CONSOLIDATED INSTRUMENT

Development Consent – Key Sites

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the State Environmental Planning Policy (state and regional Development) 2011 and section 4.5(a) of the Environmental Planning and Assessment Act 1979, determines that, pursuant to section 4.38 of the Environmental Planning and Assessment Act 1979, to grant consent to 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

Member of Commission **Member of Commission**

Sydney 2021 File: SSD 10376

SCHEDULE 1

Application Number:	SSD 10376
Applicant:	Pitt Street Developer South Pty Limited
Consent Authority:	Minister for Planning and Public Spaces
Site:	125 Bathurst Street Lot 10 DP 1255507

Development:	Construction of the Pitt Street South Over Station Development, including
	• a residential tower with a maximum building height of RL ~~165.15~~166.35
	• 234 dwellings to be used for Build-to-Rent Housing,
	• a maximum gross floor area of 21,995 m^2 (excluding gross floor area approved under CSSI 7400)
	• staged stratum subdivision
	• use of podium (approved under CSSI 7400) for:
	  ○ residential entry and residential communal spaces
	  ○ retail entry and a food and drink premises on level two
	  ○ bicycle storage and end of trip facilities
	  ○ loading dock and associated facilities
	  ○ plant and circulation
	  ○ landscaping.

Summary of Modifications

SSD 10376	**Approved by IPC on 14.04.21**
SSD 10376 MOD1	**Approved by Team Leader Key Sites Assessment on 24.11.21, for:** • **increasing the maximum building height from RL 165.35 to RL 166.35** • **relocating louvres from southern elevation to the western elevation of the level 6 plant enclosure** • **reconfiguring the internal layout of adaptable apartments on levels 11 to13 and levels 33 to 34, and** • **a new window on the northern elevation of Unit 7.05 on level 7.**

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DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Pitt Street Developer South Pty Limited, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	*Biodiversity Conservation Act 2016*
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
CSSI approval	The Sydney Metro City and Southwest Chatswood to Sydney critical state infrastructure approval (CSSI 7400)
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 RtS, including the works and activities comprising the Pitt Street South over station development, as modified by the conditions of this consent
DRP	Design Review Panel
EIS	The Environmental Impact Statement titled Sydney Metro Pitt Street South Cross Over Station Development, prepared by Urbis Pty Ltd and dated 17 May 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
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: • 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
Operation	The carrying out of approved land uses upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee

POEO Act	*Protection of the Environment Operations Act 1997*
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
RtS	The Response to Submissions report and appendices titled Sydney Metro Pitt Street South Over Station Development (SSD-10376 & SSD-8876-2), prepared by Urbis Pty Ltd and dated 23 September 2020, as amended by additional information submitted prior to determination of the application
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
SSD	State Significant Development
Subject site / site	Land referred to in Schedule 1
TfNSW	Transport for NSW

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

A2. The development may only be carried out:

(a) in compliance with the conditions of this consent;

(b) in accordance with all written directions of the Planning Secretary;

(c) in accordance with the EIS and RtS;

(d) in accordance with the Section 4.55(1A) Application to Amend SSD 10376 | 125 Bathurst Street Sydney, prepared by Urbis, dated 2 August 2021;

(e) in accordance with the management and mitigation measures;

(f) in accordance with the approved plans in the table below (except where modified by the conditions of this consent):

Architectural drawings prepared by Bates Smart			
Drawing Number	**Rev**	**Name of Plan**	**Date**
SMCSWSPS-BAT-OSS-AT-DWG-910041	H	SITE PLAN	08.12.20
SMCSWSPS-BAT-OSS-AT-DWG-930041	F	L00 GROUND LEVEL - GENERAL ARRANGEMENT PLAN	12.11.20
SMCSWSPS-BAT-OSS-AT-DWG-930141	F	L01 - GENERAL ARRANGEMENT PLAN	12.11.20
SMCSWSPS-BAT-OSS-AT-DWG-930241	G	L02 - GENERAL ARRANGEMENT PLAN	12.11.20
SMCSWSPS-BAT-OSS-AT-DWG-930341	G	L03 - GENERAL ARRANGEMENT PLAN	08.12.20
SMCSWSPS-BAT-OSS-AT-DWG-930441	G	L04 - GENERAL ARRANGEMENT PLAN	08.12.20
SMCSWSPS-BAT-OSS-AT-DWG-930541	G	L05 - GENERAL ARRANGEMENT PLAN	08.12.20
SMCSWSPS-BAT-OSS-AT-DWG-930641	H	L06 - GENERAL ARRANGEMENT PLAN	08.12.20
SMCSWSPS-BAT-OSS-AT-DWG-930642	F	L06 MEZZANINE - GENERAL ARRANGEMENT PLAN	12.11.20
SMCSWSPS-BAT-OSS-AT-DWG-930741	~~I~~ **J**	L07 - GENERAL ARRANGEMENT PLAN	~~08.12.20~~ **18.06.21**
SMCSWSPS-BAT-OSS-AT-DWG-930841	I	L08 - GENERAL ARRANGEMENT PLAN	08.12.20
SMCSWSPS-BAT-OSS-AT-DWG-931041	E	L09-10 - TYPICAL LOWRISE GENERAL ARRANGEMENT PLAN	08.12.20
SMCSWSPS-BAT-OSS-AT-DWG-931141	~~E~~ **F**	L11-13 - TYPICAL LOWRISE GENERAL ARRANGEMENT PLAN	~~08.12.20~~ **18.06.21**
SMCSWSPS-BAT-OSS-AT-DWG-931441	H	L14-32 - HIGHRISE GENERAL ARRANGEMENT PLAN	08.12.20
SMCSWSPS-BAT-OSS-AT-DWG-933341	~~D~~ **E**	L33-34 - HIGHRISE GENERAL ARRANGEMENT PLAN	~~08.12.20~~ **18.06.21**
SMCSWSPS-BAT-OSS-AT-DWG-933541	H	L35 - GENERAL ARRANGEMENT PLAN	08.12.20
SMCSWSPS-BAT-OSS-AT-DWG-933641	H	L36 - GENERAL ARRANGEMENT PLAN	08.12.20
SMCSWSPS-BAT-OSS-AT-DWG-933741	F	L37 PLANT - GENERAL ARRANGEMENT PLAN	12.11.20

