

CONSOLIDATED INSTRUMENT

Development consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Executive Director
Infrastructure and Industry Assessments
Department of Planning, Industry and Environment

Sydney

July 2019

SCHEDULE 1

Application No.:	SSD 6626 MOD 2
Applicant:	Lend Lease (The Haymarket) Pty Ltd
Consent Authority:	Minister for Planning
Land:	Darling Square (formerly referred to as 'The Haymarket'), North East Plot (Lot 1 DP827982)

NSW Government
Department of Planning, Industry and Environment

MODIFICATIONS KEY:

1

SSD 6626: approved by the ED 16 April 2015

SSD 6626 MOD 1: approved by Executive Director Infrastructure and Industry Assessments on 21 April 2017

SSD 6626 MOD 2: approved by Director Key Site Assessments on 18 July 2019

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Approved Development:

Development of Darling Square, mixed use residential development including:

- site preparation works including demolition of existing Sydney Entertainment Centre;
- staged construction of 8 storey, 19 storey and 41 storey buildings, including a 5 storey podium, to be used for:
 - ~~2,050m²~~ **1,986m²** retail floor space at ground floor level;
 - 445 above ground car parking spaces and storage; and
 - ~~581~~ **577** residential apartments
- various public domain improvements including
 - provision of footpath treatment to the northern and eastern frontages and associated landscaping along the northern boundary; and
 - interim surface treatments to the southern and western frontages.

Modification Key		
Name	Date	Details
SSD 6626 MOD 1	21 April 2017	<p>Modifications to:</p> <ul style="list-style-type: none"> • reduce the number of apartments from 581 to 577 residential apartments and the retail floor space from 2,050m² to 1986m²; • make internal amendments to the podium levels, including new public amenities, revised back of house facilities, and additional service parking spaces and storage cages; • provision of servicing facilities, bicycle parking and end of trip facilities for the North Plot and the Square; • minor internal revisions to some residential apartments; and • minor external amendments at the upper and lower levels, including refined interfaces with the public domain.
SSD 6626 MOD 2	18 July 2019	<p>The modification application seeks approval to:</p> <ul style="list-style-type: none"> • install seven wall mounted artworks on the southern façade of the North East Plot <ul style="list-style-type: none"> • artwork W1 is mounted to the façade at the western entrance to Little Hay Street. Located approximately 5 m (RL 8.90) above ground plane • artwork W3 is mounted to the façade at the eastern entrance to Little Hay Street. Located approximately 5 m (RL 8.90) above ground plane • artworks 5, 6, 7, 8, 9, 10, 11: Mounted behind the ground floor façade, between shop fronts. Minimum height 2.7m above the ground floor • artwork 12: Mounted to the ground floor façade, spanning the corner of Little Hay Street and Harbour Street. Located approximately 2.7 m above FFL • artwork C1: suspended 5m above Little Hay Street and anchored with catenary wiring to the facades of the North East Plot and the South East Plot • operate the artworks from 6am to 11pm daily.

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DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Consent holder or person with the benefit of the development consent
Application	The development application and the accompanying drawings, plans and documentation described in Condition A3.
BCA	Building Code of Australia
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	City of Sydney Council
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Department's approval, agreement, endorsement or satisfaction	A written approval from the Secretary (or nominee/delegate)
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated November 2014
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
RtS	Response to Submissions report titled Response to Submissions and Amendments to Proposed Development prepared by JBA Urban Planning Consultants Pty Ltd, dated February 2015
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
Residential use	The use of residential housing for owner occupied residential use or leasing subject to the Residential Tenancies Act.
RMS	Roads and Maritime Services Division, Transport for NSW
Secretary	Secretary of the Department of Planning and Environment
SICEEP	Sydney International Convention, Exhibition and Entertainment Precinct
Site	Land referred to in Schedule 1
SSDA7	Land referred to in Schedule 1
TfNSW	Transport for NSW

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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 criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

Development Description

- A2 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule 1 and condition A3.
- A3 The Applicant shall carry out the project generally in accordance with the:
- a) State Significant Development Application SSD 6626;
 - b) Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated November 2014;
 - c) Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd, dated February 2015;
 - d) [The Section 96\(1A\) modification application SSD 6626, prepared by JBA Urban Planning Consultants Pty Ltd, dated 22 December 2016;](#)
 - e) [The Section 4.55\(1A\) modification application SSD 6626, prepared by Ethos Urban, dated 28 February 2019 \(as amended 23 May 2019\); and](#)
 - f) The conditions of this consent; and
 - g) The following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

Architectural Drawings prepared by Tzannes Associates Architecture and Urban Design			
Drawing No.	Revision	Name of Plan	Date
DHL_AD000001	E	Drawing List and Context Plan	24/02/15
DHL_AD000100	F	Site Plan	24/10/15
DHL_AD000200	A	Demolition Plan	24/10/15
DHL_AD020100	H I	Floor Plan Ground	04/02/15 03/04/17
DHL_AD020200	G H	Floor Plan Ne2 Mezz	24/10/14 03/04/17
DHL_AD030100	I J	Floor Plan Level 01	24/10/14 03/04/17
DHL_AD030200	H I	Floor Plan Level 02 04	24/10/14 03/04/17
<u>DHL_AD030210</u>	<u>A</u>	<u>Floor Plan Level 03</u>	<u>03/04/17</u>
<u>DHL_AD030220</u>	<u>A</u>	<u>Floor Plan Level 04</u>	<u>03/04/17</u>
DHL_AD030300	I J	Floor Plan Level 05	24/10/14 03/04/17
DHL_AD030400	I J	Floor Plan Level 06 – Podium	24/10/14 05/04/17
DHL_AD030500	I J	Floor Plan Level 07	24/10/14 05/04/17

