

Development Consent – Key Sites

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Independent Planning Commission under delegation executed on 12 March 2020, 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

**Executive Director
Infrastructure Assessments**

Sydney

SCHEDULE 1

Application Number:	SSD 9726
Applicant:	Sydney Swans Ltd
Consent Authority:	Independent Planning Commission
Site:	1 Driver Avenue, Moore Park Lot 100 DP1246842 and Lot 101 DP1246842
Development:	High performance sports training facility development comprising construction of a 2-storey building and adaptive reuse of the Royal Hall of Industries including: <ul style="list-style-type: none">○ multi-use space for sports, community use and public events○ office space○ medical and training facilities○ netball court○ nine car parking spaces and 40 bicycle parking spaces○ construction of new vehicle crossover and site wide landscaping.

DEFINITIONS

Applicant	Sydney Swans Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	City of Sydney Council
CPMPT	Centennial Park and Moore Park Trust
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, , as modified by the conditions of this consent.
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement, Sydney Swans High-performance Sport and Community Facility, Royal Hall of Industries</i> , prepared by Urbis Pty Ltd, dated June 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	NSW Office of Environment and Heritage
Operation	The use of the buildings upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.

Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to submissions	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.
RMS	NSW Roads and Maritime Services

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 dated June 2019, the RtS dated November 2019 and RRFIs dated 30 January 2020, 6 March 2020 and 10 March 2020 all prepared by Urbis;
 - (d) in accordance with the management and mitigation measures
 - (e) in accordance with the approved plans in the table below (except where modified by the conditions of this consent)

Architectural Drawings Prepared by Populous Architects			
Dwg No.	Rev	Name of Plan	Date
SK.01.0001	F	PROPOSED SITE PLAN ROYAL	10.01.2020
SK.02.0B10	G	FLOOR PLAN BASEMENT LEVEL	10.01.2020
SK.02.0010	W	FLOOR PLAN GROUND LEVEL	10.01.2020
SK.02.0110	T	FLOOR PLAN LEVEL 01	10.01.2020
SK.02.0210	E	FLOOR PLAN LEVEL 01 MEZZANINE	10.01.2020
SK02.0310	G	FLOOR PLAN ROOF LEVEL	10.01.2020
SK03.0010	D	BUILDING SECTIONS EAST-WEST	09.01.2020
SK.03.0011	D	RHI BUILDING SECTIONS NORTH-SOUTH	09.01.2020
SK.03.0012	D	SWIFTS BUILDING SECTIONS	09.01.2020
SK.03.0013	F	RHI & SWIFTS BUILDING ELEVATIONS EAST WEST	10.01.2020
SK.03.0014	E	RHI & SWIFTS BUILDING ELEVATIONS NORTH-SOUTH	10.01.2020
SK.05.0001	E	GFA DIARAMS GROUND & LEVEL 1	10.01.2020
SK.05.0002	B	LAND USE PLANS GROUND & LEVEL 01	10.01.2020
SK.08.0B10	C	DEMOLITION PLAN BASEMENT LEVEL	24.10.2019
SK.08.0010	C	DEMOLITION PLAN GROUND LEVEL	24.10.2019
SK.08.0110	C	DEMOLITION PLAN LEVEL 01	24.10.2019
SK.08.0310	C	DEMOLITION PLAN ROOF LEVEL	24.10.2019
Landscape Drawings prepared by Arcadia			
Dwg No.	Rev	Name of Plan	Date
400	H	LANDSCAPE PLANTING SCHEDULE	JAN 2020
401	H	SOFTWORKS PLAN – GROUND FLOOR	JAN 2020
402	H	SOFTWORKS PLAN – GROUND FLOOR	JAN 2020
403	H	SOFTWORKS PLAN – GROUND FLOOR	JAN 2020
404	H	SOFTWORKS PLAN – FIRST FLOOR	JAN 2020
501	H	LANDSCAPE DETAILS	JAN 2020
502	H	LANDSCAPE DETAILS	JAN 2020
600	H	LANDSCAPE SPECIFICATION	JAN 2020

- 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. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

EVIDENCE OF CONSULTATION

- A5. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

- A6. 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

- A7. 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.
- A8. 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

- A9. 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

- A10. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A11. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

- A12. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A14. The notification of any non-compliance in accordance with Condition A13 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.

- A13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A14. Within three months of:

- (a) the submission of a compliance report under condition C4 and C6;
- (b) the submission of an incident report under condition A15;
- (c) the submission of an Independent Audit under condition C8;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

- A15. 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 and/or Certifier (where relevant). Where revisions are required, the revised document must be submitted to the Planning Secretary and/or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

STAGING

- A16. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the Planning Secretary for information. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

- A17. A Staging Report prepared in accordance with condition A16 must:

- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
- (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
- (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
- (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

- A18. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as submitted to the Planning Secretary.

- A19. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A20. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
- (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
- (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs

required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

- A21. Any strategy, plan or program prepared in accordance with condition A15, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A22. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A23. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

LIMITS ON CONSENT

- A24. This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.
- A25. This consent does not approve the following components of the development:
- (a) The fitout and operation of the café at ground floor level of the Royal Hall of Industries building
 - (b) The fitout and operation of the medical tenancy located at first floor level of the Royal Hall of Industries building
 - (c) The installation of signage
 - (d) The pruning of trees identified as No. 8 and No 9. in the Arboricultural Impact Assessment Report prepared by Allied Tree Consultancy, Dated May 2019.

Where required separate approvals shall be obtained from the relevant consent authority (except where exempt and complying development applies).

SUBDIVISION

- A26. No strata subdivision of the building will be permitted.

DEVELOPMENT CONTRIBUTIONS

- A27. In accordance with Council's Development Contributions Plan 2015, the following applicable monetary levy must be paid to Council: **\$544,844.48**

The levy must be paid prior to the issue of any Construction Certificate for the proposed development. The City of Sydney will index the above contribution for inflation at the time of payment using the following formula:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = Is the contribution at time of payment;

C_{consent} = Is the contribution at the time of consent, as shown above;

CPI_{payment} = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI_{consent} = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 116.5 for the September 2019 quarter.

