within the site should be selected in consideration of 'Section 3.5.2 Urban vegetation' of the Sydney Development Control Plan 2012.
- b) the tree species for the replanting proposed for the northern side of Bridge Road must be Lophostemon confertus (Brush Box) in accordance with the City of Sydney Street Tree Master Plan: Part C – Precinct Plans.
- c) soil improvements must be provided for the replanting proposed for the northern side of Bridge Road in accordance with the City of Sydney Street Tree Master Plan: Part D – Technical Guidelines.
- d) all new trees must have a minimum container size of 400L at the time of planting.
- e) all new trees must be grown in accordance with the Australian Standard 'AS2303:2018 Tree stock for landscape use'.
- f) all trees on Bridge Road must be shade tolerant.

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## PART C DURING 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 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) 1.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 1.00 pm, Saturday.
- C7. Notwithstanding Condition C6 above, rock breaking, rock hammering, sheet piling, pile driving, and similar activities may be carried out **only** if these activities do not exceed the noise management levels identified in the Noise Impact Assessment prepared by SLR dated April 2019.

### NOISE AND VIBRATION MANAGEMENT

- C8. 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**.
- C9. 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
- C10. 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.
- C11. 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 and CNVMP**.
- C12. 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 6472- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment.

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## **DISPOSAL OF SEEPAGE AND STORMWATER**

- C13. 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 ONSITE**

- C14. 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**

- C15. 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:
- 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;
  - the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - 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
  - 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.

## **ASSOCIATED ROADWAY COSTS**

- C16. All costs associated with the construction of any new road works, including kerb and gutter, road pavement, drainage system and footway must be borne by the Applicant. For any road works on Council owned land, the new road works must be designed and constructed in accordance with the Council's "Development Specification for Civil Works Design and Construction".

## **CONTAMINATION**

- C17. All remediation work must be undertaken in accordance with the remediation action plan and site auditor's section B Site Audit Statement.
- C18. 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.
- C19. 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*'].
- C20. 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](http://www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf)).
- C20A. An EPA-accredited Site Auditor must be engaged throughout the duration of works, for the entire development site, to ensure that any work required in relation to soil, groundwater, surface water or sediment contamination is appropriately managed. If work is to be completed in stages, the Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice/s.**

## **SAFEWORK NSW REQUIREMENTS**

- C21. 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**

- C22. The following hoarding requirements must be complied with:
- no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and

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- 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

- C23. The Applicant must ensure the requirements of the **CEMP, CNVMP, CPTMP, CVTMP, WMP, WSMP, SMP, CAQMP, HMMP** and the **MMP** required by **Part B** of this consent are implemented during construction.

## IMPLEMENTATION OF REPORT RECOMMENDATIONS

- C24. The Applicant must ensure the requirements of the **ACHA, AQA and MEA** required by **Part B** of this consent are implemented during construction.

## IMPACT OF BELOW GROUND (SUB SURFACE) WORKS – NON-aboriginal objects

- C25. 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

- C26. 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.

## MARITIME HERITAGE

- C27. The Applicant must ensure that all the mitigation measures and archaeological test excavation strategy outlined in the Maritime Heritage Impact Assessment prepared by Comber Consultants **and Maritime Heritage letter prepared by Comber Consultants (dated 16 April 2021)** are implemented throughout construction works.

## HERITAGE

- C28. All works must be carried out in accordance with the mitigation measures outlined in Section 11 of the Heritage Impact Statement (Revision 5) prepared by City Plan Heritage dated 26 March 2019, particularly regarding the following:

- a) engagement of a built heritage specialist;
- b) heritage listed stormwater;
- c) preparation of a physical archive;
- d) archival photographic recording of the coal loader and office/weighbridge (prior to commencement of works);
- e) salvage methodology;
- f) archaeology.

## WASTE MANAGEMENT

- C29. Notwithstanding the WMP, 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 and cleaned of debris prior to leaving the premises.

## USE OF SILT CURTAINS

- C30. 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.

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## **TRENCHING, DREDGING AND RECLAMATION**

C31. No trenching (except where approved by Sydney Water or required and approved under this consent), dredging or reclamation work in Blackwattle Bay is permitted at any time during the works.

## **WATER QUALITY**

- C32. 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.
- C33. No contaminated or treated site waters (surface, collected groundwater or contaminated construction waters) are permitted to be discharged into Sydney Harbour.
- C34. 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*.
- C35. Contaminated groundwater shall not be discharged into Council's stormwater drainage system. Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

## **IDENTIFICATION AND REMOVAL OF HAZARDOUS MATERIALS**

- C36. Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
- C37. 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.