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DHL_AD030600	<u>H I</u>	Floor Plan 08 – 18	<u>24/10/14-12/10/16</u>
DHL_AD030700	<u>H I</u>	Floor Plan 19	24/02/15
DHL_AD030800	<u>I</u>	Floor Plan Level 20 – 37 <u>33</u>	<u>24/10/14-12/10/16</u>
<u>DHL_AD030801</u>	<u>A</u>	<u>Floor Plan 34 - 37</u>	<u>12/10/16</u>
DHL_AD030900	<u>H</u>	Floor Plan Level 38 – 40 <u>39</u>	<u>04/02/15 12/10/16</u>
<u>DHL_AD030901</u>	<u>A</u>	<u>Floor Plan Level 40</u>	<u>12/10/16</u>
DHL_AD031000	<u>G H</u>	Floor Plan Level 41 – Roof	<u>04/02/15-12/10/16</u>
DHL_AD031100	J	NE1 Floor Plan Level 01	24/02/15
DHL_AD031200	J	NE1 Floor Plan Level 02 – 15	24/02/15
DHL_AD031300	I	NE1 Floor Plan Level 06 – Podium	24/02/15
DHL_AD031400	I	NE1 Floor Plan Level 07 – 17	24/02/15
DHL_AD031500	I	NE1 Floor Plan Level 18 – Penthouse	24/02/15
DHL_AD031600	G	NE1 Floor Plan Level 19 – Plant / Roof	04/02/15
DHL_AD031700	<u>H I</u>	NE2 Floor Plan Level 01 - 05	<u>24/02/15-12/10/16</u>
DHL_AD031800	<u>H I</u>	NE2 Floor Plan Level 06 – Penthouse Lower Level	<u>04/02/15-05/04/17</u>
DHL_AD031900	<u>H I</u>	NE2 Floor Plan Level 07 – Penthouse Upper Level	<u>04/02/15-05/04/17</u>
DHL_AD032000	<u>G</u>	NE2 Floor Plan Level 08 – Plant	04/02/15
DHL_AD032100	<u>H I</u>	NE3 Floor Plan Level 01	<u>24/02/15-12/10/16</u>
DHL_AD032200	<u>H I</u>	NE3 Floor Plan Level 02 – 05	<u>24/02/15-12/10/16</u>
DHL_AD032300	<u>H I</u>	NE3 Floor Plan Level 06 – Podium	<u>24/02/15-12/10/16</u>
DHL_AD032400	<u>H I</u>	NE3 Floor Plan Level 07 – 37 <u>33</u>	<u>24/02/15-12/10/16</u>
<u>DHL_AD032401</u>	<u>A</u>	<u>NE3 Floor Plan Level 34 – 37</u>	<u>12/10/16</u>
DHL_AD032500	<u>G H</u>	NE3 Floor Plan Level 38 – 40 <u>39</u> – Penthouse Option	<u>04/02/15-12/10/16</u>
<u>DHL_AD032501</u>	<u>A</u>	<u>NE3 Floor Plan Level 40 – Penthouse Option</u>	<u>12/10/16</u>
DHL_AD032600	<u>G H</u>	NE3 Floor Plan Level 41 - Plant	<u>04/02/15-12/10/16</u>
DHL_AD041000	<u>I J</u>	South Elevation	<u>04/02/15-05/04/17</u>
DHL_AD041100	<u>H I</u>	Elevation South NE3	<u>04/02/15-12/10/16</u>
DHL_AD042000	<u>H I</u>	West Elevation	<u>04/02/15-12/10/16</u>
DHL_AD043000	<u>H I</u>	North Elevation	<u>04/02/15-12/10/16</u>
DHL_AD044000	<u>H I</u>	East Elevation	<u>04/02/15-12/10/16</u>
DHL_AD044100	<u>H I</u>	Elevation East NE2	<u>04/02/15-12/10/16</u>
DHL_AD050100	<u>H I</u>	Section AA	<u>04/02/15-12/10/16</u>
DHL_AD050200	H	Section BB	04/02/15
DHL_AD070001	C	NE1 Adaptable Apartment Layout	24/02/15

