

# Development Consent – Key Sites

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

As delegate of the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



18/12/2020

Anthea Sargeant  
**Executive Director**  
**Key Sites and Regions**

Sydney

2020

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### **SCHEDULE 1**

<b>Application Number:</b>	SSD 10454
<b>Applicant:</b>	Bisrita Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	115-119 Macquarie Street, Sydney (Lot 40 DP 41315 and Lot 4 DP 785393)
<b>Development:</b>	InterContinental Hotel alterations and additions, including rooftop expansion and internal refurbishment.

## DEFINITIONS

<b>Accredited Certifier</b>	The holder of a certificate of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form part of this consent
<b>Applicant</b>	Bistrita Pty Ltd, or any person carrying out any development to which this consent applies
<b>Application</b>	The development application and the accompanying drawings plans and documentation described in Condition A2
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	Means a Council or an accredited certifier
<b>CNVMP</b>	Construction Noise and Vibration Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
<b>Council</b>	City of Sydney
<b>CPTMP</b>	Construction Pedestrian and Traffic Management Plan
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising the approved alterations and additions to the InterContinental Hotel, as modified by the conditions of this consent
<b>EIS</b>	The Environmental Impact Statement titled InterContinental Hotel – Stage 2 Environmental Impact Statement, prepared by Urbis Pty Ltd dated September 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>ESD</b>	Ecologically Sustainable Development
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage NSW</b>	Heritage NSW, Department of Premier and Cabinet
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: “material harm” is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>• results in actual or potential loss or property damage of an amount, or amounts</li> </ul>

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)

<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Night</b>	The period from 10 pm to 7 am Monday to Saturday, and the period from 10 pm to 8 am Sunday and Public Holidays
<b>Noise Policy for Industry</b>	The document entitled “Noise Policy for Industry” published by the NSW Environment Protection Authority in October 2017
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>Response to Submissions (RtS)</b>	The Applicant’s response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
<b>SSD</b>	State Significant Development
<b>Subject Site</b>	Land referred to in Schedule 1
<b>TfNSW</b>	Transport for New South Wales

**SUMMARY OF MODIFICATIONS**

<b>SSD 10454 MOD 1</b>	Approved by the Team Leader, Key Sites Assessments, on 8 February 2022 for: Amendments to Condition E17
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## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS and Response to Submissions. If the approved plans are inconsistent with the conditions of consent, the conditions of consent shall prevail;
  - (d) in accordance with the management and mitigation measures; and
  - (e) in accordance with the approved plans in the table below. If the approved plans are inconsistent with the conditions of consent, the conditions of consent shall prevail.

<b>Architectural Drawings prepared by Woods Bagot</b>			
<b>Dwg No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
ST2-DA- 00000	A	COVER SHEET	31/07/2020
ST2-DA- 00001	B	DRAWING LIST	31/07/2020
ST2-DA- 10001	B	SITE PLAN	31/07/2020
ST2-DA- 11000	B	STAGING PLANS	31/07/2020
ST2-DA- 13000	A	GFA PLANS	31/07/2020
ST2-DA- 14000	A	3D HEIGHT PLANE DIAGRAM	31/07/2020
ST2-DA- 15000	A	PUBLIC DOMAIN PLANS	31/07/2020
ST2-DA- 20050	A	DEMOLITION PLAN – LEVEL 05	31/07/2020
ST2-DA- 20060	A	DEMOLITION PLAN – LEVEL 06	31/07/2020
ST2-DA- 20070	A	DEMOLITION PLAN – LEVEL 07	31/07/2020
ST2-DA- 20320	A	DEMOLITION PLAN – LEVEL 32	31/07/2020
ST2-DA- 20330	A	DEMOLITION PLAN – LEVEL 33 (ROOF)	31/07/2020
ST2-DA-22030	C	FLOOR PLAN – LEVEL 03	03/11/2020
ST2-DA- 22050	C	FLOOR PLAN – LEVEL 05	31/07/2020
ST2-DA- 22060	C	FLOOR PLAN – LEVEL 06	31/07/2020
ST2-DA- 22070	C	FLOOR PLAN – LEVEL 07	31/07/2020
ST2-DA- 22320	D	FLOOR PLAN – LEVEL 32	31/07/2020
ST2-DA- 22330	C	FLOOR PLAN – LEVEL 33 (ROOF)	31/07/2020
ST2-DA- 24050	A	RCP – LEVEL 05	31/07/2020
ST2-DA- 30011	A	DEMOLITION ELEVATION – SOUTH & EAST	31/07/2020
ST2-DA- 30012	A	DEMOLITION ELEVATION – NORTH & WEST	31/07/2020
ST2-DA- 30021	A	ELEVATION – SOUTH & EAST	31/07/2020
ST2-DA- 30022	A	ELEVATION – NORTH & WEST	31/07/2020
ST2-DA- 30211	A	DEMOLITION SECTION - OVERALL	31/07/2020
ST2-DA- 30221	A	SECTION - OVERALL	31/07/2020
ST2-DA- 45001	C	CITY CORNER ENTRY ELEVATIONS/SECTION	31/07/2020
ST2-DA- 45002	A	CITY CORNER ENTRY DETAILS	31/07/2020
ST2-DA- 45101	B	LEVEL 32 FACADE ELEVATIONS	21/10/2020
ST2-DA- 45102	B	LEVEL 32 FACADE ELEVATIONS	21/10/2020
ST2-DA- 45103	B	LEVEL 32 FACADE DETAILS	21/10/2020
ST2-DA- 46001	A	CORTILE FLOOR PLAN	31/07/2020
ST2-DA- 46002	A	CORTILE INTERNAL SECTIONS	31/07/2020
ST2-DA- 46003	A	CORTILE INTERNAL SECTIONS	31/07/2020
ST2-DA- 46004	A	CORTILE BALUSTRADE DETAIL	31/07/2020

ST2-DA- 90000	A	MATERIAL SCHEDULE	31/07/2020
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- 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 the consent is registered on NSW planning portal unless the works associated with the development have physically commenced.