## **IMPORTED FILL**

- C38. All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristics for site drainage. The Minister may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence, all fill imported onto the site should be validated by either one or both of the following methods during remediation works:
- Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where material is maintained; and/or
  - sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Guidelines.

## **CONSTRUCTION VEHICLES**

- C39. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

## **COVERING OF LOADS**

- C40. 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**

- C41. 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**

- C42. The Applicant must ensure:
- stockpiles of material do not exceed 4 metres in height;
  - stockpiles of material are constructed and maintained to prevent cross contamination; and

## **STOCKPILE**

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C43. The Applicant must ensure:

- a) no stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from Council's Construction Regulation Team;
- b) all stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets;
- c) all stockpiles of soil or other materials likely to generate dust or odours shall be covered;
- d) all stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

## **EROSION AND SEDIMENT CONTROL**

C44. 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**

C45. 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**

C46. 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.

## **PROTECTION OF TREES WITHIN WENTWORTH PARK**

C47. The demolition of the existing footpath, kerb and gutter along the southern side of Bridge Road shall be supervised by the Project Arborist. The works should be undertaken using a compact excavator (<2T fitted with a flat bladed bucket). The excavator operator should be guided by a spotter at all times and machinery movements should be restricted to areas of existing pavement or ground protection. The asphalt surface, kerb and gutter should be broken up into small sections and carefully removed to minimise disturbance to the underlying sub-base/soil profile and prevent root damage.

Existing underground structures and sub-base materials should be left in situ and reused (where possible). Where the removal of the sub-base is required, the works should be undertaken using a combination of machine excavation (<2T fitted with a flat bladed bucket) and hand excavation to prevent root damage. Roots (>25mmØ) should be retained and protected for assessment by the Project Arborist.

C48. Existing pits to be decommissioned within tree protection zone areas should be left in situ and infilled (where possible). Where their removal is required, the pits should be broken-up into small sections and carefully removed to minimise disturbance to the adjacent sub-base/soil profile and prevent root damage.

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- C49. Machinery operators should be guided by a spotter when working along the southern side of the Bridge Road carriageway to ensure that the crowns of the trees in Wentworth Park are not damaged.
- C50. The works on Bridge Road shall be undertaken using a combination of machine excavation and hand excavation (as detailed above) to minimise disturbance to the underlying sub-base/soil profile and prevent root damage. Roots (>25mmØ) should be retained and protected for assessment by the Project Arborist. Existing sub-base layers should be retained and reused where possible. New pavement sub-base layers should be thinned to enable the retention of roots (>25mmØ) as required by the Project Arborist. Root pruning should be undertaken by the Project Arborist only. Roots to be retained should be protected by wrapping in Abelflex (or similar compressible material) with the new sub-base materials installed around the root. Compaction of the surrounding sub-base should be undertaken using hand tools only.
- C51. The existing masonry boundary wall along the southern side of Bridge Road, wall has three (3) openings and a set of stairs that provide access to the footpath on Bridge Road. In addition, a section of boundary wall is cracked and bowed, presumably due to roots from the fig trees in the park exerting pressure on the rear of the wall. Any works associated with these areas will need to use tree sensitive design and construction methods and may require preliminary, exploratory root investigations to ensure the root systems of the trees in the park is not significantly impacted.
- C52. Works to the kerb section in the structural root zone of Tree A as identified in the Arboricultural Impact Assessment report, prepared by Tree IQ, dated 26 June 2019 shall use tree sensitive design and construction methods. Preliminary, exploratory root investigations to ensure its root system is not significantly impacted may need to be undertaken.
- C53. Sections of new stormwater pipes and pits connecting to existing infrastructure are to be installed along the southern edge of the carriageway of Bridge Road and existing pits within the footpath are to be raised in line with new footpath levels. The installation of underground services and pits shall be supervised by the Project Arborist. The works shall be undertaken using a combination of machine excavation and hand excavation (as detailed above) to prevent root damage. Roots (>25mmØ) should be retained and protected for assessment by the Project Arborist.
- C54. Services shall be located around/below roots (>25mmØ) and the location of pits adjusted as required by the Project Arborist. Existing pits that are to be raised in line with new footpath levels shall be retained and extended rather than replaced with new pits (where possible). Alternatively, boring methods may be used for underground service installation where the obvert level (highest interior level of pipe) is greater than 1500mm below existing grade. Excavations for starting and receiving pits for boring equipment should be located outside of the tree protection zones areas or located to avoid roots (>25mmØ) as required by the Project Arborist.
- C55. The pruning of trees 1WP, 15-23WP and 25-37WP as identified in the Arboricultural Impact Assessment report, prepared by Tree IQ, dated 26 June 2019, shall be:
- subject to a second assessment of pruning requirements undertaken when Bridge Road is closed to vehicular traffic
  - undertaken in accordance with the pruning specifications as identified in Appendix 4 of the Arboricultural Impact Assessment report, prepared by Tree IQ, dated 26 June 2019.
- C56. An appropriately qualified Consultant Arborist (AQF Level 5 minimum) must provide a secondary pruning specification, at the completion of the road elevation works, to ensure canopy clearance compliance along the Wentworth Park length of Bridge Road. The Consultant Arborist must produce a Pruning Specification Report which specifies the required pruning in accordance with the Australian Standard 'AS4373:2007 Pruning of amenity trees'. The Pruning Specification Report must be provided to the City for consideration. All tree pruning must be undertaken by the City's contractors.