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DHL_AD070002	C	NE2 Adaptable Apartment Layout	24/02/15
Public Artwork Drawings - Brendan Van Hek			
<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>LHS-NEP-001</u>	<u>A</u>	<u>Precinct Plan</u>	<u>30/10/18</u>
<u>LHS-NEP-002</u>	<u>B</u>	<u>Catenary, General Arrangement – Little Hay St</u>	<u>30/01/19</u>
<u>LHS-NEP-003</u>	<u>B</u>	<u>Catenary, NEP Elevation</u>	<u>30/01/19</u>
<u>LHS-NEP-004</u>	<u>C</u>	<u>Catenary, Little Hay Street Section</u>	<u>30/01/19</u>
<u>LHS-NEP-005</u>	<u>B</u>	<u>Ground Plane, General Arrangement – Little Hay St</u>	<u>22/01/19</u>
<u>LHS-NEP-006</u>	<u>C</u>	<u>Ground Plane, NEP Elevation</u>	<u>15/05/19</u>
<u>LHS-NEP-007</u>	<u>A</u>	<u>Ground Plane, NEP Section</u>	<u>22/01/19</u>
<u>LHS-NEP-008</u>	<u>C</u>	<u>Ground Plane, NEP Elevation</u>	<u>15/05/19</u>
<u>LHS-NEP-009</u>	<u>A</u>	<u>Ground Plane, NEP Section 22/01/19</u>	<u>22/01/19</u>
<u>LHS-NEP-010</u>	<u>A</u>	<u>Ground Plane, Artwork Construction Detail</u>	<u>22/01/19</u>
<u>LHS-NEP-011</u>	<u>A</u>	<u>Artwork Content / Character Suite</u>	<u>30/10/18</u>
Landscape Drawings prepared by Stuart Noble Associates			
<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
DA-1432-01	A	Landscape Concept Plan – 1	15/10/2014
DA-1432-02	A	Landscape Concept Plan – 2	15/10/2014
DA-1432-03	A	Landscape Concept Plan – 3	15/10/2014
Civil Drawings prepared by Hyder			
<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
PD-CI-7005	04	General Notes	17/10/2014
PD-CI-7011	03	General Arrangement Plan	17/10/2014
PD-CI-7021	05	Survey and Existing Services Plan (Dbyd)	04/11/2014
PD-CI-7022	03	Survey and Existing Services Plan (Robert Bird Group)	04/11/2014
PD-CI-7101	04	Site Clearance Plan	04/11/2014
PD-CI-7151	03	Bulk Earthworks Plan	17/10/2014
PD-CI-7201	03	Sediment and Erosion Control Plan	17/10/2014
PD-CI-7221	03	Sediment and Erosion Control Details	17/10/2014
PD-CI-7301	05	Civil Works and Stormwater Plan	17/10/2014
PD-CI-7381	04	Civil Works Details	17/10/2014
PD-CI-7521	04	Stormwater Drainage Longitudinal Sections and Pit Schedule	17/10/2014
PD-CI-7531	01	Stormwater Drainage Catchment Plan	17/10/2014

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PD-CI-7532	01	Stormwater Drainage Existing Catchment Plan	17/10/2014
PD-CI-7541	03	Stormwater Drainage Details Sheet 1	17/10/2014
PD-CI-7542	2	Stormwater Drainage Details Sheet 2	17/10/2014
PD-CI-7581	04	Water Sensitive Urban Design Strategy Plan	17/10/2014
PD-CI-7586	04	Water Sensitive Urban Design Details	17/10/2014
PD-CI-7901	06	Combined Services Plan (Dbyd)	17/10/2014
PD-CI-7902	04	Combined Services Plan (Robert Bird Group)	17/10/2014
PD-CI-7911	02	Combined Services Section	17/10/2014

Inconsistency between documents

- A4 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Limits on consent

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

Prescribed conditions

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

Long service levy

- A7 A Long Service Levy is required to be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal notices

- A8 Any advice or notice to the consent authority shall be served on the Department.

Future Development Applications

- A9 The following shall be subject of separate Development Application/s under Part 4 of the Act (except where exempt and complying development applies):
- strata subdivision; and
 - fit out (other than residential use).

Any Development Applications for the fitout of retail ground floor tenancies shall be generally compliant with Appendix B of the *EIS Architectural Design Report: Ground Plane and Retail Design Principles Report for SSDA7*.

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PART B REMEDIATION CONDITIONS

- B1 The Applicant shall remediate the site in accordance with the approved Remedial Action Plan (RAP) prepared by Coffey Environments and dated 13 January 2014. Amendments to the approved RAP required as a result of further investigations must be prepared by a suitably qualified and experienced expert and approved by the site auditor.
- B2 Prior to the commencement of remediation works, the RAP must be endorsed by an accredited site auditor.
- B3 Upon completion of the remediation works on the Site, the Applicant shall procure a site audit report and a site audit statement prepared by an accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the PCA and SHFA prior to the issue of the Occupation Certificate.

Note: The Applicant must comply with clauses 17 and 18 of *State Environmental Planning Policy No.55—Remediation of Land*.

Note: Words and expressions used in these conditions have the same meaning as in the *Contaminated Land Management Act 1997*.

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PART C PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Harbour Street layby

- C1 Prior to the issue of the relevant Construction Certificate, the Applicant shall consult with TfNSW, RMS, Council and the CBD Taskforce (Key Stakeholders) about design options for the Harbour Street layby, which shall include the potential for the removal of some or all of the coach parking bays, build out of the kerb line, improvements to the public domain and street tree planting. This shall include identification of possible alternative coach parking spaces to offset any loss of parking.

Following consultation with the Key Stakeholders and resolution of the matter, the Applicant shall submit to the Department, and the Key Stakeholders, a copy of the final design of the Harbour Street layby area.

Privacy Between NE1 and NE3

- C2 Prior to the issue of the relevant Construction Certificate, amended plans shall be submitted to the PCA satisfaction showing method(s) / treatment(s) to prevent overlooking between the bedrooms of the following apartments, located at levels six to 18 of towers NE1 and NE3:

- two bedroom apartment located at the north western corner of the NE1 tower; and
- one bedroom + study apartment located at the south-eastern corner of the NE3 tower.