Please contact Council via email at planningsystemsadmin@cityofsydney.nsw.gov.au for the indexed contribution amount prior to payment.

LONG SERVICE LEVY

- A28. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

ABORIGINAL ARCHAEOLOGY

- A29. The Applicant shall ensure the construction and operation of the development at all times complies with the recommendations of the Due Diligence Aboriginal Archaeological Assessment, prepared by AMA Archaeological dated April 2019 and the Aboriginal Cultural Heritage Assessment prepared by AMA Archaeological dated July 2019.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

MICROBATS

- B1. Prior to issue of any construction certificate the Applicant shall:
- (a) Undertake surveys of potential microbat roosts with thermal imagers in association with acoustic detectors, for the Large Bent-winged Bat (*Miniopterus orianae oceanensis*), targeting the potential entry/exit points to the building, for multiple nights (5 nights minimum) in suitable weather conditions and at times of year most appropriate for this species.

'Suitable weather conditions' means conditions of no rain, little or no wind and when the maximum day time temperature has reached no less than 18 degrees Celsius on the afternoon preceding the survey. 'Most appropriate time of year' for the Large Bent-winged Bat in Sydney is from autumn through to early winter.

A report of the surveys and results must be submitted to EES and City of Sydney Council's Urban Ecology Coordinator for endorsement.
 - (b) If the surveys determine that any threatened microbat species roost, or are likely to roost in the RHI, identify avoidance measures including retention of identified or potential microbat roosting habitat. If this requirement can't be satisfied, the Applicant must demonstrate why this cannot be achieved to the satisfaction of the EES, and Council and purchase and retire biodiversity credits to offset the prescribed impacts, or other conservation measures, in consultation with the approval authority.
 - (c) Prepare a Microbat Management Plan specifying mitigation measures to be taken prior to and during construction; adaptive measures; provision of compensatory habitat; consideration of lighting and vegetation and requirements for monitoring and reporting. The plan must to be prepared by a fauna ecologist with specialist knowledge in nest boxes for microbats, in consultation with EES and the City of Sydney's Council's Urban Ecology Coordinator and the final version endorsed by EES and the City of Sydney.
- B2. All pre-construction mitigation and management measures in the approved Microbat Management Plan must be implemented prior to the issue of a Construction Certificate.
- B3. The Applicant must provide evidence to the Certifying Authority that **Conditions B1 and B2** of this consent have been complied with.

AMENDED LANDSCAPE PLAN

- B4. Prior to the issue of any Construction Certificate, amended plans/landscaping drawings and documents shall be submitted to Council for approval showing:
- (a) Relocation of the row of nine new trees from the eastern façade of the Royal Hall of Industries to the garden zone adjacent to new shared road and site boundary. Trees to be located at minimum 8 metre spacing and outside of the canopy of existing stand of trees adjacent to Errol Flynn Boulevard
 - (b) Provision of one new medium to large sized tree in the grassed zone between the existing palm trees and the NSW Swifts building. The chosen tree species must have a minimum height of 15 metres with a canopy spread of 6 metres at maturity
 - (c) How the proposed site landscaping, including furniture, paving, levels and drainage integrates with the works to the northern plaza, located between the site and the Hordern Pavilion (D/2019/830) to the north. Submit hardworks plans and details for all surface finishes, furniture and fixtures.
 - (d) Location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, on structure and in pots.
 - (e) Location and details of existing and proposed surface materials and structures on the site including, but not limited to, paved areas, infill pit lids, furniture, removable bollards, bike racks, light poles, signage, drainage, services, shade structures, other features, and all associated footings.
 - (f) Coordinated services plan including location and approximate depth of all existing and proposed pits, services (electricity, gas, sewer, potable water), proposed plaza drainage, lights and GPO if applicable, fence footings, sign posts etc.
 - (g) Detailed grading plan with existing and proposed levels, falls, and pits
 - (h) 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.
 - (i) Planting details, and location, 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.
 - (j) Landscape maintenance plan. This plan is to be complied with during occupation of the property.

- (k) Details of drainage, waterproofing and watering systems

EXTERNAL WALLS AND CLADDING

- B5. The external walls of all new buildings including new works and additions to existing buildings must comply with the relevant requirements of the BCA.
- B6. Before the issue of a Construction Certificate, the Applicant must provide the Certifying Authority 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.
- B7. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

STRUCTURAL DETAILS

- B8. Prior to the commencement of a Construction Certificate, 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
 - (b) the development consent

SITE STABILITY, EXCAVATION AND CONSTRUCTION WORK

- B9. A report must be obtained from a suitably qualified and experienced professional engineer/s, which includes the following details, and submitted to the Certifier for the development:
 - (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land
 - (b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings
 - (c) details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration
 - (d) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work
 - (e) written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the Certifier.

MECHANICAL VENTILATION

- B10. The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.
- B11. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1, AS1668.2, the BCA and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the BCA to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

REFLECTIVITY

- B12. The visible light reflectivity from building materials used on the facades of any buildings or structures shall not exceed 20 per cent and shall be designed so as to minimise glare.

A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifier prior to the issue of a Construction Certificate.

ACCESS FOR PEOPLE WITH DISABILITIES

- B13. 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.

PARKING

- B14. Prior to the issue of a Construction Certificate, documentation demonstrating compliance with the following vehicle and bicycle parking requirements shall be submitted to the Certifier:

- (a) a maximum of nine car parking spaces shall be provided for staff and visitors
- (b) one service vehicle space
- (c) The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities is to satisfy the Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities and Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.
- (d) a minimum of 24 bicycle parking spaces are to be provided for staff
- (e) a minimum of 16 bicycle parking space are to be provide for visitors
- (f) the layout, design and security of all bicycle facilities must comply with the minimum requirements of AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities. Staff bicycle parking should be provided according to the security level B as specified AS 2890.3:2015.