## ACID SULFATE SOILS

- C57. 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).
- C58. All recommendations contained in the Acid Sulfate Soils Management Plan prepared by JBS & G Australia Pty Ltd dated **4 April 2019** **26 April 2021** must be implemented throughout the works.

## NO OBSTRUCTION OF THE PUBLIC WAY

- C59. Unless otherwise authorised, the public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

## DAMAGE TO THE PUBLIC WAY

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C60. 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**

C61. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

## **MICROBAT MANAGEMENT PLAN AND MICROBATS**

C62. All measures and commitments contained in the Microbat Management Plan (MMP) approved by EESG shall be implemented throughout the works.

C63. An ecologist with microbat specialist knowledge and experience must be engaged during the works.

## **CONTACT TELEPHONE NUMBER**

C64. 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.

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## PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### 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.

### CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

D4. Prior to the commencement of use, evidence shall be submitted to the Certifier demonstrating the recommendations of the CPTED Report, prepared by Aecom, dated 2 April 2019 (**Condition B74**) have been fulfilled.

### SECURITY RISK ASSESSMENT

D5. Prior to the commencement of use, evidence shall be submitted to the Certifier demonstrating the recommendations of the Security Risk Assessment Report, prepared by Aecom, dated 2 April 2019 (**Condition B75**) have been fulfilled.

### FIRE SAFETY CERTIFICATION

D6. Prior to the occupation or commencement of use of the development, a **Fire Safety Certificate** shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

### EXTERNAL WALLS AND CLADDING FLAMMABILITY

D7. Prior to occupation or commencement of the use, evidence shall be submitted to the Certifier demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of **Condition B17**.

### ENVIRONMENTAL SUSTAINABILITY

D8. Prior to occupation or commencement of the use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives outlined in the Ecologically Sustainable Development Report, prepared by Wood and Grieve, dated 26 September 2019.

D9. Prior to the occupation or commencement of use, the Applicant must demonstrate the development will achieve a minimum 5-Star Green Star Design and As Built rating.

### STRUCTURAL INSPECTION CERTIFICATE

D10. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the Certifier prior to the use of the development and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the Department and 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.

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## **REMEDIATION – SITE VALIDATION**

- D11. Prior to occupation or the commencement of the use, the Applicant shall submit a detailed Site Audit Summary report and Site Audit Statement and Validation Report to the EPA, Council, Planning Secretary and Certifier.
- D12. The site audit must be prepared in accordance with the Contaminated Land Management Act 1997 and completed by a site auditor accredited by the EPA to issue Site Audit Statements.
- D13. The site auditor must also verify that any excavated material disposed off site, has been appropriately classified, validated, managed and the relevant approvals obtained in accordance with the relevant legislation and any relevant approved materials management plan(s).
- D14. On completion of the remediation works, the Council shall be notified in accordance with the relevant requirements of SEPP 55 – Remediation of Land.

## **CONSTRUCTED FLOOR LEVELS AND FLOODING**

- D15. Prior to occupation or commencement of the use, a certification report prepared by a Civil Engineer shall be submitted to the Certifier stating that the development has been constructed in accordance with the recommendations of the Flooding and Water Quality Assessment Report, prepared by Cardno dated 1 October 2019.
- D16. Prior to the occupation or commencement of the use, a Flood Management Plan shall be prepared and submitted to the Certifier and Planning Secretary.