The method(s) / treatment(s) for preventing overlooking may include (but are not limited to), raising sill heights to 1.8m, including obscured glazing up to 1.8m, installing screening device, architectural feature or angled windows.

Interference with Light Rail Operation

- C3 Should the Applicant require vehicular access across the light rail, the Applicant shall enter into an agreement(s) with TfNSW and the light rail operator prior to the issuing of the relevant Construction Certificate. The agreement(s) shall include, but not be limited to:
- a) safety interface and traffic management requirements;
 - b) resourcing requirements;
 - c) TfNSW costs associated with review of plans and designs;
 - d) details of disruption to Light Rail operations;
 - e) TfNSW costs associated with disruption to Light Rail operations;
 - f) endorsement of plans regarding proposed access across the rail corridor; and
 - g) Light Rail operator's rules and procedures.

Compliance with the Building Code of Australia (BCA)

- C4 Details shall be provided to the satisfaction of the PCA, with the application for the relevant Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of consent under Clause 98 of the Environmental Planning and Assessment Regulation in relation to the requirements of the Building Code of Australia (BCA).

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Reflectivity

- C5 Prior to issue of the relevant or that of above ground works Construction Certificate, the PCA is to ensure that the visible light reflectivity from building materials used on the façade of the building does not exceed 20%.

Outdoor Lighting

- C6 All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for above ground works.

Access for People with Disabilities

- C7 The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The PCA must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the relevant Construction Certificate drawings.

Erosion and Sediment Control

- C8 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for below ground works.

Pre-Construction Dilapidation Reports

- C9 The Applicant is to engage a suitably qualified consultant to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, above ground infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for below ground works. A copy of the report is to be forwarded to SHFA and each of the affected property owners.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Department that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

Car Parking

- C10 Car parking on site shall be provided as follows:
- a) 445 residential car parking spaces; and
 - b) 8 service bays.

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- C11 The layout of the car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be accordance with AS 2890.1-2004 and AS 2890.6 for accessible spaces and AS 2890.2-2002 for heavy vehicles where applicable.
- C12 The car park entry/exit shall be designed in such manner as to ensure that the future queuing area and capacity requirements comply with AS 2890.1-2004.

Bicycle Facilities

- C13 Minimum bicycle parking on site shall be provided as follows:
- a) ~~584~~ **577** residential storage cages within the podium;
 - b) 60 residential visitor bicycle parking spaces within the podium;
 - c) 10 retail (staff) bicycle parking spaces within the podium;
 - d) **14 North Plot (staff) bicycle parking spaces within the podium; and**
 - e) 10 visitor bicycle parking spaces within the public domain on site or within the Darling Square open space, within vicinity of the site.
- C14 The retail units within the North East Plot and the adjoining North Plot (SSD 7021) shall be afforded access to the secure ground floor podium to ensure that employees have access to the secure bicycle parking spaces and end of trip facilities. **The secure bicycle parking and end-of-trip facilities are to be made easily accessible from the North Plot and made available for use by the tenants of the mixed-use community and retail building within the North Plot (SSD 7021).**
- C15 The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of *Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities* except that:
- a) all bicycle parking for occupants of residential buildings must be **Class 1 or** Class 2 bicycle facilities. Notwithstanding **Class 1 or** Class 2, bicycle lockers may also be designed to allow for stand-up / hanging storage of bicycles;
 - b) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
 - c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.
- C16 The number of storage, change room and shower facilities for the retail use shall comply the details provided within the application. Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for services and finishes works.

Structural Details

- C17 Prior to the issue of a relevant Construction Certificate, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:
- a) the relevant clauses of the BCA; and
 - b) the development consent.

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Mechanical Ventilation

- C18 All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia 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 satisfaction of the PCA prior to the issue of the relevant Construction Certificate for above ground works.

Storage and Handling of Waste

- C19 The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Recommendations of the Operational Waste Management Plan for Stage 2 SSDA7 shall be met to the satisfaction of the PCA.

Sydney Water

- C20 An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue the relevant Construction Certificate.
- C21 Prior to the issue of the relevant Construction Certificate, the Applicant shall consult with Sydney Water about any proposed new stormwater infrastructure or amendment(s) to existing stormwater infrastructure.

Following consultation with Sydney Water and finalisation of any amendments or designs, the Applicant shall submit to the Department, and Sydney Water, a copy of the final design of stormwater infrastructure.

Installation of Dual Flush Toilets

- C22 All toilets installed within the development must be of water efficient dual-flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the consent of the PCA, prior to the issue of the relevant Construction Certificate being issued for above ground works.

Installation of Water Efficient Taps

- C23 All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted for the approval of the PCA, prior to issue of the relevant Construction Certificate for services and finishes works.

Installation of Water Efficient Urinals

- C24 New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).

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C25 Systems must include “smart controls” to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the PCA, prior to the issue of the relevant Construction Certificate being issued for above ground works.

Internal Lighting System

C26 The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off outside peak periods. Details of the internal lighting system must be submitted to and approved by the PCA prior to the relevant Construction Certificate being issued.

Safer by Design

C27 To minimise the opportunity for crime and in accordance with ‘Crime Prevention Through Environmental Design’ principles, the measures provided in the EIS (prepared by JBA Urban Planning Consultants Pty Ltd as supported by the CPTED Report prepared by Harris Crime Prevention Services) are to be demonstrated on the architectural plans prior to the issue of the relevant Construction Certificate.