END OF TRIP FACILITIES

- B15. Prior to the issue of a Construction Certificate, documentation demonstrating that the following end of trip facilities have been provided shall be submitted to the Certifier:
- (a) a minimum of five showers with change facilities
 - (b) a minimum of 24 personal lockers.

LOW SPEED LIMIT

- B16. Prior to issue of a Construction Certificate, Applicant shall submit plans/details to the Certifier showing the provision of a low speed limit sign adjacent to southern the vehicular cross over on Errol Flynn Boulevard.

REQUIREMENTS OF PUBLIC AUTHORITIES

- B17. The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the Certifying Authority prior to the commencement of the relevant works.

ENVIRONMENTAL SUSTAINABILITY

- B18. The Applicant shall ensure the detailed design of the development incorporates the environmental sustainability objectives, measures and initiatives outlined in the *Ecological Sustainable Development Report* (Revision 5) prepared by Aurecon Australasia Pty Ltd and dated 21 October 2019 (as amended by the Memorandum prepared by Aurecon Australasia Pty Ltd dated 19 December 2019). Details demonstrating compliance with this condition must be submitted to the Certifier prior to the issue of a Construction Certificate.
- B19. The Applicant shall demonstrate that ESD is being achieved by achieving a minimum 5 Star Green Star rating in accordance with the Green Star Design and As-Built V.1.2 (Green Building Council Australia). Details demonstrating compliance with this condition must be submitted to the Certifier prior to the issue of a Construction Certificate.

SYDNEY WATER ASSETS

- B20. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation. The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

Note: Sydney Water's Tap in™ in online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

- B21. Should groundwater be intercepted during excavation works, licenced water entitlement must be obtained to account for the take of water, unless subject to an exemption.

STORMWATER AND DRAINAGE

- B22. Prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work a detailed drainage engineering design, calculations and design for the stormwater overland flow path for the development must be:
- (a) prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and

- (b) prepared in accordance with the City of Sydney's Stormwater Drainage Manual, technical specifications, standards and policies, as amended from time to time; and
- (c) submitted to and be approved by the Council and a copy of Council's approval must be provided to the Principal Certifying Authority.

B23. For approval of a connection into 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 Council's adopted Schedule of Fees and Charges.

The application must be approved by the Council prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.

All proposed connections to Council's underground drainage system require the owner to enter into a Deed of Agreement with Council and obtain registration on Title of a Positive Covenant prior to an Occupation Certificate being issued, including an Interim Occupation Certificate.

ON-SITE DETENTION

B24. The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval by Sydney Water of the detailed design of the on-site detention must be submitted to and be accepted by Council and a copy of Council's letter of acceptance must be provided to the Certifying Authority prior to a Construction Certificate being issued, excluding for any approved preparatory, demolition or excavation works.

STORMWATER QUALITY ASSESSMENT

B25. Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council and a copy of the Council's letter of approval must be provided to the Principal Certifying Authority and Planning Secretary.

The stormwater quality assessment must:

- (a) be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design
- (b) use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent)
- (c) demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - (i) reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - (ii) reduce the baseline annual pollutant load for total suspended solids by 85%;
 - (ii) reduce the baseline annual pollutant load for total phosphorous by 65%;
 - (iv) reduce the baseline annual pollutant load for total nitrogen by 45%.
- (d) include certification from a suitably qualified practicing professional that the requirements of parts (i) (ii) (iii) and (iv) of this condition have been met.

EROSION AND SEDIMENT CONTROL

B27. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1* (2004) by Landcom and the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney). Details are to be submitted to and approved by the Certifier prior to the issue of the relevant Construction Certificate.

INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

- B26. All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifier prior to the issue of a Construction Certificate.
- B27. All taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifier prior to the issue of a Construction Certificate.
- B28. New urinal suites, urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifier prior to the issue of a Construction Certificate.

- B29. Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifier prior to the issue of a Construction Certificate.

LIGHTING SYSTEMS

- B30. The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to Certifier prior to a Construction Certificate being issued.
- B31. A detailed lighting plan, informed by the *Urban Precinct Lighting Masterplan, Façade & Landscape prepared by Aurecon* and dated 21 October 2019 shall be prepared in consultation with CPMPT and submitted to the Certifier for approval. The detailed lighting plan shall incorporate any relevant lighting mitigation measures identified in Table 25 of the Biodiversity Development Assessment Report prepared by Ecological Australia, dated 15 November 2019.
- B32. All outdoor lighting 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 these requirements are to be submitted to the Certifier prior to the issue of a Construction Certificate

STORAGE AND HANDLING OF WASTE

- B33. The design and management of facilities for the storage and handling of operational waste must comply with the requirements of Council's *Waste Management Guidelines for Proposed Development*. Details are to be submitted to the Certifier prior to the issue of a Construction Certificate.

HERITAGE INTERPRETATION

- B34. Prior to the issue of a Construction Certificate for works to the RHI, a Heritage Interpretation Plan must be prepared for the site in accordance with policy 7.4.7 of the Moore Park Conservation Management Plan and the NSW Heritage Division publication *Interpreting Heritage Places and Items Guidelines (2005)*. The plan must detail how information on the history and significance of the Royal Hall of Industries will be provided for the public and make recommendations regarding public accessibility, signage and lighting, including the types, locations, materials, colours, dimensions, fixings and text of interpretive devices to be installed. The plan shall be prepared by a suitably qualified architect experienced in heritage conservation in consultation with Heritage NSW and Council to the satisfaction of the Planning Secretary. The recommendations of the Plan are to be implemented in conjunction with the proposed development.

HERITAGE - ARCHIVAL RECORD

- B35. A photographic archival recording of the Royal Hall of Industries, the site and setting shall be prepared prior to the issue of a construction certificate, prior to commencement of works, during works and at the completion of works, in accordance with the NSW Heritage Division publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW and shall be kept in a building archive on site, in accordance with policy 1.24 of the Conservation Management Plan.