## **POST CONSTRUCTION DILAPIDATION REPORT**

- D17. Prior to occupation or commencement of the use:
  - 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.

## **STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

- D18. Prior to occupation or commencement of the use:
  - a) the Owner is required to enter into a Deed of Agreement with the Council and obtain registration of Title of a Positive Covenant for all proposed connections to the Council's underground drainage system; and
  - b) a positive covenant must be registered on the property title for all drainage systems involving On Site Detention (OSD) to ensure maintenance.

## **OPERATIONAL MANAGEMENT PLAN**

- D19. Prior to occupation or commencement of the use, a detailed Operational Management Plan must be prepared by a suitably qualified person and submitted to and approved by the Planning Secretary. The Plan must be prepared in consultation with Council and shall include of the requirements of this consent, as relevant.

## **FREIGHT AND SERVICING**

- D20. Prior to occupation or commencement of the use, the Applicant shall update the draft Loading Dock Management Plan to prepare a detailed Freight and Servicing Management Plan (FSMP) in consultation with the Sydney Coordination Office with TfNSW. The Applicant shall submit a copy of the final plan to the Coordinator General, Transport Coordination for endorsement. The Plan needs to specify, but not be limited to, the following:
  - a) Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
  - b) Loading dock management details, to ensure the demand for loading dock spaces does not exceed supply and measures to minimise freight and service vehicle movements during peak periods;
  - c) Management of incidents at the access to the loading dock;

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- d) Details of measures to mitigate any potential impacts to the operation of the road network from the development's freight and servicing vehicles; and
- e) Management of conflicts between cars accessing the car park and vehicle movements to/from the loading dock.

The Freight and Servicing Management Plan shall be implemented by the Applicant following occupation or the commencement of the use, whichever is earlier.

## TRAFFIC AND TRANSPORT MANAGEMENT PLAN (PEAK SEASONAL DEMANDS)

- D21. Prior to occupation or commencement of the use, a detailed Traffic and Transport Management Plan (TTMP) must be prepared by a suitably qualified person, in consultation with and endorsed by TfNSW. The Plan must outline, but not be limited to, measures to help traffic issues associated with peak seasonal demands.

## BUS, COACH AND PICK-UP AND DROP-OFF MANAGEMENT PLAN

- D22. Prior to occupation or commencement of the use, the Applicant shall prepare a detailed Bus, Coach and Pick-up and Drop-off Management Plan (BCPDMP) in consultation with and endorsed by the Sydney Coordination Office within TfNSW. The Plan needs to specify, but not be limited to, the following:
- (a) Promotion of safe and efficient operation of the bus, coach and pick-up/drop-off area to minimise disruption to traffic;
  - (b) Management of any queuing along Bridge Street, due to vehicles accessing the pick-up/drop-off area; and
  - (c) Management of potential conflicts between cyclists and people accessing the pick-up and drop-off area.

## TRAVEL PLAN

- D23. Prior to occupation or commencement of the use, the Applicant shall prepare a detailed Travel Plan (TP) in consultation with and endorsed by the Sydney Coordination Office within TfNSW and Council. The Travel Plan shall include:
- a) Objectives and targets that would promote, encourage and support the alternatives to single occupant private vehicle trips and increase the mode share of active and public transport for staff and visitor access to the site throughout the day;
  - b) Program of measures to increase active transport use, encourage public transport use, reduce single occupancy vehicle trips, reduce the need to travel, particularly during peak periods. Under the proposed measures, specific actions need to be identified to support the forecast modal targets;
  - c) Program of measures to monitor and review bicycle parking and provide additional spaces over time, if required; and
  - d) A mechanism for a minimum 5 yearly review in consultation with TfNSW and Council.

## SIGNS AT EGRESS

- D24. Prior to occupation or commencement of the use, the following sign must be provided and maintained within the site at the point(s) of vehicle egress:
- (a) compelling "Give Way to Pedestrians and Bicycles" before crossing a footpath on an existing or identified shared path route.

The sign(s) must always be maintained in good order by the owner of the building.

## OPERATIONAL VESSEL MANAGEMENT PLAN

- D25. Prior to occupation or commencement of the use, a detailed Operational Vessel Management Plan (OVMP) must be prepared by a suitably qualified person, in consultation with the Glebe Rowing Society and other recreational rowing groups and endorsed by Ports Authority NSW and TfNSW (Maritime).