SMCSWSPS-BAT-OSS-AT-DWG-933841	F	L38 PLANT - GENERAL ARRANEGMENT PLAN	12.11.20
SMCSWSPS-BAT-OSS-AT-DWG-933941	F	L39 ROOF - GENERAL ARRANGEMENT PLAN	12.11.20
SMCSWSPS-BAT-OSS-AT-DWG-939542	F	B01 MEZZANINE - GENERAL ARRANGEMENT PLAN	12.11.20
SMCSWSPS-BAT-OSS-AT-DWG-950141	~~G~~ H	SECTION A-A	~~12.11.20~~ 18.06.21
SMCSWSPS-BAT-OSS-AT-DWG-950241	~~F~~ G	SECTION B-B	~~12.11.20~~ 18.06.21
SMCSWSPS-BAT-OSS-AT-DWG-960001	~~I~~ J	NORTH ELEVATION - BATHURST STREET	~~26.11.20~~ 18.06.21
SMCSWSPS-BAT-OSS-AT-DWG-960002	~~H~~ I	WEST ELEVATION - PITT STREET	~~26.11.20~~ 18.06.21
SMCSWSPS-BAT-OSS-AT-DWG-960003	~~H~~ I	SOUTH ELEVATION	~~26.11.20~~ 18.06.21
SMCSWSPS-BAT-OSS-AT-DWG-960004	~~J~~ K	EAST ELEVATION	~~08.12.20~~ 18.06.21
SMCSWSPS-BAT-OSS-AT-DWG-970041	H	GFA AND LAND USE PLANS - PODIUM LEVELS	12.11.20
SMCSWSPS-BAT-OSS-AT-DWG-970141	G	GFA AND LAND USE PLANS - TOWER LEVELS	12.11.20

Draft Stratum Subdivision plans prepared by Mark John Andrew

Drawing Number	Name of Plan	Date
Sheets 1 to 3 of 3 sheets	Deposited Plan Administration Sheet	18.02.2020
Sheet 1 of 11 Sheets	Basement Level 2 and Below	18.02.2020
Sheet 2 of 11 Sheets	Basement Level 1	18.02.2020
Sheet 3 of 11 Sheets	Basement Mezzanine	18.02.2020
Sheet 4 of 11 Sheets	Ground Level	18.02.2020
Sheet 5 of 11 Sheets	Level 1	18.02.2020
Sheet 6 of 11 Sheets	Level 2	18.02.2020
Sheet 7 of 11 Sheets	Level 3	18.02.2020
Sheet 8 of 11 Sheets	Level 4	18.02.2020
Sheet 9 of 11 Sheets	Level 5	18.02.2020
Sheet 10 of 11 Sheets	Level 6 to 2 metres above highest point of approved building envelope	18.02.2020
Sheet 11 of 11 Sheets	2 metres above highest point of approved building envelope and above	18.02.2020

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(c). In the event of an inconsistency,

ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LAPSING OF APPROVAL

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

LIMITS ON CONSENT

A6. This consent does not approve the following:

(a) the above awning-level signage zone on the Bathurst Street facade

(b) the components of the detailed design and construction of the station box being delivered under the CSSI approval

(c) the detailed fit-out and operation of the Level 2 food and drink premises

(d) the fit-out and use of commercial premises being delivered under the CSSI approval

(e) the installation of signage

(f) strata subdivision

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

PRESCRIBED CONDITIONS

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

PLANNING SECRETARY AS MODERATOR

A8. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

LEGAL NOTICES

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

EVIDENCE OF CONSULTATION

A10. 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.

STRUCTUAL ADEQUACY

A11. 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.*

OPERATION OF PLANT AND EQUIPMENT

A12. All plant and equipment used on site, or to monitor the performance of the development must be:

(a) maintained in a proper and efficient condition; and

(b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

A13. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A14. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

A15. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

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

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A16. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.

A17. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

A18. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

A19. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A20. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

A21. Within three months of:

(a) the submission of a compliance report under conditions A24-A26;

(b) the submission of an incident report under conditions A16 and A17;

(c) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or

(d) the issue of a direction of the Planning Secretary under condition A3 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.

A22. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

LONG SERVICE LEVY

A23. 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.

COMPLIANCE REPORTING

A24. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements (2020).

A25. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed to by the Planning Secretary.

A26. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.

A27. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

A28. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).

A29. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

A30. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.

A31. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:

(a) review and respond to each Independent Audit Report prepared under condition A28 of this consent, or condition A30 where notice is given by the Planning Secretary;

(b) submit the response to the Planning Secretary; and

(c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.

A32. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.

A33. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

BUILD-TO-RENT HOUSING

A34. For a period of 15 years commencing on the day an occupation certificate is issued for all parts of the building or buildings to which the build-to-rent development relates, the tenanted component of the development must not be subdivided into separate lots, and the tenanted component of the development –

(a) must be owned and controlled by 1 person, and

(b) must be operated by 1 managing agent, who provides on-site management.

Note: tenanted component has the same meaning as in clause 41A of State Environmental Planning Policy (Affordable Rental Housing) 2009.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DESIGN EXCELLENCE AND INTEGRITY

B1. The architectural design team comprising Bates Smart is to have direct involvement in the design documentation, contract documentation and construction stages of the project.

B2. The architectural design team is to have full access to the site, following safety induction, and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the project.

B3. Evidence of the architectural design team's commission is to be provided to the Planning Secretary prior to the release of the relevant Construction Certificate.

B4. The architectural design team is not to be changed without prior written notice and approval of the Planning Secretary.

B5. To ensure the scheme retains, or is an improvement upon, the approved design excellence qualities, the Applicant shall notify the Planning Secretary of any proposed modifications to the approved architectural drawings.

B6. The Planning Secretary is to determine whether any proposed modifications to the approved architectural drawings require review by the Sydney Metro Design Review Panel (DRP) or other appropriate person(s).

B7. If the DRP is reconvened to review any proposed design changes, a Design Integrity Report (DIR) is to be prepared and submitted to the Planning Secretary with the lodgement of any section 4.55 modification application. The DIR shall include a summary of feedback provided by the DRP and responses by the Applicant to this advice.

INTEGRATION WITH APPROVED METRO STATION BOX

B8. Should any changes be made to the Metro Station box, including any changes to massing, facade detailing or services that could affect physical or visual integration with the approved OSD development, the Applicant must advise of any amendments to the design of the OSD development to ensure appropriate integration of the two developments. The Applicant must consult with the DRP and lodge a section 4.55 modification application as necessary.