SCHEDULE OF CONSERVATION WORKS

- B36. A Schedule of Conservation Works to the Royal Hall of Industries Building and brick wall to Lang Road, shall be prepared in accordance with the principles outlined in section 7.2.7 of the Draft Conservation Management Plan prepared by GA NSW (June 2007). The schedule is to include works to the brickwork, cement render detailing, timber joinery, doors, windows, roof structure and the reinstatement of the clerestory vents and shall be prepared by an architect suitably qualified and experienced in heritage conservation. The schedule shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.

REVERSIBILITY

- B37. The Applicant shall prepare detailed plans in consultation with an appropriately qualified heritage specialist demonstrating the approved mezzanine level within the RHI can be reversible with no permanent impact on the fabric of the building. The plans must be submitted to and approved by Council prior to a Construction Certificate being issued for works to the Royal Hall of Industries. Works must be carried out in accordance with the approved plans.

HERITAGE – MINIMISING IMPACTS

- B38. The Applicant shall prepare detailed elevation and window plans for the Royal Hall of Industries in consultation with Heritage NSW and Council (or its delegate) demonstrating how the proposal will minimise heritage impacts to the greatest extent practicable. Evidence of endorsement by Heritage NSW must be submitted to the Secretary.
- B39. Prior to a construction certificate being issued for the works, details of the fixings of the Waste Storage Unit to the Royal Hall of Industries demonstrating that the fixings do not have an unacceptable impact on significant heritage fabric must be approved by the Applicant's nominated heritage consultant.

HERITAGE CONSULTANT

- B40. A suitably qualified and experienced heritage consultant must be nominated for the project throughout the design development, contract documentation and construction of the development. The heritage consultant:
- (a) must provide input into the detailed design
 - (b) shall inspect the demolition and removal of material
 - (c) is to provide ongoing advice to tradespeople undertaking the proposed works during construction to ensure significant fabric is not damaged
 - (d) is to be involved in the resolution of all matters where existing significant fabric and spaces are subject to preservation, adaptive reusing, recording and demolition
 - (e) is to have full access to the site and is to be authorised to respond directly to Council and Heritage NSW if information or clarification is required
 - (f) must be satisfied that all work has been carried out in accordance with the conditions of this consent

Evidence of commission on the above terms is to be provided to the Certifying Authority, prior to the issue of the first Construction Certificate or commencement of works on the site, whichever is earlier.

HERITAGE – NEW SERVICES

- B41. The heritage consultant must be consulted regarding the introduction of new services, including electrical and hydraulic, to ensure this occurs with minimal impact to significant fabric and in accordance with the Conservation Management Plan. Detailed plans, identifying the location of services to ensure routes are planned to minimise impacts to significant fabric and spaces must be prepared to the satisfaction of the Certifying authority prior to the issue of a construction certificate of the works.

TREE PROTECTION

- B42. A scaled plan that clearly illustrates all of the trees impacted by the development, including the TPZ, SRZ, canopy spread and encroachment area must be submitted to and approved by Council prior to the issue of the Construction Certificate.

MATERIALS AND SAMPLES BOARD

- B43. A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted and approved by Council prior to a Construction Certificate being issued. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

ASSOCIATED ROADWAY COSTS

- B44. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

ALIGNMENT LEVELS

- B45. Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor and designed by a suitably qualified engineer, must be in accordance with the City of Sydney's Public Domain Manual and must be submitted with a completed Levels and Gradients Approval Application form (available on Council's website).
- B46. These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

PAVING MATERIALS

- B47. The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

PHOTOGRAPHIC RECORD/DILAPIDATION REPORT – PUBLIC DOMAIN

- B48. Prior to demolition or issue of a Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction. The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway

crossovers 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 images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

- B49. 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. Damage must be fully rectified by the applicant in accordance with Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

PRESERVATION OF SURVEY MARKS

- B50. Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

PUBLIC DOMAIN PLAN

- B51. A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later.
- B52. The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

PUBLIC DOMAIN WORKS BOND

- B53. Public Domain Works Deposit will be required as security for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for completion of the obligations under this consent (Guarantee).
- B54. Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued. The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to Council standards and approval and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the security will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

PUBLIC DOMAIN WORKS – HOLD POINTS AND HANDOVER

- B55. Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification.

PUBLIC DOMAIN DAMAGE DEPOSIT

- B56. A Public Domain Damage Deposit calculated on the basis of 324 square metres of 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 Damage Deposit must be submitted as an unconditional bank guarantee or insurance bond as per Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain

in the vicinity of the site (Guarantee). The Guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

The Guarantee in this condition will be retained in full until the Public Domain Works Deposit Guarantee if required by this consent is lodged with Council. Upon lodgement of the Public Domain Works Deposit Guarantee, the Guarantee in this condition will be released. If no public domain works are required, the Guarantee in this condition will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. The Guarantee will be released in full unless rectification works are required where upon 90% of the total securities will be released, with the remaining 10% to be retained for the duration of a 6 months Defect Liability Period.

DRAINAGE AND SERVICE PIT LIDS

- B57. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

Any drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the City of Sydney's Sydney Streets Design Code and Sydney Streets Technical Specification.

SIGNAGE STRATEGY

- B58. Prior to the issue of a Construction Certificate an external signage strategy must be prepared in consultation with the CPMP and the heritage consultant nominated under **Condition B40** and submitted to Council for approval.

PART C PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. 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.

ACCESS TO INFORMATION

- C3. 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.

DEMOLITION

- C4. Any demolition work must comply with the provisions of *Australian Standard AS2601: 2001 The Demolition of Structures*. The work plans required by AS2601: 2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the Certifier prior to the commencement of works.