The Plan must outline, but not be limited to, measures to manage potential conflicts and issues associated with recreational rowers, dragon boaters, and recreational and commercial vessels. The OVMP must also include the management and mitigation measures outlined in the Navigation Impact Assessment prepared by Royal HaskoningDHV, dated 20 September 2019.

Prior to occupation or use the Operational Vessel Management Plan must be submitted to the Planning Secretary.

## BICYCLE AND FACILITIES FOR CYCLISTS' CERTIFICATION

- D26. Prior to occupation or commencement of the use, details shall be provided to the Certifier demonstrating compliance with the approved number of bicycle spaces required under **Condition B45**, and facilities for cyclists required under **Condition B46**.

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- D27. Directional signage to the bicycle parking facility is to be installed from the street level, between the vehicle entry point at the site boundary (if any) and the entry point to the End of Trip facilities. Signage is to be generally in accordance with image (a) (Direction sign) shown in Figure 2.5 of Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. Signage is to be installed prior to occupation or commencement of the use.

## **MECHANICAL VENTILATION**

- D28. Following completion of the works and the installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the Certifier, prior to the use of the development, that the installation and performance of any new mechanical systems complies with:
- the Building Code of Australia;
  - Australian Standard AS1668 and other relevant codes;
  - the development consent and any relevant modifications; and
  - any dispensation granted by the Fire and Rescue NSW.

## **AIR QUALITY**

- D29. Prior to occupation or the commencement of the use, written confirmation from a Professional Engineer (as defined in Volume One of the National Construction Code) must be submitted to the Principal Certifier confirming that all recommendations within the air quality report prepared by SLR 'The New Sydney Fish Market, Stage 2 – Main Works (SSD 8925) Air Quality Assessment, reference: 610.17553 Version No: v3.0 April 2019 Trim 2019/520362 must have been incorporated into the development.

## **COMPLIANCE WITH FOOD CODE**

- D30. Prior to commencement of food handling operations, the Applicant is to obtain a certificate from a suitably qualified person, certifying that wholesale food operations have been fitted in accordance with AS 4674 – 2004: *Design, Construction and Fit-out of Food Premises* and satisfy Food Safety Standards 3.2.2 (Food Safety Practices and General Requirements) and 3.2.3 (Food Premises and Equipment). The Applicant shall provide evidence of receipt of the certificate to the Certifier prior to the commencement of use.
- D31. Clothing lockers or change rooms for male and female staff must be provided in the premises or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas, in accordance with AS4674 - Design, Construction and Fit out of Food Premises.
- D32. Prior to commencement of food handling operations, food premises are to be registered with City of Sydney Council.

## **COOLROOMS**

- D33. Coolrooms, refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the Building Code of Australia.
- D34. The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
- D35. All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- D36. The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- D37. Must be fitted with a door that can be opened at all times from inside without a key.
- D38. An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 dB(A) when measured 3 metres from a sounding device.

Prior to occupation or commencement of the use, details demonstrating compliance with the above requirements must be submitted to the Certifier.

## **GREASE TRAPS**

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- D39. A grease trap if required by Sydney Water must be installed in accordance with Sydney Water requirements and:
- a) Must be installed by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia;
  - b) The grease trap must be not be located in any kitchen, food preparation or food storage area;
  - c) Be suitably constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
  - d) Be suitably constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.
- D40. In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas and must be carried out by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia.

## **NOISE CONTROLS**

- D41. Prior to occupation or the commencement of its use, all relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the Noise Impact Assessment, prepared by SLR, dated April 2019 must be implemented in the development.
- D42. Prior to occupation or commencement of the use, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Certifier that the development complies with the requirements set out in the Report and in Condition E8 and E14.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

## **FOOD PREMISES – HEALTH REGISTRATION DATABASE**

- D43. Prior to the commencement of food handling operations, the proprietor/operator of each food premises must notify and register the food premises with Council and the NSW Health Department at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au).

## **MICROBAT MANAGEMENT PLAN**

- D44. Prior to occupation or commencement of the use, all measures and commitments contained in the Microbat Management Plan (MMP), approved by EESG shall have been implemented.
- Prior to occupation or commencement of the use, details demonstrating compliance with the above requirement must be submitted to the Certifier.

## **SANITARY FACILITIES FOR DISABLED PERSONS**

- D45. Prior to commencement of the use, details must be provided to the Certifier demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and **Condition B67**.