Environmental Performance

C28 The Applicant is to provide documentation, prepared by a suitably qualified consultant, indicating that the development has been designed in accordance with the principles of a minimum 4 star Green Star rating under Green Star Multi-Unit Residential v1. Evidence of the project’s consistency with Green Star principles shall be provided to the PCA prior to the relevant Construction Certificate.

Groundwater and water quality

C29 Prior to issue of the relevant Construction Certificate, details are to be submitted to the PCA for approval demonstrating that all areas of the building below the standing groundwater level are appropriately waterproofed.

C30 Prior to issue of the relevant Construction Certificate, details are to be submitted to the PCA for approval demonstrating how water discharged from the site to stormwater or surrounding waterways will be of sufficient quality to comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

C31 Appropriate soil and water management measures that are consistent with the guidelines of the ‘Managing Urban Stormwater – Soils and Construction’ publications (including Volume 1 – Blue Book and Volume 2A – Installation of Services) shall be implemented during construction.

Disposal of seepage and stormwater

C32 Any seepage or rainwater collected on-site during construction, must be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless it is consistent with the document Managing Urban Stormwater – Soils and Construction Volume 1 (2004) by Landcom. Details are to be

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submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

Privacy Between NE1 and NE3

C33 Prior to the issue of the relevant Construction Certificate, amended plans shall be submitted to the PCA satisfaction showing method(s) / treatment(s) to prevent overlooking between the bedrooms of the following apartments, located at levels six to 18 of towers NE1 and NE3:

- two bedroom apartment located at the north western corner of the NE1 tower; and
- one bedroom + study apartment located at the south-eastern corner of the NE3 tower.

The method(s) / treatment(s) for preventing overlooking may include (but are not limited to), raising sill heights to 1.8m, including obscured glazing up to 1.8m, installing screening device, architectural feature or angled windows.

Amended floor plans for Building NE3

C34 Prior to the issue of the relevant Construction Certificate, amended plans shall be submitted to the PCA demonstrating the apartments in the southwest corner on each levels 7-37 of Building NE3 (a total of 31 apartments) achieve:

- A minimum balcony size of 9.4m²; and
- A minimum internal area of 81.3m².

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PART D PRIOR TO COMMENCEMENT OF WORKS

Certified Plans

- D1 Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the PCA and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

Demolition

- D2 The demolition work shall comply with the provisions of *Australian Standard AS2601: 2001 The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of any demolition.

Notice of Commencement of Works

- D3 The PCA and SHFA shall be given written notice, at least 48 hours prior to the commencement of building or subdivision works on the Site.

Construction Environmental Management Plan

- D4 Prior to the commencement of any works on the Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the PCA. The CEMP shall be informed by the Construction Management Plan submitted with the EIS. The Plan shall address, but not be limited to, the following matters where relevant:
- a) hours of work;
 - b) 24 hour contact details of site manager;
 - c) traffic management, in consultation with SHFA, Council, TfNSW and RMS;
 - d) construction noise and vibration management plan, prepared by a suitably qualified person;
 - e) management of dust to protect the amenity of the neighbourhood;
 - f) erosion and sediment control;
 - g) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site;
 - h) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - i) flora and fauna management;
 - j) works in accordance with the Remedial Works Plan submitted with the EIS;
 - k) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works; and
 - l) incorporation of all acoustic management and treatments.

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

The CEMP shall be certified by the Contractor's Traffic Manager and subject to road safety audits by the Contractor. The Applicant shall submit a copy of the CEMP to the agency, SHFA and the Council, prior to commencement of work.

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Construction Noise and Vibration

- D5 Prior to the commencement of construction activities, a detailed Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the PCA. The Plan shall include, but not be limited to:
- a) Identification of each work area, site compound and access route (both private and public);
 - b) Identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;
 - c) Identification of all potentially affected sensitive receivers;
 - d) The construction noise objectives identified in accordance with the *Interim Construction Noise Guidelines* (DECC 2009);
 - e) Assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d);
 - f) Where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
 - g) Description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers;
 - h) Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
 - i) Measures to monitor noise performance and respond to complaints.

The CNVMP should also include demolition methods that do not require the use of rock breakers or other similar high noise generating equipment, such as rock (or concrete) splitting of building sections for transport and break up off site, unless not feasible and reasonable. Where rock breakers or other high noise generating equipment are to be used such that the appropriate criteria are exceeded, the hours of operation for high noise generating equipment must include respite periods.

Waste Management Plan during construction

- D6 Prior to the commencement of any works on the Site, a detailed Construction Waste Management Plan prepared by a suitably qualified person, in consultation with SHFA, shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters:
- a) recycling of demolition materials including concrete; and
 - b) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

The Applicant shall submit a copy of the Plan to the agency, SHFA and the Council, prior to commencement of work.

- D7 Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

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- D8 The Applicant must notify RMS' Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the Site, prior to the commencement of the removal of any waste material from the Site.

Construction Traffic & Pedestrian Management Plan

- D9 Prior to the commencement of any works on the Site, a Construction Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with the Light Rail Operator, SHFA, the RMS, and the Transport Management Centre.

The Plan shall address, but not be limited to, the following matters:

- a) ingress and egress of vehicles to the Site,
- b) loading and unloading, including construction zones,
- c) predicted traffic volumes, types and routes, and
- d) pedestrian and traffic management methods.