#### LIMITS ON CONSENT

- A6. This consent does not approve:
- (a) signage (unless otherwise approved under this consent); and
  - (b) any increase in the maximum capacity of the rooftop bar (currently limited to 115 persons).
- Separate development application(s) must be lodged, and consent obtained for the above works and uses (except where exempt and complying development applies).

#### PRESCRIBED CONDITIONS

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

#### LONG SERVICE LEVY

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

#### LEGAL NOTICES

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

#### 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.

#### DEVELOPMENT EXPENSES

- A11. It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.

#### STRUCTURAL ADEQUACY

- A12. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

**Notes:**

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

#### OPERATION OF PLANT AND EQUIPMENT

- A13. 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**

- A14. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A15. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

#### **MONITORING AND ENVIRONMENTAL AUDITS**

- A16. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

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

#### **INCIDENT NOTIFICATION, REPORTING AND RESPONSE**

- A17. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A18. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

#### **NON-COMPLIANCE NOTIFICATION**

- A19. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A20. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A21. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

#### **REVISION OF STRATEGIES, PLANS AND PROGRAMS**

- A22. Within three months of:
- (a) the submission of a compliance report under **Condition C4** and **C6**;
  - (b) the submission of an incident report under **Condition A17**;
  - (c) the approval of any modification of the conditions of this consent; or
  - (d) the issue of a direction of the Planning Secretary under **Condition A2** which requires a review,
- 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.
- A23. 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.*

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

### **NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE**

- B1. Work must not commence until a Construction Certificate in respect of the work has been issued.

### **EXTERNAL WALLS AND CLADDING**

- B2. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B3. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- B4. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

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

- B5. The approved works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions; or
  - (b) formulating an alternative solution which:
    - (i) complies with the performance requirements; or
    - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
    - (iii) a combination of (a) and (b).

### **REFLECTIVITY**

- B6. The visible light reflectivity from building materials shall not exceed 20 per cent and shall be designed so as to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

### **STRUCTURAL DETAILS**

- B7. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the Certifier, the relevant structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA; and
  - (b) the development consent.

### **SCHEDULE OF MATERIALS**

- B8. Prior to the issue of the relevant Construction Certificate, a list of the final schedule of materials shall be submitted to the Planning Secretary and Certifier.

### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)**

- B9. The building must incorporate all design, operation and construction measures as identified in the ESD Report – Intercontinental Hotel – Stage 2 Reference 2549-ESD-r3/gz, prepared by BCA Energy, dated 6 August 2020. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

### **CONSERVATION WORKS SCHEDULE AND MAINTENANCE PLAN**

- B10. Prior to the issue of the relevant Construction Certificate an updated Conservation Works Schedule and Maintenance Plan is to be provided for approval by Heritage NSW and implemented throughout the project. The conservation works must be overseen by the nominated heritage consultant.

### **HERITAGE INTERPRETATION STRATEGY**

- B11. An updated Heritage Interpretation Strategy is to be prepared in consultation with Heritage NSW and submitted to and approved by the Planning Secretary prior to the issue of the relevant Construction Certificate. The recommendations of this Heritage Interpretation Strategy, once approved, must be implemented as part of this project.

### **HANDRAIL DESIGN**

- B12. The design of the Level 7 handrail must be submitted to and approved by Heritage NSW prior to the issue of the relevant Construction Certificate, and is to include measures to minimise visual impact and be more recessive.

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

- B13. All toilets must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.
- B14. All taps and shower heads must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifier prior to issue of the relevant Construction Certificate.
- B15. New urinal suites, urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Details are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.
- B16. Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

## **SANITARY FACILITIES FOR DISABLED PERSONS**

- B17. The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier.

## **ACCESS FOR PEOPLE WITH DISABILITIES**

- B18. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier.

## **PAVING MATERIALS**

- B19. The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials". Details must be provided to the Certifier prior to the issue of the relevant Construction Certificate.

## **TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

- B20. All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary. Confirmation must be provided to the Certifier prior to the issue of the relevant Construction Certificate.