MODIFICATIONS TO PLANS

B9. Prior to the issue of a construction certificate, the plans are to be modified to the satisfaction of the Certifying Authority to:

(a) Incorporation of wind mitigation screening to the balconies of the south-eastern unit on each level, to achieve the recommended outcomes of the Wind Impact Assessment prepared by CPP and dated 16 May 2020, unless otherwise verified as not being required to the satisfaction of the Planning Secretary.

(b) Relocate 12 retail bike parking spaces for customers and staff from Level 3 to Level 2 in proximity to the retail end of trip facilities.

(c) Incorporate a courier bike parking space within the site at the Pitt Street residential entrance.

(d) Reduce in depth the six glass reinforced concrete architectural columns on the eastern façade, as they relate to the two southeast corner apartments on each level of the tower, from 450mm to 200mm, inclusive of a 50mm gap to the façade.

PROVISION OF LIGHT AND AIR

B10. Prior to the issue of any occupation certificate, a documentary restrictive covenant is to be registered on the Title of residential stratum subdivision that requires:

(a) all affected windows and balconies adjacent to the common boundary with the adjoining Edinburgh Castle Hotel site must be sealed or otherwise enclosed prior to the construction of any building abutting, adjoining or adjacent to such windows and/or balconies;

(b) all affected one-bedroom apartments must be internally reconfigured into studio apartments in accordance with the indicative layout provided in the plan titled "1BT3 Converted Studio Plan", Rev A, prepared by Bates Smart, dated 09 February 2021, prior to the construction of any building abutting, adjoining, or adjacent to such affected apartments; and

The covenant is to the created appurtenant to the City of Sydney and at no cost to the City of Sydney.

MAXIMUM BUILDING HEIGHT

B11. The maximum height of the approved building must not exceed RL ~~165.35~~**166.35** m AHD, including plant and lift overruns, **but excluding** communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance with this condition must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

GROSS FLOOR AREA CERTIFICATION

B12. The gross floor area of the development must not exceed 21,995 m². Details confirming compliance with this condition must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Note: *The GFA approved under this consent excludes any GFA attributed to development approved under the Sydney Metro City and Southwest station works (CSSI 7400).*

HERITAGE FLOOR SPACE

B13. Prior to the issue of the first Construction Certificate that would permit overall floor space on the site to exceed 13,680 m², the Applicant must purchase 4,451 m² of Heritage Floor Space in accordance with the requirements of Clause 6.10 and 6.11 of the City of Sydney Local Environmental Plan 2012. The Applicant must submit to the satisfaction of the Certifying Authority certification from Council that the requirements for Heritage Floor Space transfer have been met.

STRUCTURAL DETAILS

B14. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

(a) the relevant clauses of the BCA; and

(b) this development consent.

EXTERNAL WALLS AND CLADDING

B15. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

B16. Before the issue of a relevant 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.

B17. 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.

MECHANICAL VENTILATION

B18. The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.

B19. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1, AS1668.2, the BCA, AS/NZS 3666.1:2011 Air handling and water systems of buildings – Microbial control 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 the relevant Construction Certificate.

REFLECTIVITY

B20. The visible light reflectivity from building materials used on the facades of any buildings or structures shall not exceed 20 per cent so as to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

SITE STABILITY AND CONSTRUCTION WORK

B21. A report must be obtained from a suitably qualified and experienced professional engineer/s, which includes the following details, and submitted to the Certifying Authority 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 to demonstrate that the proposed methods of 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

(c) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work

(d) 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 Certifying Authority.

MATERIALS AND FINISHES

B22. Prior to the issue of the relevant Construction Certificate, details of final materials and finishes must be lodged to the satisfaction of the Planning Secretary. The details must include:

(a) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application

(b) confirmation of the process and methods in arriving at the final choice for all materials and finishes

(c) detailed architectural drawings of the façade details, including glazing specification and any sun shading. This must include snapshots at different points in the facade in plan, elevation and section to a scale of 1:20 or 1:50 as necessary.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

B23. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit evidence to the Certifying Authority demonstrating that the design of the development has incorporated the relevant CPTED management and mitigation measures included within the CPTED report prepared by Integral Group, dated 16 May 2020

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

B24. The development must incorporate all design, construction and operation measures as identified in the Ecologically Sustainable Development Report and Sustainability Strategy prepared by Cundall, dated November 2019 and Response to Submissions Letter prepared by Cundall dated 19 November 2020. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

B25. The Applicant shall demonstrate that Ecologically Sustainable Development is being achieved by achieving a minimum 5 Star Green Star rating in accordance with the Green Star Design and As-Built V.1.3 (Green Building Council Australia). Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

BASIX

B26. The development must be implemented, and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No 1081183M_03 or in accordance with any updated certificate if amendments are made. The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the relevant Construction Certificate plans.

INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

B27. The following water fixtures and fittings must be provided within the non-residential parts of the development:

(a) All toilets installed must be of water efficient dual-flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for approval by the Certifying Authority, prior to the issue of the relevant Construction Certificate.

(b) All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Certifying Authority, prior to issue of the relevant Construction Certificate.

(c) New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated 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 Certifying Authority prior to the issue of a Construction Certificate.

(d) Systems must include “smart controls” to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to the issue of the relevant Construction Certificate.

CONSTRUCTION PARKING

B28. Prior to the commencement of construction, the Applicant must submit to the Certifying Authority evidence that sufficient off-street parking has been provided for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

MECHANICAL PLANT NOISE MITIGATION

B29. Details of noise mitigation measures for all mechanical plant are to be detailed on relevant Construction Certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and the project amenity noise levels established by the Acoustic Report prepared by Renzo Tonin and Associates and dated 17 May 2020, must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

ADAPTABLE HOUSING

B30. Prior to the issue of the relevant Construction Certificate, the Certifying Authority is to ensure that the building has been designed to accommodate a minimum of 5 adaptable residential apartments and a minimum of 47 apartments that would achieve the Liveable Housing Guideline's silver level universal design features and that the requirements are referenced on the relevant Construction Certificate drawings. In addition, information shall be provided confirming

(a) the required number of apartments are able to be adapted for people with a disability in accordance with the BCA; and

(b) compliance with *Australian Standard AS2499 – Adaptable Housing*

ACCESS FOR PEOPLE WITH DISABILITIES

B31. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of above ground works, the Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans

SYDNEY WATER ASSETS

B32. 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*

LOADING AND UNLOADING AREAS AND BICYCLE ACCESS

B33. All loading and unloading operations associated with servicing the site must be carried out within the signposted loading spaces at all times and must not obstruct other properties/units or the public way.