COMPLIANCE REPORTING

- C5. A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction.
- C6. 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.
- C7. Construction Compliance Reports must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Planning Secretary.
- C8. The Construction Compliance Reports must include:
 - (a) a results summary and analysis of environmental monitoring;
 - (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
 - (c) details of any review of the CEMP and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
 - (d) a register of any modifications undertaken and their status;

- (e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
- (f) a summary of all incidents notified in accordance with this consent; and
- (g) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

INDEPENDENT ENVIRONMENTAL AUDIT

- C9. No later than one month before the commencement of construction or within another timeframe agreed with the Planning Secretary, a program of independent environmental audits must be prepared for the development in accordance with *AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems* (Standards Australia, 2014) and submitted to the Planning Secretary for information
- C10. The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.
- C11. The environmental audit program prepared and submitted to the Planning Secretary in accordance with conditions C8 and C9 above must be implemented and complied with for the duration of the development.
- C12. All independent environmental audits of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:
 - (a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
 - (b) assesses whether the development is complying with the terms of this consent;
 - (c) reviews the adequacy of any document required under this consent; and
 - (d) recommends measures or actions to improve the environmental performance of the development, and improvements to any document required under this consent.
- C13. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

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

PRE-CONSTRUCTION DILAPIDATION REPORTS

- C14. The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, above ground infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the Certifier prior to the issue of a Construction Certificate for below ground works. A copy of the report is to be forwarded to the Department and each of the affected property owners.
- C15. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must provide evidence, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

COMMUNITY CONSULTATION AND ENGAGEMENT PLAN (CCEP)

- C16. A **Community Consultation and Engagement Plan** (CCEP) shall be prepared prior to the commencement of works and shall include how notification of residents and complaints associated with the proposal will be managed.
- C17. The CCEP must be implemented during the design and construction of the development and for a minimum of 12 months following the completion of construction.
- C18. The CCEP must:
 - (a) identify people to be consulted during the design and construction phases;
 - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
 - (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
 - (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;

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

C19. The CCEP must be submitted to the Planning Secretary for information no later than one month before the commencement of any work.

C20. The CCEP must be implemented for a minimum of 12 months following the completion of construction.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

C21. Prior to the commencement of any works, the Applicant shall prepare a **Construction Environmental Management Plan** (CEMP) shall be submitted to the Certifying Authority. The CEMP shall be informed by the Construction Management Plan submitted with the application. The CEMP shall address, but not be limited to, the following matters where relevant:

- (a) hours of work (**Conditions D7 to D11**)
- (b) 24 hour contact details of site manager and details of complaint handling
- (c) traffic management, in consultation with Council and TfNSW
- (d) construction noise and vibration management, prepared by a suitably qualified person
- (e) management of dust to protect the amenity of the neighbourhood
- (f) erosion and sediment control
- (g) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site
- (h) measures to ensure vehicle access and storage of materials and equipment will not impact trees outside the site
- (i) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting
- (j) works in accordance with any remedial works plan
- (k) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works
- (l) incorporation of all acoustic management and treatments

The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN (CNVMP)

C22. Prior to the commencement of construction activities, a detailed and site specific **Construction Noise and Vibration Management Plan** (CNVMP) shall be prepared by a suitably qualified person (who is eligible for membership of the Australian Acoustic Society, Institute of Engineers Australia or the Australian Association of Acoustic Consultants) in consultation with Council and submitted to the Certifying Authority. The CNVMP shall include, 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
- (d) the construction noise objectives identified in accordance with the Interim Construction Noise Guidelines (DECC 2009)
- (e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d)
- (f) where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts
- (g) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers
- (h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity
- (i) measures to monitor noise performance and respond to complaints.

The CNVMP should also consider demolition methods that do not require the use of rock breakers or other similar high noise generating equipment, such as rock (or concrete) splitting of building sections for transport and break up

off site, unless not feasible and reasonable. Where rock breakers or other high noise generating equipment are to be used such that the appropriate criteria are exceeded, the hours of operation for high noise generating equipment must include respite periods.

The Applicant shall submit a copy of the CNVMP to the Planning Secretary and Council prior to the commencement of work.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN SUB-PLAN (CTPMP)

- C23. Prior to the issue of any construction certificate to any preparatory, demolition or excavation work, whichever is earlier the Applicant shall prepare a **Construction Traffic and Pedestrian Management Sub-Plan (CTPMP)** in consultation with the TfNSW Sydney Coordination Office within TfNSW and the Sydney Light Rail Operator. The CPTMP must ensure that the construction of the development does not in any way adversely impact the Sydney Light Rail Project and specify matters including, but not limited to:
- (a) A description of the development;
 - (b) Location of any proposed work zone(s);
 - (c) Details of crane arrangements including location of any crane(s) and crane movement plan;
 - (d) Haulage routes;
 - (e) Construction vehicle access arrangements including vehicle access/crane access and in or around the light rail;
 - (f) Proposed construction hours in accordance with **Conditions E7-E11**;
 - (g) Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
 - (h) Construction program and construction methodology;
 - (i) A detailed plan of any proposed hoarding and/or scaffolding, including adequate clearance for pedestrian movement along Lang Road, Driver Avenue and Errol Flynn Boulevard;
 - (j) Consultation strategy for liaison with surrounding stakeholders, including other developments under construction and the Sydney Light Rail Operator;
 - (k) Details of measures to avoid construction worker vehicle movements within the vicinity of the precinct, including any off-site worker parking location/s away from the precinct;
 - (l) Any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
 - (m) Cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the surrounding road network; and
 - (n) 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 CPTMP shall be submitted to the Coordinator General, Transport Coordination within TfNSW for endorsement and a copy provide to the Planning Secretary.

CONSTRUCTION SOIL AND WATER MANAGEMENT SUB-PLAN (CSWMP)

- C24. The Applicant must engage a suitably qualified expert to prepare a **Construction Soil and Water Management Sub-Plan (CSWMP)**, in consultation with Council. The CSWMP must address, but not be limited to the following:
- (a) describe all erosion and sediment controls to be implemented during construction
 - (b) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site)
 - (c) detail all off-Site flows from the Site
 - (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

CRIME PREVENTION THROUH ENVIRONMENTAL DESIGN (CPTED)

- C25. Evidence that the relevant recommendations provided in the CPTED report prepared by Urbis Pty Ltd and dated 8 May 2019 have been incorporated into the proposal shall be provide to the Certifier for approval.