## **OUTDOOR LIGHTING**

- B21. All new outdoor lighting (including any signage illumination) shall comply with the recommendations of the Lighting Impact Assessment – Intercontinental Hotel, Sydney Revision 01 dated 24 July 2020, prepared by WSP and, where relevant, AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.
- B22. Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

## **MECHANICAL VENTILATION**

- B23. All mechanical ventilation systems shall be installed in accordance with the BCA and shall comply with Australian Standards AS1668.2 and AS3666 - Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

## **MECHANICAL PLANT NOISE MITIGATION**

- B24. Details of noise mitigation measures for all mechanical plant are to be detailed on the Construction Certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of the NSW Noise Policy for Industry is required to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

## **COMPLIANCE WITH ACOUSTIC ASSESSMENT**

- B25. All performance parameters, requirements, engineering assumptions and recommendations contained in the Acoustic Assessment, prepared by Acoustic Logic Revision 4, dated 16 January 2020, must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use, in accordance with the requirements of **Condition B26**. Details demonstrating compliance must be submitted to the Certifier.

- B26. Prior to the commencement of construction work, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with the requirements of the aforementioned Report.

#### REQUIREMENTS OF PUBLIC AUTHORITIES

- B27. The Applicant must comply with the requirements of any public authorities (e.g. Sydney Trains, Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed development. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

#### NUMBER OF BICYCLE PARKING SPACES

- B28. The minimum number of additional bicycle parking spaces to be provided for the development is 10. Details confirming the parking numbers must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

#### FACILITIES FOR CYCLISTS

- B29. The layout, design and security of all bicycle facilities must comply with the minimum requirements of AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities and *Cycling Aspects to Austroads Guides* Appendix I, including that these facilities should be located in secure, convenient and accessible areas close to the main entries and incorporating adequate lighting and passive surveillance. Staff bicycle parking should be provided according to the security level B as specified AS 2890.3:2015.
- B30. Details demonstrating compliance with this condition shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

#### CONSTRUCTION AND FIT OUT OF FOOD PREMISES

- B31. The construction, fit-out and finishes of any food premises must comply with Standard 3.2.3 of the *Australian and New Zealand Food Standards Code* under the *Food Act 2003*, all relevant Australian Standards including AS 4674 – 2004: *Design, Construction and Fit-out of Food Premises*, and the provisions of the BCA. Details of compliance with the relevant provisions shall be prepared by a suitably qualified person and submitted to the Certifier and Council prior to the construction and fit-out of any food premises.

#### COOL ROOMS

- B32. Any cool room(s), refrigerated chambers or strong-rooms must be constructed in accordance with G 1.2 of the BCA.

#### GREASE TRAPS

- B33. A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. Installation of the grease trap must comply with the requirements of Sydney Water.

*Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.*

#### PRE-CONSTRUCTION DILAPIDATION REPORT

- B34. The Applicant is to engage a qualified structural engineer to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. The report shall be submitted to the Certifier prior to issue of a Construction Certificate or any works commencing, whichever is earlier. A copy of the report must be forwarded to Council and each of the affected property owners.

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

- (a) a PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) each image is to be numbered and cross referenced to a site location plan;
- (d) a summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record; and
- (e) include written confirmation, issued with the authority of both the Applicant and the photographer that Council is granted a perpetual non-exclusive license to make use of the copyright in all images supplied,

including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

#### **PUBLIC DOMAIN DAMAGE BOND**

- B35. A Public Domain Damage Bond calculated on the basis of 175 square metres of clay paving site frontage Macquarie Street, 408 square metres of asphalt site frontage Bridge and Phillip Street frontages must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Bond must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).
- B36. The Guarantee must be lodged with Council prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- B37. The Guarantee in this condition will be retained in full until the final Occupation Certificate has been issued, or the public domain works bond has been lodged and any rectification works to the footway and public domain, are completed to Council's satisfaction. The Guarantee will be released in full unless rectification works are required where upon 90 per cent of the total securities will be released, with the remaining 10 per cent to be retained for the duration of a 6 months Defect Liability Period.

#### **HAZARDOUS MATERIALS SURVEY**

- B38. Prior to the issue of a Construction Certificate or any demolition and/or site preparation works, the Applicant shall engage a suitably qualified independent expert to prepare a detailed Hazardous Material Survey of all existing structures and infrastructure. A copy shall be submitted to Council, the EPA, the Planning Secretary and the Certifier.

#### **DEVELOPER CONTRIBUTIONS**

- B39. In accordance with Section 61 of the *City of Sydney Act 1988*, the Applicant must pay developer contributions in accordance with *Central Sydney Development Contributions Plan 2013*. The contributions are to be paid by the Applicant prior to the issue of any Construction Certificate.

## PART C PRIOR TO COMMENCEMENT OF WORKS

### NOTIFICATION OF COMMENCEMENT

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
  - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in **Condition A2** of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### COMPLIANCE REPORTING

- C4. 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).
- C5. 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.
- C6. 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.
- C7. 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.

### COMPLIANCE

- C8. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### COMPLAINTS AND ENQUIRIES PROCEDURE

- C9. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
  - (a) a 1300 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
  - (b) a postal address to which written complaints and enquiries may be sent; and
  - (c) an email address to which electronic complaints and enquiries may be transmitted.

The Applicant shall forward to Council and the Department a 24-hour telephone number to be operated for the duration of the construction works.

## HOARDINGS

- C10. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect any hoarding and/or scaffolding in a public road and such application is to include:
- architectural, construction and structural details of the design as well as proposed artwork; and
  - structural certification prepared and signed by an appropriately qualified practising structural engineer.