B34. The service vehicle docks and access driveways must be kept clear of goods at all times and must not be used for storage purposes, including garbage storage.

B35. Prior to the issue of a Construction Certificate, the applicant shall either:

(a) Amend the plans and details to ensure all residential cyclist access is via the main residential entry / lobby; or

(b) Undertake a Stage 3 (Detailed Design) Road Safety Audit for the Loading Dock arrangement including cyclist movements within the loading dock. This audit shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits by an independent TfNSW accredited road safety auditor. Based on the results of the road safety audit, the applicant shall review the design drawings and implement safety measures in consultation with TfNSW as required, prior to the issue of the relevant Construction Certificate. Safety measures may not include flashing lights and alarms within the loading dock. If the audit demonstrates that adequate safety measures cannot be implemented to ensure the safety of all residents, including children, traversing the loading dock with bicycles, the plans must be amended so that all residential cyclist access is via the main residential entry / lobby.

B36. If pedestrians and cyclists are proposed to have access to the loading dock, the Applicant shall also prepare a Pedestrian and Cyclists Safety Plan in consultation with Customer Journey Planning within TfNSW to manage pedestrian and cyclist movements within the Loading Dock. This Plan shall include proposed pedestrian and traffic control measures needed to be provided by Loading Dock Manager and details of the responsibility of the Loading Dock Manager in relation to allowing cyclists and pedestrians within the Loading Dock and management of any incidents within and access to the Loading Dock.

CAR PARKING

B37. Plans demonstrating compliance with the following traffic and parking requirements for the loading dock shall be submitted to the satisfaction of the Certifying Authority prior the issue of the issue of the relevant Construction Certificate:

(a) all vehicles should enter and leave the subject site in a forward direction;

(b) all vehicles are to be wholly contained on site before being required to stop,

(c) appropriate pedestrian advisory signs are to be provided at the egress from parking areas;

(d) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority; and

(e) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, shall be in accordance with AUSTROADS.

BICYCLE PARKING AND FACILITIES

B38. A minimum of 191 resident bike parking spaces and 12 residential visitor spaces shall be provided on Level 3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

B39. 12 retail bike parking spaces for customers and staff are to be provided on Level 2 in proximity to the retail end of trip facilities. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

B40. Minimum retail end of trip facilities are as follows:

(a) 12 personal lockers; and

(b) 1 shower.

B41. The layout, design and security of bicycle facilities must comply with the minimum requirements of A*ustralian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities*.

B42. Storage, change room and shower facilities shall be provided and designed in accordance with the details provided within the application. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

PRE-CONSTRUCTION DILAPIDATION REPORTS

B43. Unless already carried out under CSSI 7400 for all relevant affected adjoining buildings, infrastructure and roads, the Applicant is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report. The Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner 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 satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report is to be forwarded to the Certifying Authority and each of the affected property owners.

B44. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Planning Secretary 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.

B45. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant. Damage must be fully rectified by the Applicant in accordance with the Council's standards prior to the final Occupation Certificate is issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

FREIGHT AND SERVICING

B46. Prior to the issue of any Construction Certificate the Applicant shall demonstrate, to the satisfaction of the Sydney Coordination Office within TfNSW, the following:

(a) loading and servicing facilities within the subject site adequately accommodate the forecast demand of the development (including long dwell time service vehicles) so as to not rely on the kerbside restrictions to conduct the development's business, including any necessary provision of greater loading bay capacity; and

(b) provision of space for secure on-site storage of goods both to reduce peak demand on loading dock use and to support freight consolidation and alternative last mile delivery modes.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

B47. Prior to the issue of any Construction Certificate or any works, whichever is the earlier, the Applicant shall:

(a) amend, or prepare an addendum to, the Construction Pedestrian and Traffic Management Plan (CPTMP) applicable to the CSSI approval (CSSI 7400) to apply to the development. The amended CPTMP must be prepared in consultation with the Sydney Coordination Office within TfNSW, and submitted to the Planning Secretary and Certifying Authority; or

(b) Prepare a final CPTMP in consultation with the Sydney Coordination Office within TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:

(i) a description of the development;

(ii) location of any proposed work zone(s);

(iii) details of crane arrangements including location of any crane(s) and crane movement plan;

(iv) haulage routes;

(v) proposed construction hours;

(vi) predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;

(vii) construction vehicle access arrangements;

(viii) construction program and construction methodology, including any construction staging;

(ix) a detailed plan of any proposed hoarding and/or scaffolding;

(x) measures to avoid construction worker vehicle movements within the precinct;

(xi) consultation strategy for liaison with surrounding stakeholders, including other developments under construction and Sydney Metro City and Southwest;

(xii) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures should be clearly identified and included in the CPTMP; and

(xiii) identify the cumulative construction activities of the development and other projects within or around the development site, including the Sydney Metro City and Southwest and private development. Proposed measures to minimise the cumulative impacts on the surrounding road network should be clearly identified and included in the CPTMP.

(c) Submit a copy of the final development specific CPTMP to Sydney Coordination Office within TfNSW for endorsement;

(d) Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Sydney Coordination Office within Transport for NSW to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The Applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction; and

(e) A copy of the final development specific CPTMP must be submitted to the Planning Secretary and Certifying Authority.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

B48. Prior to the issue of the relevant Construction Certificate, the Applicant shall:

(a) amend, or prepare an addendum to, the Construction Environmental Management Plan (CEMP) applicable to the CSSI approval (CSSI 7400) to apply to the development. The amended CEMP must be submitted to the Planning Secretary and Certifying Authority, or

(b) prepare a Construction Framework Environmental Management Plan (CFEMP) for the development, independent of the CEMP approved with the CSSI station works. A copy of the final CFEMP must be submitted to the Planning Secretary and Certifying Authority. The CFEMP must:

(i) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;

(ii) describe all activities to be undertaken on the site during site establishment and construction of the development;

(iii) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;

(iv) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;

(v) include specific consideration of measures to address any requirements of the EPA during site establishment and construction;

(vi) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;

(vii) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts;

(viii) document and incorporate all sub environmental management plans (Sub-Plans), studies and monitoring programs required under this consent; and

(ix) include arrangements for community consultation and complaints handling procedures during construction.

B49. In the event of any inconsistency between the consent and the CFEMP, the consent shall prevail.