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## PART E POST OCCUPATION – DURING OPERATION

### OPERATIONAL MANAGEMENT PLANS

- E1. The operation of the SFM must be in accordance with the OMP (Condition D19), FSMP (Condition D20), TTMP (Condition D21), BCPDMP (Condition D22), TP (Condition D23) and OVMP (Condition D25).

### HOURS OF OPERATION

- E2. The hours of operation shall be as specified in the table below.

| Land Use / Activities  | Hours of Operation  |
|--|---------------------|
| Offices, general administration, security  | 24-hours            |
| Wholesale services, product storage and processing   | 24-hours            |
| Restaurants, cafes, take away food and drink premises, small bars, shops and Sydney Seafood School | 7 am – 12 midnight  |
| Marina   |                     |
| - Fishing Fleet  | 24-hours            |
| - Commercial   | 7am to 12 midnight  |
| - Recreational   | 7 am to 12 midnight |
| Loading and unloading (deliveries)   |                     |
| - Wholesale  | 24-hours            |
| - Retail   | 7 am to 12 midnight |

### WASTE MANAGEMENT

- E3. The measures contained in the Waste Management Plan, prepared by Aecom, dated 4 April 2019, must be implemented to ensure the effective management of operational waste associated with the development. No waste materials are to be stored outside the building or approved waste storage areas at any time.

### STORMWATER MANAGEMENT

- E4. Within 12 months of occupation or commencement of the use, the stormwater management system shall be reviewed to ensure the principles within the Water Sensitive Urban Design to maximise harvesting and reuse and minimise direct discharge to Blackwattle Bay are realised (100% reuse for rain events up to 1 in 5 year events).

### ANNUAL FIRE SAFETY CERTIFICATE

- E5. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### COMPLIANCE WITH NOISE CONTROLS

- E6. All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the *Noise Impact Assessment, prepared by SLR, dated April 2019.*], must be implemented in the development prior to the commencement of its use.
- E7. Prior to occupation or commencement of the use, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Certifier that the development complies with the requirements set out in the Report and in Condition E8 and B70.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

### OPERATIONAL MECHANICAL PLANT AND LOADING DOCK NOISE

- E8. Noise generated by mechanical plant, the loading dock and maritime loading/unloading activities at the premises must not exceed the project amenity/intrusiveness noise level or maximum noise level in accordance with the relevant requirements of the NSW EPA Noise Policy for Industry 2017, unless agreed to by the Planning Secretary. Further:

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- (a) Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NSW EPA Noise Policy for Industry 2017 unless otherwise agreed by the Planning Secretary;
- (b) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment;
- (c) An LA<sub>eq</sub>,15-minute (noise level) emitted from the development must not exceed the LA90,15-minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
  - (i) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
  - (ii) Corrections in Fact Sheet C of the NSW EPA Noise Policy for Industry 2017 are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

## NOISE ENHANCING METEOROLOGICAL CONDITIONS

- E9. (a) The noise limits set out in **Condition E8** apply under the following meteorological conditions:

| Assessment Period | Meteorological Conditions   |
|-------------------|---|
| Day               | Stability Categories A, B, C, D and E with wind speeds up to and including 3 m/s at 10 m above ground level.  |
| Evening           | Stability Categories A, B, C, D and E with wind speeds up to and including 3 m/s at 10 m above ground level.  |
| Night             | Stability Categories A, B, C, D and E with wind speeds up to and including 3 m/s at 10 m above ground level; or Stability Category F with wind speeds up to and including 2 m/s at 10 m above ground level. |

- (b) For those meteorological conditions not referred to in **Condition E9(a)**, the noise limits that apply are the noise limits in **Condition E8** plus 5 dB.
- E10. For the purposes of **Condition E9**, the meteorological conditions are to be determined from meteorological data obtained from the nearest, representative Bureau of Meteorology weather station.
- E11. For the purpose of demonstrating compliance with the noise limits in **Condition E8**, the noise monitoring equipment must be located at the reasonably most affected external point at the location, but no closer than 3 m to a vertical reflecting surface and between 1.2 to 1.5 m above ground level for single storey residences and at a height between 1.2 to 1.5 m above the finished floor level for multi-storey residences.
- E12. For the purpose of determining compliance with **Condition E8** the modifying factor corrections in Table C1 in Fact Sheet C of the NSW EPA Noise Policy for Industry may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.
- E13. Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

## NOISE CONTROL – GENERAL USE

- E14. Noise emanating from the development must not give rise to any one or more of the following:
- (a) transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
  - (b) the LA10 noise level must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 7 am and 12 midnight at the boundary of any affected residence;
  - (c) the LA10 noise level emitted must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) between 12 midnight and 7 am at the boundary of any affected residence.