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

## BARRICADE PERMIT

- C11. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

## CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C12. Prior to the commencement of works, the Applicant shall prepare and implement a **Construction Environmental Management Plan (CEMP)** for the development in consultation with Council and submit it to the Certifier. The **CEMP** shall (including but not limited to):
- describe the relevant stages and phases of construction, including work program outlining relevant timeframes for each stage/phase;
  - include plans demonstrating the boundary of the construction site and any associated areas to be fenced or closed to the public;
  - describe all activities to be undertaken on the site during site establishment and construction of the development;
  - clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
  - 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;
  - include specific consideration of measures to address any requirements of relevant agencies during site establishment and construction;
  - describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
  - detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;
  - workplace and community health and safety management;
  - document and incorporate all relevant sub environmental management plans, control plans, studies and monitoring programs required under this part of the consent; and
  - include arrangements for community consultation and complaints handling procedures during construction
  - address air quality management, which includes the monitoring and management of air quality and dust (including dust emissions on the site and dust emissions from the site) to protect the amenity of the neighbourhood;
  - address the management of water quality, including, where relevant, mitigation measures such as 'wet-vacuuming'; and
  - address the management of erosion and sediment control to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site.

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

Prior to the commencement of works, a copy of the **CEMP** must be submitted to Council, TfNSW and the Planning Secretary.

## CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- C13. Prior to the commencement of works, a **Construction Pedestrian and Traffic Management Plan (CPTMP)** shall be prepared by a suitably qualified person in consultation with TfNSW (Sydney Coordination Office) and Council. The final **CPTMP** must be endorsed by the Coordinator General, Transport Coordination within TfNSW. The **CPTMP** shall address (but not be limited to):
- a description of the development;

- (b) location of the proposed work zone;
- (c) location of any crane(s);
- (d) haulage routes;
- (e) construction vehicle access and traffic control arrangements;
- (f) proposed construction hours;
- (g) estimated number of construction vehicle movements and detail of vehicle types, noting vehicle movements are to be minimised during peak periods;
- (h) details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on George Street;
- (i) details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site;
- (j) pedestrian and traffic management measures;
- (k) a detailed plan of any proposed hoarding and/or scaffolding;
- (l) any changes required to on-street parking;
- (m) the construction program and construction methodology;
- (n) consultation strategy for liaison with surrounding stakeholders, including other developments under construction;
- (o) any potential impacts to general traffic, cyclists, pedestrians, bus and light rail services within the vicinity of the site from construction vehicles during the construction;
- (p) cumulative construction impacts of projects including Sydney Metro City and South West. Existing CPTMPs for developments within or around the development site should be referenced in the **CPTMP** to ensure that coordination of work activities are managed to minimise impacts on the road network;
- (q) measures to ensure construction vehicles do not arrive at the site or surrounding areas outside approved hours;
- (r) measures proposed to mitigate any associated general traffic, public transport, pedestrian access and cyclist impacts/conflicts;
- (s) measures to encourage public transport use and other non-car travel options by construction workers.

A copy of the final **CPTMP**, endorsed by TfNSW (Sydney Coordination Office), is to be provided to Council and the Planning Secretary.

#### **CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

- C14. Prior to the commencement of works, a **Construction Noise and Vibration Management Plan (CNVMP)** prepared by a suitably qualified person shall be submitted to the Certifier. The **CNVMP** shall (including but not limited to):
- (a) be prepared in accordance with the EPA's *Interim Construction Noise Guideline*;
  - (b) identify nearby sensitive receivers and land uses;
  - (c) identify the noise management levels for the project;
  - (d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;
  - (e) include details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
  - (f) address the relevant provisions of Australian Standard 2436-2010 Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites;
  - (g) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Environmental Noise Impact Assessment Revision 2, prepared by Acoustic Logic, dated 30 July 2020, and Construction Management Plan Revision B prepared by Built, dated 30 July 2020;
  - (h) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and
  - (i) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded.

Prior to the commencement of works, a copy of the **CNVMP** must be submitted to Council and the Planning Secretary.

## WASTE MANAGEMENT PLAN

- C15. Prior to the commencement of any construction (including demolition), a **Waste Management Plan (WMP)** must be prepared and submitted to the Certifier. The **WMP** must:
- demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;
  - provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;
  - 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";
  - require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer; and
  - require that splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the Subject Site, is removed before the vehicle, trailer or motorised plant leaves the Subject Site.

## CONTAMINATION

- C16. Prior to the commencement of any works (including demolition), a hazardous material survey must be undertaken. The survey must provide an **Unexpected Contamination Finds Protocol (UFP)**, prepared by a suitably qualified and experienced expert, shall be submitted to the Certifier.
- C17. The Applicant shall prepare and implement appropriate project specific procedures for identifying and dealing with unexpected finds of site contamination (including asbestos and lead-based paint materials). This shall include any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.
- C18. Prior to the commencement of any work, the Applicant is required to satisfy the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 'asbestos wastes'.
- C19. The **UFP** must be developed considering the findings of the Targeted Destructive Hazardous Materials Assessment Report Revision 001 (dated 15 July 2020) prepared by EDP.
- C20. The **UFP** must be implemented for the duration of construction works.

## HERITAGE

- C21. Prior to the commencement of works, a suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must inspect the demolition and removal of material to ensure there is no unapproved removal of significant fabric or elements, provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be satisfied that all work has been carried out in accordance with the conditions of this consent.