B50. The CFEMP and any associated Sub-Plans should be revised:

(a) at each key stage of the works;

(b) in response to future development consents;

(c) in response to major changes in site conditions or work methods; and

(d) in support of licence variations as necessary.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

B51. Prior to the issue of the relevant Construction Certificate, the Applicant shall:

(a) amend, or prepare an addendum to, the Construction Noise and Vibration Management Sub-Plan (CNVMP) applicable to the CSSI approval (CSSI 7400) to apply to the development. The amended CNVMP must be submitted to the Planning Secretary and Certifying Authority, or

(b) prepare and implement a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development, independent of the CNVMP approved with the CSSI station works. A copy of the CNVMP must be submitted to the Planning Secretary and Certifying Authority. The Sub-Plan must include:

(i) identification of the specific activities that will be carried out and associated noise sources at the premises;

(ii) identification of all potentially affected sensitive residential receiver locations;

(iii) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS;

(iv) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;

(v) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;

(vi) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;

(vii) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;

(viii) where objectives cannot be met, additional measures including, but not necessarily limited to, the following should be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;

(ix) where night-time noise management levels cannot be satisfied, a report shall be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;

(x) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;

(xi) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan;

(xii) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;

(xiii) measures to monitor noise performance and respond to complaints;

(xiv) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;

(xv) procedures to allow for regular professional acoustic input to construction activities and planning; and

(xvi) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

AIR QUALITY MANAGEMENT SUB-PLAN

B52. Prior to the issue of the relevant Construction Certificate, the Applicant shall:

(a) amend, or prepare an addendum to, the Air Quality Management Sub-Plan (AQMP) applicable to the CSSI station works (CSSI 7400) to apply to the development. The amended CNVMP must be submitted to the Planning Secretary and Certifying Authority, or

(b) prepare an Air Quality Management Sub-Plan (AQMP) for the development, independent of the AQMP approved with the CSSI station works. A copy of the AQMP must be submitted to the Planning Secretary and Certifying Authority. The Sub-Plan must include, as a minimum, the following elements:

(i) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods);

(ii) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);

(iii) mission statement;

(iv) dust and VOCs/odour management strategies consisting of:

- objectives and targets;
- risk assessment;
- suppression improvement plan.

(v) monitoring requirements including assigning responsibility (for all employees and contractors);

(vi) communication strategy; and

(vii) system and performance review for continuous improvements.

B53. The Sub-Plan must detail management practices to be implemented for all dust and VOC/odour sources at the site. The Sub-Plan must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (eg. frequency, duration and method of monitoring) to be undertaken for the project.

B54. The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

B55. Prior to the issue of the relevant Construction Certificate, the Applicant shall:

(a) amend, or prepare an addendum to, the Construction Waste Management Sub-Plan (CWMP) applicable to the CSSI station works (CSSI 7400) to apply to the development. The amended CWMP must be submitted to the Planning Secretary and Certifying Authority, or

(b) prepare a Construction Waste Management Sub-Plan (CWMP) for the development, independent of the CWMP approved with the CSSI station works. A copy of the CWMP must be submitted to the Planning Secretary and Certifying Authority. The Sub-Plan must include, as a minimum, the following elements:

(i) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";

(ii) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;

(iii) procedures for minimising the movement of waste material around the site and double handling;

(iv) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour;

(v) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;

(vi) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises;

(vii) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):

- a traffic plan showing transport routes within the site;
- a commitment to retain waste transport details for the life of the project to demonstrate compliance with the Protection of the Environment Operations Act 1997; and
- the name and address of each licensed facility that will receive waste from the site (if appropriate).

DEVELOPER CONTRIBUTIONS

B56. A monetary contribution pursuant to the provisions of Section 61 of the City of Sydney Act 1988, in accordance with the Central Sydney Development Contributions Plan 2013, must be paid to Council prior to the issue of any Construction Certificate.

The City of Sydney Council should be contacted for calculation of required contributions.

LANDSCAPING

B57. Prior to the issue of the relevant construction certificate, the Applicant must prepare a detailed Landscape Plan, to the satisfaction of the Certifier. The plan must be consistent with the Landscape Plans prepared by Sue Barnsley Design, dated 28 August 2020 and include:

(a) details of tree planting, including pot sizes;

(b) detail the location, species, maturity and height at maturity of plants to be planted on-site;

(c) demonstrate soil depth and volumes to support the proposed plantings consistent with the requirements of the ADG;

(d) demonstrate adequate drainage and watering systems for the planters,

(e) include details of plant maintenance and watering for the first 12 months and

(f) commit to replace plants with the same species should any plant loss occur within the maintenance period

STORMWATER MANAGEMENT SYSTEM

B58. Prior to the issue of a construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:

(a) be designed by a suitably qualified and experienced person(s);

(b) be generally in accordance with the conceptual design in the EIS;

(c) be in accordance with applicable Australian Standards; and

(d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;

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 at least 48 hours before those dates.

C2. If the construction 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 proposed commencement and the development to be carried out in that stage.

APPROVED PLANS TO BE ON-SITE

C3. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

ACCESS TO INFORMATION

C4. 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.

(c) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

PROTECTION OF PUBLIC INFRASTRUCTURE

C5. Before the commencement of construction, the Applicant must:

(a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;

(b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and

(c) submit a copy of the dilapidation report to the Certifying Authority and Council.

UTILITIES AND SERVICES

C6. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

C7. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

COMMUNITY COMMUNICATION STRATEGY

C8. Before the commencement of construction, the Applicant must either:

(a) amend, or prepare an addendum to, the Community Consultation Strategy (CCS) applicable to the CSSI approval (CSSI 7400) to apply to the development; or

(b) prepare a CCS for the development, independent of the CCS applicable to the CSSI approval, to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community

(including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction. The CCS for the development must:

(i) identify people to be consulted during the design and construction phases;

(ii) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;

(iii) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;

(iv) set out procedures and mechanisms:

- through which the community can discuss or provide feedback to the Applicant;
- through which the Applicant will respond to enquiries or feedback from the community; and
- 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.

C9. The CCS must be submitted to the Planning Secretary for approval no later than one month before the commencement of construction.

C10. Construction must not commence until the CCS has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.

C11. The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

COMMUNITY CONSULTATIVE COMMITTEE

C12. Unless the CCS applicable to the CSSI approval (CSSI 7400) has been amended in accordance with condition C8(a), before the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects*. The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so for the duration of construction and for at least six months following the completion of construction.

Notes:

- *The CCC is an advisory committee only.*
- *In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.*

COMPLIANCE

C13. 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.

BARRICADE PERMIT

C14. 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 from the relevant authority 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 authority.