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## NOISE MONITORING

- E15. During the first two years following the occupation or the commencement of use (whichever is earlier), the Applicant is to undertake periodic noise monitoring to confirm compliance with the noise limits in **Condition E8 and Condition E14** of this consent.

A noise compliance assessment report must be submitted to the Planning Secretary and the EPA within two weeks of the completion of monitoring required under this condition. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- (a) the dates and times the monitoring occurred;
- (b) the activities that were occurring on land administered by the Applicant during the monitoring;
- (c) an assessment of compliance with noise limits presented in **Condition E8 and E14**; and
- (d) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in **Condition E8 and E14**.

In the event that compliance with the noise limits is not achieved, suitable attenuation measures must be implemented to achieve compliance and the **OMP** required under **Condition D18** be updated to include such measures.

If directed by the Planning Secretary at any other time, the Applicant shall undertake noise monitoring to confirm compliance with the noise limits in **Condition E8 and E14** of this consent.

## LOADING AND UNLOADING

- E16. All loading and unloading operations associated with the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- E17. At all times the driveway and loading/unloading area must be kept clear of goods and must not be used for storage purposes, including garbage storage.
- E18. All vehicles must enter and exit the site in a forward direction.
- E19. All vehicles are to be wholly contained on-site before being required to stop.
- E20. The size of vehicles servicing the site must not exceed 19 m.

## CAR PARK VENTILATION

- E21. The car park must be ventilated in accordance with the Building Code of Australia and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

## OUTDOOR LIGHTING

- E22. All new outdoor lighting (including any signage illumination) shall operate in compliance with AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting (Condition B59)*.

- E23. Lighting of the building shall minimise

## FIRE SAFETY CERTIFICATION

- E24. The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with **Condition D6** of this consent.

## TREATMENT OF RUN-OFF

- E25. Any run-off from, either from stormwater or irrigation systems, must be captured and treated on-site to ensure that chemical products are not discharged to the stormwater network.

## BUNDING

- E26. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

## ANTI-GRAFFITI

- E27. Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

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## **ODOUR REQUIREMENTS**

- E28. The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- E29. The use must not cause or permit the emission of any offensive odour from the premises as defined in the *Protection of Environment Operations Act 1997*.
- E30. Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act, 1997* and Regulation. Uses that produce airborne particulate matter must incorporate a dust collection system.

## **WATER QUALITY**

- E31. No contaminated or treated site waters (surface, collected groundwater or contaminated construction waters) are permitted to be discharged into Sydney Harbour.
- E32. 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*.

## **MICROBATS**

- E33. If at the end of the 5<sup>th</sup> year following completion of the works , there is no evidence of sustained use by Southern Myotis (*Myotis Macropus*) as a maternity roost and/or use of the compensatory roost boxes or of the habitat within the new Sydney Fish Market structures, the Applicant must purchase and retire Southern Myotis (*Myotis Macropus*) biodiversity credits to offset the prescribed impacts for the loss of habitat at the site, to the satisfaction of EESG.

Note: 'Sustained use' is defined in the approved Microbat Management Plan.

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## **PART F PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE**

### **REQUIREMENTS OF THE EP&A ACT – PART 4A CERTIFICATES**

F1. In undertaking the subdivision approved under this consent, the Applicant must comply with the requirements of Part 6 of the EP&A Act in relation to the issue of a Subdivision Certificate.

For the purpose of this approval, the issue of a Subdivision Certificate/s is restricted to the subdivision defined by Condition A2.

### **SUBDIVISION CERTIFICATE**

F2. A Subdivision Certificate shall be obtained prior to the registration of a final subdivision plan with the Register-General at the NSW Land and Property Information.

F3. Before granting any Subdivision Certificate for stratum subdivision, the Certifier must be satisfied that the Applicant has complied with all conditions of this consent that are required to be complied with before a Subdivision Certificate may be issued in relation to the plan of subdivision.

### **SYDNEY WATER CERTIFICATE - SUBDIVISION**

F4. Prior to the issue of a Subdivision Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance. Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Certifier prior to a Subdivision Certificate being issued.