## ARCHIVAL RECORDING

- C22. Prior to the commencement of construction works, a photographic archival record of all areas undergoing works, and identification of any significant pieces for interpretation, must be prepared in accordance with the document *How to Prepare Archival Records* by the Heritage Council of NSW, and submitted to the Heritage Council and the Department.

## CONTACT TELEPHONE NUMBER

- C23. Prior to the commencement of the works, the Applicant shall forward to small businesses adjoining or impacted by the construction work, the Transport Management Centre and Sydney Coordination Office within Transport for NSW, Council and the Planning Secretary, a 24-hour telephone number to be operated for the duration of the construction works. The number shall be used to resolve issues including, but not limited to, traffic, public transport, freight, servicing and pedestrian access during construction.

## PART D DURING CONSTRUCTION

### DEMOLITION

- D1. Demolition work must comply with *Australian Standard AS 2601-2001* - The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.

### HOURS OF CONSTRUCTION

- D2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7.00 am and 7.00 pm, Mondays to Fridays inclusive; and
  - (b) between 7.00 am and 5.00 pm, Saturdays.
- D3. No work may be carried out on Sundays or public holidays.
- D4. 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.
- D5. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 2.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm, Saturday.

### IMPLEMENTATION OF MANAGEMENT PLANS

- D7. The Applicant shall ensure that the requirements of all environmental management plans required by Part C of this consent are implemented during construction.

### NOISE AND VIBRATION MANAGEMENT

- D8. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities that could exceed the construction noise or vibration management levels shall be identified and managed in accordance with the **CEMP** and **CNVMP**.
- D9. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- D10. The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to noise sensitive receivers.
- D11. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Subject Site.
- D12. All work, including demolition, excavation and building work must comply with the *Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'*.
- D13. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- (a) for structural damage vibration to buildings (excluding heritage buildings), British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings;
  - (b) for structural damage vibration to heritage buildings, German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure;
  - (c) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment; and
  - (d) these limits apply unless otherwise outlined in the **CEMP**.

## **APPROVED PLANS TO BE ON-SITE**

D14. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available to any officer of the Department, Council or the Certifier.

## **SITE NOTICE**

D15. A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:

- (a) the notice is to be able to be read by the general public;
- (b) the notice is to be rigid, 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.

## **SAFework NSW REQUIREMENTS**

D16. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

## **HOARDING/FENCING REQUIREMENTS**

D17. The following hoarding requirements must be complied with:

- (a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and
- (b) the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

## **WASTE MANAGEMENT**

D18. Notwithstanding the WMP referred to in **Condition C15**, the Applicant must ensure that:

- (a) all waste generated by the development is classified and managed in accordance with the EPA's brochure entitled "Know your responsibilities: managing waste from construction sites" and the EPA's *Waste Classification Guidelines Part 1*;
- (b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;
- (c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour;
- (d) any vehicle used to transport waste from the site is covered before leaving the premises; and
- (e) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises.

## **HAZARDOUS WASTE REMOVAL**

D19. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.

D20. Removal of any other hazardous building materials must be undertaken by a suitably licensed contractor.

## **STOCKPILE MANAGEMENT**

D21. The Applicant must ensure stockpiles of material are constructed and maintained to prevent cross contamination.

## **SITE CONTAMINATION ISSUES DURING CONSTRUCTION**

D22. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

## **WATER QUALITY**

D23. All works should be undertaken in a manner that ensures the protection of the water quality objectives and environmental values for Sydney Harbour estuarine waters in accordance with the following guideline documents:

- (a) NSW Water Quality Objectives; and

- (b) The Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000) for the environmental values under the ANZECC guidelines.

#### **BUNDING**

- D24. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

#### **DUST CONTROL MEASURES**

- D25. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:
- (a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
  - (b) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
  - (c) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
  - (d) all vehicles carrying material from the site shall at all times be covered to prevent the escape of dust or other material; and
  - (e) cleaning of footpaths and roadways shall be carried out regularly.

#### **ROAD OCCUPANCY LICENCE**

- D26. A Road Occupancy Licence (ROL) must be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplinclLogin.jsf>.

#### **LOADING AND UNLOADING DURING CONSTRUCTION**

- D27. The following requirements apply:
- (a) all loading and unloading associated with construction must be accommodated on-site; and
  - (b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant road authority at least 8 weeks prior to commencement of works on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

#### **DEMOLITION AND CONSTRUCTION VEHICLES**

- D28. All demolition and construction vehicles must be wholly contained within the site and vehicles must enter the site before stopping.

#### **NO OBSTRUCTION OF THE PUBLIC WAY**

- D29. Unless otherwise authorised, the public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

#### **DAMAGE TO THE PUBLIC WAY**

- D30. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.
- D31. If services are required to be relocated to clear paths of travel then this must be undertaken at the developer's expense.

#### **PROTECTION OF STONE KERBS**

- D32. The existing stone kerbs on the Macquarie Street, Bridge Street and Phillip Street frontages of the site are to be retained and properly protected during demolition, excavation and construction works.
- D33. To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- D34. The following additional requirements apply:

- (a) all costs associated with the works are to be borne by the developer.
- (b) damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (c) where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (d) all new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
- (e) Council approval is required before kerbs are removed.
- (f) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
- (g) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

#### **PROTECTION OF STREET TREES**

D35. All existing street trees to be retained are to be protected during construction.