HOARDING

C15. Unless already carried out under CSSI 7400 for the relevant street frontages and duration of the development, 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 any proposed artwork

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

C16. 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.

MECHANICAL VENTILATION

C17. All mechanical ventilation systems must be installed in accordance with the BCA and must comply with the AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and AS/NZS 3666.1:2011 Air handling and water systems of buildings – Microbial control to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the satisfaction of the Certifying Authority prior to the relevant Construction Certificate.

OUTDOOR LIGHTING

C18. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifying Authority that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

AIRSPACE PROTECTION

C19. The Applicant must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting SY-CA-563 P2.

C20. Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any construction equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.

PART D DURING CONSTRUCTION

APPROVED PLANS TO BE ON-SITE

D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

SITE NOTICE

D2. A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

(a) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;

(b) the notice is to be durable and weatherproof and is to be displayed throughout the works period

(c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and

(d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

HOURS OF CONSTRUCTION

D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

(a) between 7am and 6pm, Mondays to Fridays inclusive; and

(b) between 8am and 1pm, Saturdays.

D4. No work may be carried out on Sundays or public holidays.

D5. 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.

D6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

(a) 9am to 12pm, Monday to Friday;

(b) 2pm to 5pm Monday to Friday; and

(c) 9am to 12pm, Saturday.

SAFEWORK REQUIREMENTS

D8. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

IMPLEMENTATION OF MANAGEMENT PLANS

D9. The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan and Construction Waste Management Plan required by Part B of this consent are implemented during construction.

CONSTRUCTION NOISE LIMITS

D10. 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.

D11. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding areas outside of the construction hours of work outlined under condition D3.

D12. 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.

D13. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 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.

D14. Any noise generated during 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 site.

VIBRATION CRITERIA

D15. 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 to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time);

(c) vibratory compactors must not be used closer than 30 metres from residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above; and

(d) these limits apply unless otherwise outlined in the amended CNVMP applicable to the CSSI approval (CSSI 7400) or the project specific CNVMP required by condition B51.

AIR QUALITY

D16. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D17. During construction, the Applicant must ensure that:

(a) exposed surfaces and stockpiles are suppressed by regular watering;

(b) all trucks entering or leaving the site with loads have their loads covered;

(c) trucks associated with the development do not track dirt onto the public road network;

(d) public roads used by these trucks are kept clean; and

(e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

CONSTRUCTION TRAFFIC

D18. 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.

ROAD OCCUPANCY LICENCE

D19. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

NO OBSTRUCTION OF PUBLIC WAY

D20. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

CONTACT TELEPHONE NUMBER

D21. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

COVERING OF LOADS

D22. 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

D23. 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.

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

OCCUPATION CERTIFICATE

E1. An Occupation Certificate must be obtained from the Certifying Authority prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

GFA AND BUILDING HEIGHT CERTIFICATION

E2. 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 final Occupation Certificate.

Note: *The GFA approved under this consent excludes any GFA delivered under the Sydney Metro City and Southwest station works (CSSI 7400).*

NOTIFICATION OF OCCUPATION

E3. The date of commencement of the occupation of the development must be notified to the Department in writing, at least one month before proposed occupation. If the operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

E4. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifying Authority demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of condition B17.

E5. 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.

PROTECTION OF PUBLIC INFRASTRUCTURE

E6. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and

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

MECHANICAL VENTILATION

E7. Prior to commencement of operation, the Applicant must provide evidence to the Certifying Authority that the installation and performance of the mechanical ventilation systems complies with:

(a) AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes; and

(b) any dispensation granted by Fire and Rescue NSW.

OPERATIONAL WASTE MANAGEMENT PLAN

E8. Prior to the commencement of operation, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifying Authority. The Waste Management Plan must:

(a) be prepared in consultation with Council

(b) confirm the location of waste collection and establish appropriate routes to the collection point

(c) provide confirmation of the engagement of a qualified private waste collection contractor

(d) detail the type and quantity of waste to be generated during construction and operation of the development;

(e) describe the handling, storage and disposal of all waste streams generated on site, consistent with the Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (Department of Environment, Climate Change and Water, 2009);

(f) detail the materials to be reused or recycled, either on or off site; and

(g) include the Management and Mitigation Measures included in the EIS

WASTE AND RECYCLING COLLECTION

E9. Prior to the occupation or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste and residential waste. No garbage is to be placed on the public way eg. the roadways, footpaths, plazas, and reserves at any time.

POST-CONSTRUCTION DILAPIDATION REPORT

E10. Unless otherwise carried out under the requirements of CSSI 7400, prior to the issue of the relevant Occupation Certificate:

(a) the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads;

(b) the report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:

(i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and

(ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

(c) a copy of this report is to be forwarded to the Planning Secretary and each of the affected property owners.

ROAD DAMAGE

E11. The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to the occupation or commencement of the use.

FIRE SAFETY CERTIFICATION

E12. Prior to the issue the relevant Occupation Certificate, a Fire Safety Certificate shall be obtained for all the relevant 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 Certifying Authority and be prominently displayed in the building.

STRUCTURAL INSPECTION CERTIFICATE

E13. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifying Authority. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:

(a) the site has been periodically inspected and the Certifying Authority 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.

WARM WATER SYSTEMS AND COOLING SYSTEMS

E14. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

OUTDOOR LIGHTING

E15. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifying Authority that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

(a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and

(b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

BICYCLE PARKING AND END-OF-TRIP FACILITIES

E16. Prior to occupation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifying Authority:

(a) the provision bicycle parking spaces in accordance with conditions B42 and B43;

(b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 Parking facilities - Bicycle parking, and be located in easy to access, well-lit areas that incorporate passive surveillance;

(c) the provision of end-of-trip facilities, which include at least 12 lockers and a shower;

(d) appropriate pedestrian and cyclist advisory signs are to be provided; and

(e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant road authority.

E17. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas

STORMWATER

E18. Prior to the issue of any Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage has been constructed as approved, must be submitted to the Certifier.

E19. Prior to the issue of any Occupation Certificate, an Operation and Maintenance Plan (OMP) to ensure the proposed stormwater quality measures remain effective is to be submitted to the satisfaction of the Certifier. The OMP must contain the following:

(a) maintenance schedule of all stormwater quality treatment devices;

(b) record and reporting details;

(c) relevant contact information; and

(d) Work Health and Safety requirements.

SYDNEY WATER COMPLIANCE

E20. 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 Certifying Authority prior to issue of an Occupation Certificate.

UTILITY PROVIDERS

E21. 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.