HOARDING

- C26. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- a) architectural, construction and structural details of the design as well as proposed artwork; and

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

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

BARRICADE PERMIT

- C27. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

ACCESS TO INFORMATION

- C28. 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) any other matter required by the Planning Secretary.
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

CONTAMINATION

- C29. Prior to the commencement of construction, an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA-accredited site auditor shall be submitted to the Certifier. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

PUBLIC LIABILITY

- C30. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to the Certifier and Council.

COMPLIANCE

- C31. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

HAZARDOUS MATERIALS SURVEY

- C32. A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (Australia Institute of Occupational Hygienists) and submitted to the satisfaction of the Council prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

PROTECTION OF SURVEY INFRASTRUCTURE

- C33. Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying and Spatial Information Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure.
- C34. At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

PART D DURING CONSTRUCTION

NEW SERVICES WITHIN THE ROYAL HALL OF INDUSTRIES

- D1. New services within the Royal Hall of Industries, are to be surface mounted (if possible) rather than chased into existing walls or structures to minimise impact on heritage fabric. Where new penetrations or fixings are proposed, it is recommended that the Heritage Consultant be advised of exact location and nature of penetrations/fixings for review and comment prior to works being undertaken.

EXCAVATIONS, BACK-FILLING & RETAINING WALLS

- D2. In accordance with section 4.17 (11) of the Environmental Planning & Assessment Act 1979 and clause 98 E of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
- D3. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.
- D4. Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it.
- D5. All work shall be undertaken in accordance with the site stability, excavation and construction work requirements at condition B6

SITE NOTICE

- D6. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements
 - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size
 - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period
 - (d) 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 must be displayed on the site notice
 - (e) 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.

HOURS OF CONSTRUCTION

- D7. 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 6:00 pm, Mondays to Fridays inclusive; and
 - (b) between 8:00 am and 1:00 pm, Saturdays.
- D8. No work may be carried out on Sundays or public holidays.
- D9. 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; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D10. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D11. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

- D12. The Applicant must carry out all works on the site which form part of this development in accordance with:
- (a) CEMP approved under **Condition C21**. The CEMP must document and incorporate all of the following Plans required under this consent

- (b) CNVMP approved under **Condition C22**
- (c) CPTMP approved under **Condition C23**
- (d) CSWMP approved under **Condition C24**.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- D13. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP, approved as part of the CEMP.
- D14. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Subject Site.
- D15. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of L_{Aeq} 75dBA) as measured at the sensitive receiver must only be undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than one-hour respite between ceasing and recommencing any of the work the subject of this condition.
- D16. The Applicant must ensure all construction vehicles do not arrive at the site or surrounding residential area outside of the construction hours of work outlined under **Condition D7**.
- D17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D18. Where relevant and practical noise barriers are to be erected to reduce impacts to adjacent nesting fauna species.
- D19. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999)
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).

OPERATION OF PLANT AND EQUIPMENT

- D20. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

CONSTRUCTION TRAFFIC

- D21. All construction vehicles are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping.

NO OBSTRUCTION OF PUBLIC WAY

- D22. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

DAMAGE TO THE PUBLIC WAY

- D23. 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.

COVERING OF LOADS

- D24. 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

- D25. 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.

AIR QUALITY

- D26. The mitigation measures identified in the Air Quality Assessment prepared by GHD and dated April 2019 shall be implemented during construction.

HOARDING REQUIREMENTS

- D27. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing
 - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

SURVEY REQUIREMENTS

- D28. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building and submitted to the Certifier and copy provided to the Planning Secretary:
- (a) prior to construction (pouring of concrete) of footings and boundary retaining structures
 - (b) prior to construction (pouring of concrete) of each floor slab
 - (c) upon completion of the building, prior to issuing an *Occupation Certificate*
 - (d) as otherwise may be required by the Certifying Authority.

EROSION AND SEDIMENT CONTROL

- D29. All erosion and sediment control measures must 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 have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

DISPOSAL OF SEEPAGE AND STORMWATER

- D30. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D31. Details of the proposed connection and or disposal of any site seepage, groundwater or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineering Coordinator, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

STORMWATER DRAINAGE

- D32. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D33. Any required dewatering must be monitored by the consulting Engineer/s and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the Certifier and Council.
- D34. The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with the conditions of consent.
- D35. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the *Roads Act 1993*.

WASTE STORAGE AND PROCESSING

- D36. Works must be carried out in accordance with the recommendations of the Amended Waste Management Plan prepared by Dickens Solutions Pty Ltd and dated October 2019.
- D37. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D38. All waste generated during construction must be assess, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014).
- D39. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- D40. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D41. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

D42. The works must not cause any environmental pollution, public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or Work Health & Safety Act 2011 and Regulations.

OUTDOOR LIGHTING

D43. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

BUILDING ENCROACHMENTS

D44. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

SAFework NSW REQUIREMENTS

D45. 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.

CONTACT TELEPHONE NUMBER

D46. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

ABORIGINAL ARCHAEOLOGY

D47. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

ARCHAEOLOGY

D48. The recommendations of the Archaeological Assessment & Work Method Statement prepared by AMAC Archaeological and dated May 2019 shall be implemented during the demolition and construction phases of the development.

UNEXPECTED FINDS PROTOCOL – NON-ABORIGINAL ARCHAEOLOGY

D49. If any unexpected archaeological remains are uncovered during the work, then all works must cease immediately in that area and a qualified historical archaeologist should be contacted to inspect them and assess their significance. If the archaeological remains are assessed as being of local or State significance by the archaeologist, Heritage NSW should be notified under Section 146 of the Heritage Act. Depending on the possible significance of the remains, an archaeological assessment and mitigation/management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

TREE PROTECTION

D50. Tree Protection Measures 7.3, 7.3.1, Conditions of Demolition (Tree 1-5), Removal of asphalt surfaces, Removal of existing fencing and 7.3.3 in the Arborist Addendum dated 18 October 2019 prepared by Allied Tree Consultancy must be implemented during the demolition, construction and use of the development.