#### **NOMINATED HERITAGE CONSULTANT**

D36. The Nominated Heritage Consultant is to regularly inspect the site and provide ongoing advice to the contractor representative undertaking the works for the duration of construction to ensure that there is no unapproved removal of elements, significant fabric is not damaged and that all work is being carried out in accordance with the conditions of this consent.

#### **HERITAGE MITIGATION**

D37. The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to significant fabric.

D38. All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999.

#### **SITE PROTECTION AND WORKS**

D39. Significant building fabric and building elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

D40. The installation of any new services shall be carried out in such a manner as to minimise damage to, or removal of, significant fabric.

#### **SALVAGE OF SIGNIFICANT BUILDING FABRIC**

D41. Significant building fabric and elements approved to be removed are to be carefully removed, catalogued, safely stored and able to be readily reinstated.

#### **SELECTION OF APPROPRIATE TRADESPEOPLE**

D42. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in construction, conservation, and restoration of similar heritage structures, materials and construction methods.

#### **CONTACT TELEPHONE NUMBER**

D43. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

## PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### PROTECTION OF PUBLIC INFRASTRUCTURE

- E1. 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.

### OCCUPATION CERTIFICATE

- E2. An Occupation Certificate must be obtained from the Certifier prior to commencement of occupation or use of the whole or any part of the development.

### EXTERNAL WALLS AND CLADDING FLAMMABILITY

- E3. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifier demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of **Condition B2**.

### FIRE SAFETY CERTIFICATION

- E4. Prior to the occupation or commencement of use of the development, a **Fire Safety Certificate** shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

### PLAN OF MANAGEMENT

- E5. Prior to occupation or commencement of use, an **Operational Plan of Management (OPM)** shall be submitted to and approved by the Planning Secretary. The **OPM** must be prepared in consultation with NSW Police. The **OPM** shall address (but not be limited to):
- (a) hours of operation as permitted in **Conditions F2 to F4**, as well as hours of operation when liquor is proposed to be supplied
  - (b) a detailed complaints procedure demonstrating the following:
    - (i) a complaints register showing details of complaints made;
    - (ii) a contact phone number and procedure for investigating complaints;
    - (iii) minimisation and mitigation strategies;
    - (iv) queuing of patrons; and
    - (v) collection of waste and recycling as permitted in **Condition E25**.
  - (c) a detailed Operational Noise and Vibration Management Plan.

A copy of the approved **OPM** must be submitted to Council.

### MECHANICAL VENTILATION

- E6. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the Certifier, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- (a) the BCA;
  - (b) Australian Standard AS1668 and other relevant codes;
  - (c) the development consent and any relevant modifications; and
  - (d) any dispensation granted by the New South Wales Fire Brigade.

### ACOUSTIC COMPLIANCE

- E7. Prior to the issue of an Occupation Certificate, evidence shall be submitted to the Certifier demonstrating compliance with all noise mitigation measures required under **Condition B24** and to ensure the development achieves compliance with the requirements of the NSW Noise Policy for Industry and other guidelines applicable to the development.

### NO OBSTRUCTIONS

- E8. All obstructions to the public way are to be removed prior to the issue of any Occupation Certificate.

### REPAIR OF DAMAGE (ROADS AND PUBLIC DOMAIN)

- E9. Prior to occupation or commencement of use, all public footways, paving, sub-surface infrastructure, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a

satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage must be carried out to the satisfaction of Council.

#### **DAMAGE TO PUBLIC AUTHORITY ASSETS**

E10. 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 issue of an Occupation Certificate (see also **Condition E9**).

*Note: Should the cost of damage repair work not exceed the road maintenance bond, the bond will automatically be call up to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.*

#### **WATER AUTHORITY COMPLIANCE**

E11. If required, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifier prior to the commencement of use.

#### **UTILITY PROVIDERS**

E12. 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.

#### **NOMINATED HERITAGE CONSULTANT**

E13. At the completion of the works, the Applicant shall provide a report to the Planning Secretary and the Heritage Council prepared by the Nominated Heritage Consultant certifying all heritage works, including conservation and interpretation works, have been carried out in accordance with the relevant terms of this consent outlined in **Condition A2**.

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

E14. Prior to the issue of an Occupation Certificate, evidence shall be submitted to the Certifier demonstrating compliance with the recommendations and principles highlighted within the ESD Report – Intercontinental Hotel – Stage 2 Reference 2549-ESD-r3/gz, prepared by BCA Energy, dated 6 August 2020 (see **Condition B9**).

#### **STRUCTURAL INSPECTION CERTIFICATE**

E15. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the Certifier and the Planning Secretary at completion of works. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the Planning Secretary and Council after:

- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
- (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

#### **POST CONSTRUCTION DILAPIDATION REPORT**

E16. Prior to occupation or commencement of the use:

- (a) the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report. This report must ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. This report must be prepared in accordance with Council's requirements; and
- (b) the report is to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifier must:
  - (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.

A copy of this report is to be forwarded to the Certifier, the Planning Secretary and each of the affected property owners.