ENVIRONMENTAL PERFORMANCE

E22. Prior to occupation or commencement of the use, the Applicant is to provide documentation to the Certifying Authority demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under Conditions B25 to B31.

COMPLIANCE WITH BASIX CERTIFICATE

E23. Prior to the issue of any Occupation Certificate, the Applicant shall implement the commitments outlined in BASIX Certificate No. 1081183M_03 or in accordance with any updated certificate.

GREEN TRAVEL PLAN AND TRANSPORT ACCESS GUIDE

E24. The Applicant shall prepare a comprehensive Travel Plan in consultation with the Customer Journey Planning within TfNSW to increase the mode share of public transport and active transport for residents, staff and visitors. The plan needs to specify matters including, but not limited to, the following:

(a) nominate a specific party or parties responsible for the implementation of each of the actions in the Travel Plan, and for its ongoing implementation, monitoring and review;

(b) identify the parties responsible for delivery of each element of the Travel Plan throughout various stages of the development lifecycle;

(c) provide clear identification and delineation of the actions, contributions and resourcing to be provided by each party and when, as well as identification of when responsibility of functions in the Travel Plan are handed over between Developer, Building Manager and Tenant;

(d) include a mechanism to monitor the effectiveness of the plan

(e) include of a high-quality Travel Access Guide developed in consultation with the Customer Journey Planning which provides information to occupants about how to travel to the site by sustainable transport modes. This should include information about public transport connectivity, end of trip facilities, and local pedestrian and cycling connections. It should also include:

(i) Information regarding lack of off-street car parking and passenger pick-up and set-down areas at the development site;

(ii) Suitable nearby drop-off/pick-up locations;

(iii) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas;

(iv) Suitable nearby Taxi Zones

The Applicant shall provide evidence to the Certifying Authority that a copy of the final plan has been submitted to the Coordinator General, Transport Coordination for endorsement, prior to the issue of the Occupation Certificate. A copy of the final plan is to be provided to the Planning Secretary.

LOADING AND SERVICING MANAGEMENT PLAN

E25. Prior to the issue of any Occupation Certificate, the Applicant shall prepare a Loading and Servicing Management Plan in consultation with the Customer Journey Planning within TfNSW by updating the Service Delivery Plan. This plan shall ensure that any potential traffic and safety impacts associated with the loading dock operation are mitigated. The Applicant shall submit a copy of the final plan to the Coordinator General, Transport Coordination for endorsement. The plan shall include, but not be limited to, the following:

(a) details of the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;

(b) details of loading and servicing facilities within the subject site which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business;

(c) details measures to manage any potential traffic and safety impacts of the loading dock operation in particular potential queuing on Pitt Street and safety incidents between cyclists an service vehicles;

(d) details of how a service vehicle larger than 6.4m SRV would be managed, if it approached the site;

(e) loading bay management details including controls of duration of delivery vehicle stay;

(f) management details to ensure all long-term loading and servicing is accommodated within the loading dock;

(g) procedures for tradesman access and parking;

(h) provision of space for secure on-site storage of goods both to reduce peak demand on loading dock use and to support freight consolidation and alternative last mile delivery modes;

(i) details on how the loading area will be managed and used by all building tenants; and

(j) details of a pre-booking system.

The Loading and Servicing Management Plan shall be implemented by the Applicant following the issue of the Occupation Certificate. A copy of the final Loading and Servicing Management Plan must be submitted to the Planning Secretary and Certifying Authority.

LOADING DOCK

E26. Prior to an Occupation Certificate being issued that would enable use of the loading dock, convex mirrors are to be installed wholly within the property boundary that would allow for clear lines of site between vehicles exiting the loading dock and pedestrians using the footpath adjacent to the site.

AIRSPACE PROTECTION

E27. For the purpose of airspace protection, the building must not exceed a maximum height of RL 171 metres Australian Height Datum, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc. At the completion of the construction of the building, and prior to occupation, a certified surveyor is to notify (in writing) Sydney Airport Corporation Limited of the finished height of the building.

LANDSCAPE PRACTICAL COMPLETION REPORT

E28. A Landscape Practical Completion Report is to be submitted to the PCA by the consultant responsible for the landscape design plan prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

DESIGN VERIFICATION

E29. A design verification statement from a qualified designer shall be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first. The statement shall confirm the development has been constructed in accordance with the quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

Note: *'Qualified Designer' means a person registered as an architect in accordance with the Architects Act 2003. This condition is imposed in accordance with Clauses 154A of the Environmental Planning and Assessment Regulation 2000.*

SITE AUDIT STATEMENT

E30. Prior to the commencement of operation, the Applicant must submit a Site Audit Report and Site Audit Statement from the accredited Site Auditor. The Site Audit Report and Site Audit Statement must verify the site is suitable for

the residential and commercial land use and be provided for the information of the Planning Secretary and the Certifier.

ARCHIVAL RECORDING AND HERITAGE INTERPRETATION

E31. Archival recording is to be carried out in accordance with Photographic Recording of Heritage Items Using Film or Digital Capture guideline (Heritage Office, Department of Planning, 2006) for the development site and surrounds. The recording should include key views on Pitt Street, to show the development site's relationship to the former Sydney Water Head Office Building located opposite. Where appropriate recording of the precinct should be carried out before, during and after any major changes and this record may be used in the site's interpretation. The Proponent should submit a digital copy of the archival recording to Heritage NSW and City of Sydney

E32. A detailed Heritage Interpretation Plan should be prepared for the site, generally in accordance with the Heritage Interpretation Plan prepared by GBA Heritage dated 15 May 2020, and as appropriate, including any additional material having regard to the archival recording prepared under condition E31. Heritage NSW and /or Heritage Council (or its Delegate) should be consulted in the finalisation, adoption and implementation of the Heritage Interpretation Plan.

E33. The Heritage Interpretation Plan is to be implemented prior to the issue of an occupation certificate.

PART F POST OCCUPATION

LOADING / UNLOADING

F1. All loading and unloading operations associated with the site must be carried out:

(a) in accordance with the Loading and Servicing Management Plan approved under condition E25;

(b) under the supervision of a loading dock manager to be on-site at all times the loading dock is in use

(c) within the confines of the site, at all times and must not obstruct other properties or the public way; and

(d) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality

F2. The service vehicle docks, car parking spaces and access driveways must be kept clear of goods at all times and must not be used for storage purposes, including garbage storage.