### **BUILDING MANAGEMENT STATEMENT**

F5. Prior to the occupation or use of any building that includes stratum subdivision of the stage, a Building Management Statement must be prepared in the approved form prescribed by Schedule 8A of the Conveyancing Act 1919 or a Strata Management Statement must be prepared in the approved form prescribed by Part 6 of the Strata Schemes Development Act 2015 and submitted to the Certifier. The Building Management Statement or Strata Management Statement (as applicable) is to apply to the development the subject of the stage as a 'united building'. The Building Management Statement or Strata Management Statement (as applicable) must include details of the following:

- a) the use, operation and arrangements for the supply of services, maintenance and upgrading of infrastructure of each stratum lot within the subdivision
- b) the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot within the subdivision
- c) any other matters which the Certifier considers relevant and pertinent to the issue of a Subdivision Certificate.

### **PUBLIC ACCESSIBILITY EASEMENT**

F6. Areas of public accessibility along the Harbour foreshore within the site not linked to the Fish Market loading operations shall be subject to an easement to allow a public right-of-way, registered on title for a depth of at least 6 m (excluding the 4.5m depth for a portion of the level 1 harbourside promenade), and this area shall not be privatised by use of private seating (including screens and the like) associated with commercial/retail tenancies, so the public can gain access to and along the foreshore. This foreshore access may include public seating and furniture to augment public use and enjoyment along the water's edge. The easement shall be registered prior to the occupation of the building.

F7. Portions of the development site which are publicly accessible for pedestrians, bicycles and any vehicles shall be subject to a public right-of-way, registered on title. The easement shall be registered prior to the occupation of the building.

### **CREATION OF EASEMENTS**

F8. Easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs and maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or part of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88 B of the *Conveyancing Act 1919*.

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## **ENCROACHING AND/OR SHARED SPACES**

- F9. Any pipes, service lines or the like servicing each lot shall be contained within their respective lots or, if service lines encroach upon adjoining lots within the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to Section 88B of the Conveyancing Act 1919, over the service lines where any such encroachment occurs.

## **ACCESS EASEMENT – GROUND LEVEL**

- F10. Prior to, or upon, the registration of each stratum plan for the site, appropriate ground level access easement/s are to be created to provide access to each building from the public domain for each respective building owner/s, tenant/s and visitors, as relevant to the stratum lot/s the subject of the stratum plan to the satisfaction of the Certifier. Each easement is to address construction staging, including any restrictions to access as a result of the construction activities, including erecting hoardings.
- F11. Suitable easements for access or rights-of-way benefiting the public are to be created over the public domain areas of the residual lot at each stage in the stratum subdivision to ensure public access to the public domain areas. The rights of public access are to be triggered by an occupation certificate for the relevant public domain areas (temporary or permanent) within the site.

## **ADDITIONAL EASEMENTS**

- F12. Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.

## **STREET ADDRESSES**

- F13. In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2017, the street addresses for each lot must be shown on the final plan of subdivision. An application should be made to Council to obtain the correct street address for each lot.

## **STATEMENT OF COMPLIANCE – COMPLETION IN ACCORDANCE WITH DEVELOPMENT CONSENT**

- F14. Prior to the issue of a Subdivision Certificate for stratum subdivision, a Statement of Compliance shall be provided to the Certifier demonstrating that the approved subdivision is consistent with relevant conditions of any relevant development consent (to the extent they are relevant and required for that stage) issued in respect to the building (or part of the building) or public domain areas, roads and infrastructure proposed to be subdivided. This includes, but is not limited to, any conditions relating to the allocation of the following to the respective lot(s):

- d) Car parking spaces, bicycle parking spaces, loading spaces
- e) Roads
- f) Public domain and public infrastructure
- g) Shared user paths
- h) Stormwater/drainage and associated restoration works, including Sydney Water requirements
- i) Waste
- j) Flooding – structures.
- k) Wharves, pontoons

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## 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://myrtा.сom/oplinc2/pages/security/oplincLogin.jst>.

### 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).

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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).

## **SIGNAGE**

AN9. Signage is to be subject to separate development approval(s), as and if required, and all signage shall consider the Signage and Wayfinding Strategy, prepared by Urbanite, dated 29 January 2020.

## **WASTE MANAGEMENT**

AN10. Future Waste Management Plans shall consider and address the Council's Policy for Waste Minimisation, as applicable at the time.

## **MOBILE CRANES**

AN11. The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For operations warranting the on-street use of mobile cranes (such as delivery of materials, hoisting of plant/equipment, erection and dismantling of onsite tower cranes, etc), permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

## 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](mailto: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 A19** 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.