#### **GREEN TRAVEL PLAN**

E17. ~~A minimum of six months p~~Prior to the issue of an Occupation Certificate, a **Green Travel Plan** must be approved by the Coordinator General, Transport Coordination, within TfNSW. The **Green Travel Plan** must be prepared in consultation with the Sydney Coordination Office within TfNSW and shall include, but not limited to:

- (a) establishment of mode share targets that encourage high sustainable transport use, including for public transport, walking, and cycling;

- (b) details of proposed number of employees, guests and visitors to the site as well as anticipated travel behaviours such as site access/use times including work shifts, and guests/visitors access times including conferences and functions;
- (c) demonstration of an understanding of potential trips and travel behaviours of staff, guests and visitors and inclusion of mitigations that encourage sustainable transport use. This should include consideration of demographics, estimated number of daily trips generated directly from the development, hours of use and expected impacts to the network from the development;
- (d) information as to how the travel plan will be delivered and any mitigations to deal with cumulative impacts from the development;
- (e) consideration of better integrated promotion of shared transport services e.g. hotel shuttle bus for guests from airport transport interchanges such as airports, public transport nodes;
- (f) consideration of incentives for employees to use public transport such as provision of Opal cards schemes;
- (g) review of mode share annually;
- (h) consideration of limiting and managing the provision of car parking at the site;
- (i) identifying and implementing strategies that reduce the proportion of single occupant car travel to/from the site e.g. end of trip facilities, shared transport services such as airport shuttle bus, out of hours shuttle service/ carpooling/ shared services for guests and staff at periods when transport services are not readily available;
- (j) identification of the party or parties responsible for delivery and implementation of each element of the Travel Plan and resource accordingly, for example the appointment of a travel plan coordinator;
- (k) provision of funding and resourcing for those actions, including any ongoing actions required to influence travel demand, and determining an appropriate process for that to occur, for a period of at least five years post-Occupation Certificate;
- (l) information in regards to events such as conferences/functions and how mass trips (if generated) will be managed in relation to access and the transport network, for example point-to-point services (Uber and Taxi) pick-up and drop-off points for late evening/early morning trips;
- (m) provisions for electric vehicles including bikes, such as charging stations; and
- (n) provision of end-of-trip facilities for staff.

#### **TRANSPORT ACCESS GUIDE**

- E18. Prior to the issue of an Occupation Certificate, a Transport Access Guide (**TAG**) must be prepared and the final copy submitted to TfNSW for endorsement.
- E19. The **TAG** must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times. The **TAG** should provide information to staff, guests and visitors 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.

The **TAG** is to include (but not be limited to) the following:

- (a) information regarding lack of off-street car parking and passenger pick-up and set-down areas at the development site;
- (b) suitable nearby drop-off/pick-up locations;
- (c) identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and
- (d) suitable nearby Taxi Zones.

#### **BICYCLE AND FACILITIES FOR CYCLISTS CERTIFICATION**

- E20. Prior to occupation or commencement of use, details shall be provided to the Certifier demonstrating compliance with the approved number of bicycle spaces required under **Condition B28**, and facilities for cyclists required under **Condition B29**.

#### **COMPLIANCE WITH FOOD CODE**

- E21. Prior to commencement of food handling operations, the Applicant is to obtain a certificate from a suitably qualified person, certifying any food premises within the facility have been fitted in accordance with AS 4674 – 2004: Design, Construction and Fit-out of Food Premises and satisfy Food Safety Standards 3.2.2 (Food Safety Practices and General Requirements) and 3.2.3 (Food Premises and Equipment). The Applicant shall provide evidence of receipt of the certificate to the Certifier prior to the commencement of use.
- E22. Prior to commencement of food handling operations, food premises are to be registered with Council.

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

E23. Prior to the commencement of food handling operations, the proprietor/operator of each food premises must notify and register the food premises with Council and the NSW Health Department at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au).

Prior to the commencement of food handling operations, the proprietor of the food premises must notify the NSW Health Department of the following information:

- (a) contact details of the food business including the name of the food business and the name and address of the proprietor;
- (b) the nature of the food business; and
- (c) the location of all food premises of the food business within the jurisdiction of NSW Health.

## **SANITARY FACILITIES FOR DISABLED PERSONS**

E24. Prior to commencement of the use, details must be provided to the Certifier demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and **Condition B17**.

## **WASTE AND RECYCLING COLLECTION**

E25. Prior to the issue of any Occupation Certificate and/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. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.

## **COMPLIANCE REPORT**

E26. Prior to the issue of any Occupation Certificate, the Applicant, or any party acting upon this approval, shall submit to the Certifier a report addressing compliance with all relevant conditions of this Part.

## PART F POST OCCUPATION

### OPERATIONAL PLAN OF MANAGEMENT

- F1. The **OPM** must be fully implemented following their approval in accordance with **Condition D2**, and all other relevant plans must be fully implemented within three months of the date of this consent.

### HOURS OF OPERATION

- F2. The hours of operation of the IC Hotel lounge are restricted as follows:

#### Indoor Areas

- (a) Monday to Thursday: 6.30 am to 12 midnight
- (b) Friday and Saturday: 7 am to 12 midnight
- (c) Sunday: 6.30 am to 10.30 pm (liquor trading from 10 am to 10 pm)
- (d) 31 December: 6.30 am to 2 am on the next succeeding day.