D51. If access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater

D52. There is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within the TPZ during works

MICROBATS

D53. The Applicant must ensure that the endorsed Microbat Management Plan and relevant mitigation measures approved under Condition **B1 (c)** are implemented during construction.

ASBESTOS REMOVAL WORKS

- D54. All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- D55. A copy of the relevant licence shall be made available to any authorised personnel on request within 24 hours.
- D56. Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- D57. All work must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and Work Cover document entitled How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011 and the City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines.
- D58. The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 Safety Signs for the Occupational Environment for size, illumination, location and maintenance.

- D59. Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- D60. No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- D61. No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- D62. A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.
- The site notice board must include the following:
- (a) contact person for the site;
 - (b) telephone and facsimile numbers and email address; and
 - (c) site activities and time frames.

IMPORTED FILL MATERIALS

- D63. 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 characteristic for site drainage purposes.
- D64. Details of appropriate validation of imported fill material may be required 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:
- D65. Imported fill should 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 the material is obtained; and/or
- D66. Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

STOCKPILES

- D67. No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- D68. All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- D69. All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- D70. All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

D71. The work plans and the statement of compliance shall be submitted to the Certifier prior to the commencement of works.

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

OCCUPATION CERTIFICATE REQUIREMENTS

- E1. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

NOTIFICATION OF OCCUPATION

- E2. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

STRUCTURAL INSPECTION CERTIFICATE

- E3. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate 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 approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

GFA AND BUILDING HEIGHT CERTIFICATION

- E4. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of the Occupation Certificate for each building.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

- E5. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the PCA demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of Condition **A6**.

COMPLIANCE REPORT

- E6. Prior to the issue of any Occupation Certificate, the Applicant, or any party acting upon this approval, shall submit to the PCA a report addressing compliance with all relevant conditions of this Part.

WORKS AS EXECUTED PLANS

- E7. Prior to the issue of an occupation certificate all works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, Council technical specifications, standards and policies, approval letters and the requirements of this consent.
- E8. Electronic works-as-executed (as-built) details, certifications, warranties, inspection reports (including Closed Circuit Television reports) and associated documentation for the completed work must be prepared and certified by a suitably qualified hydraulic engineer, in accordance with the requirements of the City of Sydney's technical specifications, the Public Domain Manual, the Stormwater Drainage Manual, the conditions of this consent and all letters of approval issued by the Council for works in the public domain, and must be submitted to and be accepted by Council
- E9. Prior to the issue of the first Occupation Certificate, including an Interim Occupation Certificate, or before the use commences (whichever is earlier):
- (a) A copy of Council's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Certifying Authority;
 - (b) A Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Certifying Authority. The Works-as-Executed plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;
 - (c) A Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Certifying Authority;
 - (d) Evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Certifying Authority;

(e) The Certifying Authority must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to Council and the Planning Secretary.

E10. Prior to the issue of any Occupation Certificate or before the use commences, whichever is earlier, electronic works-as-executed plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period.

STORMWATER

E11. Prior to the issue of an Occupation Certificate, including an Interim Occupation Certificate, a Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

E12. Prior to the issue of an Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures approved under **Condition B25** must be submitted to and be approved by the Certifying Authority and a copy provided to Council and the Planning Secretary.

PUBLIC DOMAIN, OPEN SPACE AND LANDSCAPING

E13. The works to the public domain are to be completed in accordance with the approved Public Domain Plan approved under **Condition B51** and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

E14. Prior to the issue of an Occupation Certificate the Applicant shall submit evidence to the Certifying Authority that all public domain, open space and landscaping works have been completed.

E15. Tree planting must be undertaken in accordance with the following conditions;

- (a) all new trees shall be of mature tree stock with a height not less than 3 metres in height
- (b) All new trees shall adhere to the Australian Standard 2303: Tree Stock for Landscape Use (2015).
- (c) all newly planted trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment
- (d) all new trees must be planted by a qualified Horticulturalist or Arborist of Level 3 under the Australian Qualifications Framework (AQF)
- (e) the new trees must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity
- (f) any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.

POST-CONSTRUCTION DILAPIDATION REPORT

E16. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:

- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure
- (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads
- (c) to be forwarded to Council.

PROTECTION OF PROPERTY

E17. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

ROAD DAMAGE

E18. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

PROTECTION OF PUBLIC INFRASTRUCTURE

E19. 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
- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

COUNCIL'S ROAD RESERVE

E20. A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, must be submitted to Council prior to the issuing of an occupation certificate, detailing the as constructed details for all works within Council's road reserve (including detailed levels).

GREEN TRAVEL PLAN

E21. Prior to the issue of an Occupation Certificate, a Green Travel Plan (GTP) shall be prepared in consultation with Council and the TfNSW Sydney Coordination Office. The GTP shall include:

- (a) strategies to reduce the proportion of single-occupant car travel and increase the mode share of public transport and active transport for workers and visitors of the development.
- (b) clear and time bound targets, actions and measurements and monitoring framework
- (c) a mechanism for a minimum five yearly review in consultation with Council and TfNSW

MECHANICAL VENTILATION

E22. Prior to commencement of operation, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:

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

OPERATIONAL NOISE

E23. Prior to the issue of an Occupation Certificate the Applicant must update the Noise Management Plan, prepared by GHD and dated 17 April 2019 to include consideration and management of operational noise during special events between 9pm and 12 midnight. The plan must be submitted to the Planning Secretary for approval.

OPERATIONAL NOISE – DESIGN OF MECHANICAL PLANT AND EQUIPMENT

E24. The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

SYDNEY WATER COMPLIANCE

E25. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifier prior to issue of an Occupation Certificate.

UTILITY PROVIDERS

E26. Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

FIRE SAFETY CERTIFICATION

E27. 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.