The Applicant shall submit a copy of the final Plan to SHFA and Traffic Management Centre, prior to the commencement of work.

- D10 The Construction Traffic and Pedestrian Management Plan should include the cumulative construction impacts of all the projects listed below:

- Barangaroo, now to at least 2020;
- CBD & South East Light Rail (CSELR), 2014/15 to 2020;
- Central Park (former Carlton United Brewery), now to 2016;
- Four Points by Sheraton, now to 2015;
- Harold Park redevelopment, now to 2017;
- IMAX redevelopment, now to 2016;
- Sydney City Centre Bus Plan, now to 2015;
- Sydney Harbour Bridge Toll Plaza upgrade, now to 2015;
- Wynyard Walk, now to 2015; and
- Temporary Exhibition Centre, now to 2016.

Note: Dates above are indicative and are subject to confirmation with project owners.

Acid Sulfate Soils

- D11 Prior to commencement of works (other than demolition), an Acid Sulfate Soil Assessment and Management Plan in accordance with Acid Sulfate Soils Manual (Stone et al. 1998), is to be submitted to the PCA. The Plan shall include laboratory testing of soil samples.

Community Consultation

- D12 A Community Consultation and Engagement Plan shall be prepared prior to commencement of works and shall include how notification of residents and complaints associated with other elements of the SICEEP project (i.e. the PPP Core Facilities, North West Plot, South West Plot and Darling Drive Plot) will be managed.

Utility Services

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- D13 Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the structure. Costs for such works will be borne by the Applicant.
- D14 Prior to the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.
- D15 Prior to the commencement of works, the Applicant shall:
- a) unless otherwise agreed in writing with Ausgrid, an agreement shall be entered into ensure Ausgrid's capacity to design, construct and operate existing and future infrastructure is not impeded;
 - b) confirm with Ausgrid the location and status (e.g. live, de-energised, isolated, abandoned) of existing Ausgrid infrastructure;
 - c) liaise with Ausgrid in relation to any aspects of the development that may impact or potentially impact Ausgrid's infrastructure or ability to safely operate and maintain its infrastructure. This includes but is not limited to effects of vibration, excavation, constructions works;
 - d) liaise with Ausgrid to determine the relocation of any existing infrastructure;
 - e) design the project taking into consideration the electric and magnetic fields (EMF) associated with Ausgrid's infrastructure; and
 - f) liaise with Ausgrid to agree appropriate work methodologies in the vicinity of Ausgrid's infrastructure.

Excavation Works

- D16 The PCA and SHFA shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the Subject Site.

Structural Details

- D17 Prior to the commencement of building construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- i) the relevant clauses of the BCA,
 - ii) the development consent, and
 - iii) drawings and specifications comprising the Construction Certificate.

Stormwater and Drainage Management

- D18 The existing stormwater management and drainage connections servicing the upper catchment areas are to be maintained at all times (during and after approved works). Where temporary or interim stormwater works are required, permission is to be sought from the relevant authority (Council or Sydney Water) prior to works commencing. If a drainage line is to be removed or altered, replacing drainage line must have similar or better capacity.

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PART E DURING CONSTRUCTION

Road Occupancy Licence

- E1 A Road Occupancy Licence (ROL) must be obtained from the Transport Management Centre for any activity likely to impact on the operation efficiency of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met.

Applicants must allow a minimum of 10 working days for processing from date of receipt. Traffic Control Plans are to accompany each ROL application.

Hours of work

- E2 All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out:
- a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
 - b) between 7:00 am and 5:00 pm, Saturdays;
 - c) no work is to be undertaken on Sundays and public holidays.
 - d) works may be undertaken outside these hours where:
 - i. it is required by a works authorisation deed executed with the RMS; or
 - ii. the delivery of materials is required outside these hours by the Police or occasional works are required outside these hours by other authorities; or
 - iii. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - iv. variation is approved in advance in writing by the Department.

Waste Disposal

- E3 All waste generated on site must be classified and disposed of in accordance with the Waste Classification Guidelines (DECC 2008).

Erosion and sediment control

- E4 All soil erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Acid Sulfate Soils

- E5 All works during construction shall comply with the Acid Sulfate Soils Management Plan. All water discharge is to comply with section 120 of the *Protection of Environment Operations Act 1997* as is appropriate.

Approved plans to be on-site

- E6 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 for perusal by any officer of the agency, SHFA or the PCA.

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Site notice

- E7 A site notice(s) shall be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer.
- E8 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 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.

Utilities

- E9 During works within the development site, the Applicant shall ensure the work in the vicinity of Ausgrid's underground infrastructure, is undertaken in accordance with Ausgrid's Network Standard NS156 – Working Near or Around Underground Cables.
- E10 The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.
- E11 The relocation of any TfNSW services or infrastructure are to be at the Applicant's cost and to TfNSW requirements and standards.
- E12 All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW or RMS.