The indoor area of the rooftop is to be enclosed from 10 pm onwards Monday to Sunday (inclusive).

#### Outdoor Areas

- (a) Monday to Thursday: 6.30 am to 10 pm
- (b) Friday and Saturday: 7 am to 10 pm
- (c) Sunday: 6.30 am to 10 pm
- (d) 31 December: 6.30 am to 2 am on the next succeeding day.

- F3. Notwithstanding **Condition F2** above, the following hours apply for a trial period of two years commencing from the date of the issue of any Occupation Certificate. The Planning Secretary must be informed in writing of the date of commencement of the trial hours.

#### Indoor Areas

- (a) Friday and Saturday: 12 midnight to 1 am.

The indoor area of the rooftop is to be enclosed from 10 pm onwards Monday to Sunday (inclusive).

#### Outdoor Areas

- (a) Monday to Saturday: 10 pm – 11 pm
- (b) Sunday: 10 pm – 10.30 pm

- F4. If a modification or development application is lodged to continue any trial period specified in **Condition F3** then the use the subject of the application for extension may continue until the application is determined.

### MAXIMUM PATRON CAPACITY

- F5. The maximum number of persons (including staff, patrons and performers) permitted on the Level 32 IC Hotel lounge is 115 persons. Management is responsible for ensuring the number of patrons in the premises does not exceed the approved capacity.

### NOISE CONTROL – PLANT AND MACHINERY

- F6. 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; and
  - (c) notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

### NOISE CONTROL – USE

- F7. Noise emanating from the premises must not give rise to any one or more of the following:
- (a) transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
  - (b) the LA10 noise level must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 7 am and 12 midnight at the boundary of any affected residence;

- (c) the LA10 noise level emitted must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) between 12 midnight and 7 am at the boundary of any affected residence; and
- (d) notwithstanding compliance with (a), (b) and (c) above, all noise associated with the premises must not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7 am.

#### **NOISE MONITORING**

- F8. If directed by the Planning Secretary, the Proponent shall undertake noise monitoring to confirm compliance with the noise limits in **Conditions F6** and **F7** of this consent. In the event that compliance with the noise limits is not achieved, suitable attenuation measures must be implemented to achieve compliance.

#### **ANNUAL FIRE SAFETY CERTIFICATE**

- F9. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed in the building for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

#### **FIRE SAFETY CERTIFICATION**

- F10. The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with **Condition E4** of this consent.

#### **EXTERNAL LIGHTING**

- F11. All new outdoor lighting (including any signage illumination) shall operate in compliance with the recommendations of the Lighting Impact Assessment – Intercontinental Hotel, Sydney Revision 01 dated 24 July 2020, prepared by WSP and, where relevant, AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting* (**Condition B21**).

#### **WASTE MANAGEMENT**

- F12. Waste Management shall be undertaken in accordance with the Waste Management Plan – InterContinental Sydney, prepared by Waste Audit & Consultancy Services and dated August 2020, and **Condition E25**.

#### **ODOUR REQUIREMENTS**

- F13. The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- F14. Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act, 1997* and Regulation. Uses that produce airborne particulate matter must incorporate a dust collection system.

#### **CONSERVATION MANAGEMENT PLAN**

- F15. A copy of the endorsed Conservation Management Plan (CMP) for the Former Treasury Buildings must be retained by building management, along with a long-term cyclical maintenance plan to ensure that any future works and regular maintenance that are guided by the CMP.
- F16. Regular maintenance of the former Treasury Buildings must be undertaken to ensure that fabric of significance is conserved and retained.

## 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 Council or the relevant authority for all necessary permits including temporary structures, 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.

### REQUIREMENTS OF PUBLIC AUTHORITIES

AN4. Public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia, AGL, etc.) may have requirements in regard to the connection to, relocation or adjustment of services affected by the construction of the development.

### TEMPORARY STRUCTURES

AN5. 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.

AN6. 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

AN7. 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.

### FURTHER APPROVALS

AN8. The Applicant shall obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *National Code for the Construction and Fit-out of Food Premises*. The Applicant shall provide evidence of receipt of the certificate to the Certifier prior to the occupation of the building(s) or commencement of the use.

### USE OF MOBILE CRANES

AN9. The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied and submitted to the Certifier:

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council:
  - (i) at least 48 hours prior to the works for partial road closures which, in the opinion of the relevant road authority will create minimal traffic disruptions; and
  - (ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of the relevant road authority, will create significant traffic disruptions.
- (b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.00 am without the prior approval of the relevant authority.

### ROADS ACT 1993

AN10. A separate approval under Section 138 of the *Roads Act 1993* is required to undertake any of the following:

- (a) erect a structure or carry out a work in, on or over a public road;
- (b) dig up or disturb the surface of a public road;
- (c) remove or interfere with a structure, work or tree on a public road;
- (d) pump water into a public road from any land adjoining the road; or

- (e) connect a road (whether public or private) to a classified road.

#### **COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999**

AN11. 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.

AN12. 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 Agriculture, Water and the Environment 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**

AN13. 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).

#### **WORKS AND SIGNPOSTING**

AN14. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

#### **ASBESTOS REMOVAL**

AN15. All works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Asbestos or "Demolition Licence" and a current SafeWork "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

**END OF ADVISORY NOTES**

## APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under **Condition A19** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.