SERVICING, WASTE AND RECYCLING COLLECTION

- E28. Prior to the occupation or commencement of the use the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way e.g. the roadways, footpaths and reserves at any time.
- E29. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.
- E30. Prior to the occupation of the development, the Applicant is required to contact Council, to make the necessary arrangements for the provision of waste services for the premises. The waste storage areas shall be clearly signposted.

- E31. Prior to the issue of an Occupation Certificate, a Loading Dock and Servicing Management Plan (LDSMP) shall be submitted to the Certifying authority to ensure safe and efficient operation of the proposed loading area and minimise conflicts with pedestrian movements. The LDSMP shall include the following:
- (a) allocation of sufficient loading space(s)
 - (b) restrictions on delivery and operating times to ensure deliveries do not occur during times of peak pedestrian movements
 - (c) controls on duration of stays
 - (d) measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs
 - (e) controls on the placement of skips, pallets, etc.
 - (f) procedures for tradesman access and parking
 - (g) allocation of delivery times for residential removalists.

HERITAGE

- E32. Prior to the issue of an Occupation Certificate, the Applicant must provide evidence to the Certifying Authority that the Heritage Interpretation Plan approved under **Condition B34** has been implemented.
- E33. The nominated Heritage consultant (**Condition B40**) must sign off the completed project and submit a final report to Council for approval specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of use, whichever is earlier.

EVENTS AND OPERATIONS MANAGEMENT PLAN

- E34. Prior to the issue of an Occupation Certificate, the Applicant shall prepare an Events and Operational Management Plan (EOMP) for the Royal Hall of Industries. The plan must address, but not be limited to, the following:
- (b) public access
 - (d) special events including bump in/bump out procedures and management
 - (e) hours of operation
 - (f) noise
 - (g) security
 - (h) parking management

The plan shall be prepared in consultation with Council and submitted to the Secretary for approval.

EVENT TRAFFIC AND TRANSPORT COORDINATION MANAGEMENT PLAN

- E35. Prior to the issue of an Occupation Certificate, an Event Traffic and Transport Co-ordination Management Plan (ETTCMP) shall be prepared in consultation with TfNSW and Moore Park Events Operations Group (MPEOG) submitted to the Certifying Authority. The ETTCMP shall include but is not limited to:
- (a) Consultation with the Moore Park Events Operations Group (MEOG) when planning special events at the site.
 - (b) Measures to ensure safe and efficient access arrangements are provided along Errol Flynn Boulevard during major events within the Moore Park precinct, including event bump in/bump out

MICROBATS

- E36. The Applicant provide evidence to the Certifying Authority that Microbat Management Plan and mitigation measures required by **Condition B1** have been implemented and complied with.

HAZARDOUS MATERIALS

- E37. Prior to the issue if an Occupation Certificate, certification must be submitted to the Certifier from a certified Occupational Hygienist (Australia Institute of Occupational Hygienists) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the Hazardous Materials Survey Report approved by Council (**Condition C32**) and that the site is safe for future occupation in accordance with the approved use.

SURVEY MARKS

- E38. Any Permanent Marks proposed to be or which have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the NSW Land Registry Services.
- E39. A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City of Sydney's Schedule of Fees and Charges (Reinstatement of Survey Box).

DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

- E40. All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Practical Completion for public domain works.

PART F POST OCCUPATION

HOURS OF OPERATION

- F1. Hours of operation for all uses at the site are restricted to between the hours of:
- (a) 7:00am and 9:00pm Monday to Sunday
 - (b) 9:00pm to midnight for special events

OPERATIONAL MANAGEMENT

- F2. The Events and Operational Management Plan approved under **Condition E34**, must be fully implemented at all times during use of the premises.
- F3. The Event Traffic and Transport Co-ordination Management Plan approved under **Condition E35** must be fully implemented at all times during use of the premises.
- F4. Signs shall be installed at the lobby/entrance to the development confirming that people should leave quietly

USE AND MANAGEMENT OF PARKING SPACES

- F5. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS

- F6. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

GREEN STAR RATING

- F7. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5 star Green Star Design & As Built rating in accordance with **Condition B19**. Evidence of the certification must be provided to the Certifying Authority and the Planning Secretary.

GREEN TRAVEL PLAN

- F8. The Green Travel plan approved under **Condition E21** shall be implemented following occupation of the development. The GTP is to be reviewed and updated annually.

FLOOD MANAGEMENT

- F9. The recommendations of the Flood Management Strategy prepared by TTW and dated 13 September 2019 shall be implemented following occupation of the development.

WASTE MANAGEMENT

- F10. The recommendations of the Amended Waste Management Plan prepared by Dickens Solutions Pty Ltd and dated October 2019, relating to operational waste management shall be implemented following occupation of the development.

NOISE MANAGEMENT

- F11. The recommendations of the Noise Management Plan approved under **Condition E23** shall be implemented following occupation of the development.

STORMWATER DETENTION / INFILTRATION SYSTEM

- F12. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.

NOISE CONTROL

- F13. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- (a) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute;
 - (b) exhibit tonal, impulsive or other annoying characteristics;
 - (c) transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.

- F14. All plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.
- F15. The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.
- F16. The operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Climate Change Noise Control Guidelines.
- F17. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.

LOADING/UNLOADING

- F18. All loading and unloading operations associated with the site must be carried out:
- in accordance with the LSDMP **Condition E31**;
 - within the confines of the site, at all times and must not obstruct other properties or the public way; and
 - in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality

ANNUAL FIRE SAFETY CERTIFICATE

- F19. An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

FIRE SAFETY CERTIFICATION

- F20. The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with **Condition E29**.

STORAGE AND HANDLING OF WASTE

- F21. All waste collection services must be undertaken in accordance with **Conditions E28 to E31**.
- F22. No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.
- F23. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
- F24. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

- F25. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
- F26. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
- F27. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.

STORAGE OF HERITAGE FABRIC

- F28. All original timber joinery and brickwork required to be removed as part of the proposal shall be stored on site within the basement storage area.

SIGNAGE

- F29. Any future external signage must consistent with the signage strategy approved under **Condition B58**.

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A17 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.