Construction Noise Management

- E13 The development shall 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 mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan.
- E14 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*), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- E15 The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours and must include respite periods unless otherwise approved in the Construction Noise and Vibration Management Plan:
- a) 8.00 am to 12.00 pm, Monday to Friday;
 - b) 1 pm to 6.00 pm Monday to Friday; and
 - c) 8.00 am to 12.00 pm, Saturday; or

NSW Government
Department of Planning, Industry and Environment

MODIFICATIONS KEY:

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SSD 6626: approved by the ED 16 April 2015

SSD 6626 MOD 1: approved by Executive Director Infrastructure and Industry Assessments on 21 April 2017

SSD 6626 MOD 2: approved by Director Key Site Assessments on 18 July 2019

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- d) as required by a works authorisation deed executed with the RMS.
- E16 Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- E17 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.
- E18 All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Vibration Criteria

- E19 Vibration caused by construction at any residence or structure outside the Site must be limited to:
 - a) for structural damage vibration, German Standard DIN 4150 Part 3 *Structural Vibration in Buildings*. Effects on Structures; and
 - b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006).
 - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
 - d) These limits apply unless otherwise outlined in the CEMP.

Hoarding requirements

- E20 The following hoarding requirements shall be complied with:
 - a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
 - b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

Skips and Bins

- E21 No asbestos laden skips or bins are to be left in any public place without the consent of SHFA.

Covering of Loads

- E22 All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Vehicle Cleansing

- E23 Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving

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the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Hazardous and Industrial Waste

E24 Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Department of Environment and Conservation (DEC) and the NSW Work Cover Authority pursuant to the provisions of the following:

- a) *Protection of the Environment Operations Act 1997.*
- b) *Protection of the Environment Operations (Waste) Regulation 1996.*
- c) *Waste Avoidance and Recovery Act 2001.*
- d) *New South Wales Occupational Health & Safety Act 2000.*
- e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J*
- f) *Construction Work Involving Asbestos or Asbestos Cement 1983).*
- g) *The Occupational Health & Safety Regulation 2001.*
- h) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*

Loading and Unloading During Construction

E25 The following requirements apply:

- a) All loading and unloading associated with construction must be accommodated on site.
- 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 SHFA at least 8 weeks prior to commencement of work 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.
- c) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- d) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by SHFA.
- e) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

Use of Mobile Cranes

E26 The following requirements apply:

- 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 SHFA for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of SHFA will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of SHFA, will create significant traffic disruptions.
- b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

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- c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.00am without the prior consent of SHFA.

Archaeology

- E27 Dickson's Dam Wall and Mill buildings shall be retained in situ and all impacts from the development to these state significant archaeological items shall be minimised as much as possible.
- E28 An archaeological consultant shall be nominated for the works. The consultants shall have appropriate qualifications and experience commensurate with the scope of the Major Project works. The name and experience of these consultants shall be submitted to the Department for approval prior to commencement of works.
- E29 All construction contractors, subcontractors and personnel are to be inducted and informed prior to commencing work on the site as to their obligations and requirements in relation to historical sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW. The induction material is to be provided by the nominated archaeological consultant.
- E30 All affected historical archaeological 'relics' and/or deposits of Local significance are to be subject to professional archaeological excavation and/or recording before construction works commence which will impact those 'relics'. A Research Design including an Archaeological Excavation Methodology must be prepared in accordance with the Heritage Council guidelines. Those documents should be prepared for the approval of the Secretary, Department of Planning and Environment upon receipt of advice from the Heritage Division of the Office of Environment and Heritage.
- E31 After any archaeological works have been undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, Council, SHFA, and the Department. The Applicant shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations. The final excavation report shall include the following:
 - a) An executive summary of the archaeological programme;
 - b) Due credit to the client paying for the excavation, on the title page;
 - c) An accurate site location and site plan (with scale and north arrow);
 - d) Historical research, references, and bibliography;
 - e) Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
 - f) Nominated repository for the items;
 - g) Detailed response to research questions (at minimum those stated in the Department approved Research Design);
 - h) Conclusions from the archaeological programme. This information must include an assessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the Site and other Comparative Site Types and recommendations for the future management of the site; and
 - i) Details of how this information about the excavations have been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the sites).

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E32 The results of the archaeological fieldwork, the history of the site and other should be used to inform an Interpretation Plan to guide the future incorporation of the findings from the works in communicating the significance of the site to future visitors. The Interpretation Plan should be prepared in accordance with the Guidelines issued by the Heritage Council of NSW. The Interpretation Plan should be prepared for the approval of the Secretary, Department of Planning and Environment upon receipt of advice from the Heritage Division of the Office of Environment and Heritage.

Tree Management

E33 All tree plantings should be a minimum 400 litre container size.

E34 A tree 'procurement' strategy with a reputable nursery shall be required to ensure the availability of suitable advance species (400L) at the time of implementation of the development.

E35 The design should consider the use of continuous trenches for tree pits and the installation of all services to be underground.

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PART F PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Harbour Street Layby Design

- F1 Prior to the issue of the final Occupation Certificate (or at a later date approved by the Secretary), the Applicant is to provide to the PCA evidence that the Harbour Street layby design works, as set out in condition C1, are completed.

Privacy Between NE1 and NE3

- F2 The works for preventing overlooking referred to in condition C2 shall be completed prior to the issue of the residential Occupation Certificate for NE1 or NE3, whichever is the latter.

Public Domain Works

- F3 All public domain works shall be completed prior to the issue of the final Occupation Certificate of the last residential building of the development.

Loading Dock and Service Vehicle Management

- F4 Prior to the issue of the relevant Occupation Certificate, a Loading Dock and Service Vehicle Management Plan (LDSVMP) shall be submitted to the PCA to promote safe and efficient operation of the proposed loading dock and to minimise disruption to traffic. The LDSVMP shall also address the management of vehicles too large to service the development within the loading dock area (i.e. vehicles larger than a standard Medium Rigid Vehicle).