F3. All vehicular movements to and from the site are to be in a forward direction. To ensure this occurs, all vehicles accessing the site must not exceed 6.4 metres in length. The applicant is to ensure all delivery services and service providers that require access to the site are aware of this requirement.

ANNUAL FIRE SAFETY STATEMENT

F4. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

FIRE SAFETY CERTIFICATION

F5. The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with condition E12.

STORAGE AND HANDLING OF WASTE

F6. All waste collection services must be undertaken in accordance with conditions E8 and E9.

F7. No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

F8. 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.

F9. All waste must be collected by 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

F10. 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.

F11. The use and operation of the premises shall not give rise to an environmental health or public nuisance.

F12. 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.

NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

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) transmission of “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy

(b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute

(c) notwithstanding compliance with a) and b) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12 midnight and 7 am.

(d) exceedance of the project amenity noise levels established by the Acoustic Report prepared by Renzo Tonin and Associates and dated 17 May 2020.

F14. Within 3 months of the commencement of full operation on the site, the Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified Condition

F13. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

OPERATION OF PLANT AND EQUIPMENT

F15. All plant and equipment used in the development, or to monitor the performance of the development must be:

(a) maintained in a proper and efficient condition; and

(b) operated in a proper and efficient manner.

COMMUNITY COMMUNICATION STRATEGY

F16. The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

SIGNAGE

F17. Any future external top of building signage must consistent with the approved signage strategy.

OUTDOOR LIGHTING

F18. Notwithstanding condition E15, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

F19. Unless otherwise agreed by the Planning Secretary, within 12 months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5 Star Green Star As-Built rating in accordance with condition B26. Evidence of the certification must be provided to the Certifying Authority and the Planning Secretary.

NO ACCESS TO LEVEL 6 TERRACE AREA

F20. The Level 6 external area is to be non-trafficable and is not to be accessed by residents or staff, with the exception of landscaping and maintenance staff.

COMMUNAL AREA ACCESS

F21. All residents of the development are to have access to all communal areas including:

(a) Level 2 balcony, co-working, meeting and social spaces

(b) Level 3 storage

(c) Level 6 pool, amenity areas and sundeck

(d) Level 35 rooftop lounge, rooftop terrace and associated amenities

GREEN TRAVEL PLAN

F22. The Green Travel plan approved under condition E24 shall be implemented following occupation of the development. The plan is to be reviewed and updated annually and implemented by the applicant for the life of the development.

F23. The Transport Access Guide approved under condition E24 is to be made available to residents, staff, customers and visitors at all times.

PART G PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

G1. In undertaking the subdivision approved under this consent, the Applicant must comply with the requirements of Part 6 of the EP&A Act in relation to the issue of a Subdivision Certificate.

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

SUBDIVISION CERTIFICATE

G2. Before granting any Subdivision Certificate for stratum subdivision, the Certifying Authority must be satisfied that the Applicant has complied with all conditions of this consent that are required to be complied with before a Subdivision Certificate may be issued in relation to the plan of subdivision.

BUILDING MANAGEMENT STATEMENT

G3. Prior to the issue of a Subdivision Certificate for the stratum subdivision, a Building Management Statement must be prepared in the approved form prescribed by Schedule 8A of the *Conveyancing Act 1919* or a Strata Management Statement must be prepared in the approved form prescribed by Part 6 of the *Strata Schemes Development Act 2015* and submitted to the Certifying Authority.

G4. The Building Management Statement or Strata Management Statement (as applicable) is to apply to the development as a 'united building'. The Building Management Statement or Strata Management Statement (as applicable) must include details of the following:

(a) the use, operation and arrangements for the supply of services, maintenance and upgrading of infrastructure of each stratum lot within the subdivision

(b) the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot within the subdivision

(c) any other matters which the Certifying Authority considers relevant and pertinent to the issue of a Subdivision Certificate.

CREATION OF EASEMENTS

G5. Easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to section 88B of the *Conveyancing Act 1919*.

REGISTRATION OF EASEMENTS

G6. Prior to the issue of a Subdivision Certificate, the Applicant shall provide to the Certifying Authority evidence that all matters required to be registered on title, including easements noted on the draft subdivision plans listed in Part A, are contained within the subdivision plan to be lodged for registration at the NSW Land Registry Services.

ENCROACHING AND/OR SHARED SERVICES

G7. Any pipes, service lines or the like servicing each lot shall be contained within their respective lots or, if service lines encroach upon adjoining lots within the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to section 88B of the *Conveyancing Act 1919*, over the service lines where any such encroachment occurs.

ACCESS EASEMENT – GROUND LEVEL

G8. Prior to, or upon, the registration of the stratum plan for the site, appropriate ground level access easement/s are to be created to provide access to the building from the public domain for each respective building owner/s, tenant/s and visitors, as relevant to the stratum lot/s the subject of the stratum plan to the satisfaction of the Certifying Authority. Each easement is to address construction staging, including any restrictions to access as a result of the construction activities, including erecting hoardings as relevant.

G9. Suitable easements for access or rights-of-way benefiting the public are to be created over the public domain areas of the residual lot at each stage in the stratum subdivision to ensure public access to the public domain areas. The rights of public access are to be triggered by an occupation certificate for the relevant public domain areas (temporary or permanent) within the site.

COMPLIANCE CERTIFICATE

G10. Prior to issue of any Subdivision Certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water and shall be provided to the Certifying Authority demonstrating that the development has satisfied the detailed requirements of Sydney Water in respect to water and wastewater.

G11. Prior to the issue of a Subdivision Certificate (as relevant), a Compliance Certificate is to be issued certifying that a registered surveyor has confirmed that the parcel boundary of the stratum plan corresponds with floors, external walls and ceilings of the relevant building/structures as constructed or alternatively, has the benefit of an appropriate easement or is the subject of appropriate provisions in the Building Management Statement, required by condition G3, to enable the registration of the plan.

STATEMENT OF COMPLIANCE – COMPLETION IN ACCORDANCE WITH DEVELOPMENT CONSENT

G12. Prior to the issue of a Subdivision Certificate for stratum subdivision, a Statement of Compliance shall be provided to the Certifying Authority demonstrating that the approved subdivision is consistent with relevant conditions of development consent.

ADVISORY NOTES

APPEALS

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

OTHER APPROVALS AND PERMITS

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

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

TEMPORARY STRUCTURES

AN4. An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.

AN5. Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

DISABILITY DISCRIMINATION ACT

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

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN7. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN8. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

AN9. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

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

FIRE SAFETY CERTIFICATE

AN10. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 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 A18 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.