Alcove Lighting

- F5 All alcoves created by recessed egress doorways at ground floor level shall be fitted with a sensor-activated vandal proof security light. The light shall be maintained in good working order to SHFA's satisfaction.

Environmental Performance

- F6 Prior to the issue of the final Occupation Certificate, the Applicant is to provide to the PCA, documentation certifying the development has achieved a minimum 4 star Multi-Unit Residential v1 design tool rating as established by the Green Building Council of Australia.

Damage to Public Authority Assets

- F7 The cost of repairing any damage caused to Council, SHFA 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/developer prior to the issue of any Occupation Certificate.

Registration of Easements

- F8 Prior to the issue of the final Occupation Certificate, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

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Water Authority Compliance

- F9 The Section 73 Certificate must be submitted to the PCA prior to issue of the occupation certificate in the case of buildings or works or issue of a subdivision certificate, in the case of subdivision.

Post-Construction Dilapidation Report

- F10 Prior to the issue of the final occupation certificate:
- a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
 - b) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c) A copy of this report is to be forwarded to the SHFA and each of the affected property owners.

Occupation Certificate to be Submitted

- F11 An Occupation Certificate must be obtained from the PCA and a copy submitted to the Department and SHFA prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Mechanical Ventilation

- F12 Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- a) The Building Code of Australia;
 - 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.

Waste and Recycling Management

- F13 Prior to a relevant Occupation Certificate being issued or the use commencing, whichever is earlier, the PCA must obtain SHFA's consent of the waste and recycling management facilities provided in the development and that a contract has been made with a licensed contractor for the removal of waste. The contract must detail that domestic waste collection is to occur within the site and that no garbage is to be placed on the public way e.g. footpaths, roadways or reserves at any time.
- F14 Prior to the issue of the relevant Occupation Certificate, a detailed Waste Management Plan for operation of the site shall be submitted to the PCA. The plan shall be developed in consultation with SHFA.

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Fire Safety Certificate to be Submitted

- F15 A Fire Safety Certificate must be submitted to the Principal PCA for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued. A copy of the Fire Safety Certificate must be submitted to SHFA if it is not the PCA.

Installation of Water Efficient Taps

- F16 All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details are to be submitted for the consent of the PCA, prior to a relevant Occupation Certificate being issued.

Street Numbering

- F17 Prior to the final Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

Acoustic Compliance

- F18 Prior to the issue of a relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the Noise and Vibration Report prepared by Renzo Tonin & Associated, dated 23 October 2014.

Shared Facilities between the North East Plot and the North Plot and Square

- F19 Prior to issue of the relevant occupation certificate, the following facilities, services and utilities shall be made available for the North Plot tenants (as relevant to its operation) within the North East Plot:

- a) back of house;
- b) loading bays;
- c) fire Egress;
- d) public and staff amenities;
- e) a minimum of 14 bicycle racks, 14 lockers and shower facilities; and
- f) electricity substation.

The relevant access and usage rights shall be registered on the title of the relevant stratum in the North East Plot prior to issue of the relevant occupation certificate.

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PART G POST OCCUPATION

Loading and unloading

- G1 All loading and unloading of service vehicles about the use of the premises [and the North Plot \(refer to Condition F19\)](#), shall be carried out within the loading dock within the Building, unless this is not possible due to the size of the vehicle (refer to Condition F4).

Use of Communal Terrace

- G2 Use of the podium roof terrace is restricted to residents and their guests of the development only and noise levels shall be managed in accordance with the recommendations of the Noise and Vibration Report prepared by Renzo Tonin and Associates, dated 23 October 2014.

Anti-Graffiti

- G3 Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

Waste Management

- G4 Waste Management shall be undertaken in accordance with the Waste Management Plan Revision 4, prepared by Waste Audit and Consultancy Services dated 24 October 2014 [and as amended by the Waste Management Plan, prepared by Waste Audit and Consultancy Services dated October 2016.](#)

Noise

- G5 The following is to be achieved:
- a) The use of the premise shall be controlled so that any emitted noise is at a level so as not to create and "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
 - b) Noise associated with the operation of any plant, machinery or other equipment on the Site, shall not exceed 5dB(A) (Leq) above the background noise level when measured at the boundary of the site.
 - c) Air conditioner/s must not:
 - i. emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - 1. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - 2. before 7.00am and after 10.00pm on any other day; or
 - ii. emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

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Storage of hazardous or toxic material

- G6 Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Public way to be unobstructed

- G7 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External lighting

- G8 External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Annual Fire Safety Certification

- G9 The owner of the building shall certify to the Council and SHFA every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. 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.

Public Artwork

- G10 The public artwork must not be illuminated from 11pm to 6am in accordance with the recommendation of the Lighting Impact Assessment, prepared by DJ Coalition, dated 9 November 2018.

ADVISORY NOTES

Appeals

AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Other approvals and permits

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

Responsibility for other consents / agreements

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

Temporary structures

AN4 An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

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

Disability Discrimination Act

AN6 This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. 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 Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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

AN8 This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need

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or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos removal

AN9 All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: *"Code of Practice for the Safe Removal of Asbestos"*.

Site contamination issues during construction

AN10 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the agency.